

ORDINANCE NO.

ORD-45

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 2.03.040, 2.03.090, 2.03.100.A, AND 2.03.140 RELATING TO PROCEDURES FOR PUBLIC COMMENT AND DISRUPTIONS AT PUBLIC MEETINGS, TO BE EFFECTIVE JANUARY 1, 2023

WHEREAS, on August 22, 2022, the Governor of California approved Senate Bill No. 1100 (SB 1100), effective January 1, 2023, regarding the removal of disruptive individuals from public meetings; and

WHEREAS, SB 1100 requires legislative bodies to follow a specific procedure prior to removing disruptive individuals from public meetings; and

WHEREAS, first, the presiding officer of a legislative body must warn an individual that their behavior is disruptive and failure to stop their disruptive behavior could result in their removal, although a warning is not required for removal where a disruptive individual uses force or makes a true threat of force; and

WHEREAS, second, if a disruptive individual does not promptly cease their disruptive behavior following a warning, or if a warning is not required pursuant to the aforementioned instances, the individual may be removed from the public meeting; and

WHEREAS, SB 1100 does not alter or limit any First Amendment rights at public meetings; rather, SB 1100 provides a statewide uniform process for removal of disruptive persons at public meetings of legislative bodies; and

WHEREAS, due to the statewide procedure for removal of disruptive individuals established by SB 1100, it is now necessary to amend the Long Beach Municipal Code (LBMC) to clarify this procedure for removal of disruptive individuals from

1 public meetings and to comply with applicable caselaw; and

2 WHEREAS, additionally, various provisions of the LBMC indicate that
3 individuals should state their names and addresses prior to addressing the City Council
4 and other City bodies; and

5 WHEREAS, such requirements have been in the LBMC for decades but
6 have not been followed for quite some time in recognition of privacy and safety concerns
7 for members of the public who may wish to remain anonymous and/or who do not want to
8 share their addresses publicly; and

9 WHEREAS, instead, members of the public are asked to provide their name
10 when filling out a speaker card for public comment, but they are not required to do so in
11 order to speak on an item; and

12 WHEREAS, as such, it is also necessary and prudent to amend the LBMC
13 to remove any requirement for persons to provide their names and/or addresses prior to
14 addressing the City Council or other City body, and to revise additional minor language,
15 to reflect the City's current practices promoting the public interest; and

16 WHEREAS, like SB 1100, this Ordinance will also take effect on January 1,
17 2023;

18 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
19 follows:

20
21 Section 1. Section 2.03.040 of the Long Beach Municipal Code is hereby
22 amended to read as follows:

23 2.03.040 Order of business.

24 A. Except as set forth in this Section, the order of business of the
25 City Council at all regular meetings shall be as follows, unless otherwise
26 waived by consent of the Council:

- 27 1. Call to order by Mayor;
28 2. Roll call of the City Council by City Clerk;

- 1 3. Moment of silence;
- 2 4. Pledge of Allegiance;
- 3 5. Consent calendar:
 - 4 a. Approval of the minutes of previous meeting(s).
 - 5 b. The consent calendar shall be heard
 - 6 immediately after the pledge of allegiance, and prior to 6:30 PM.
 - 7 c. Any item removed from the consent calendar for
 - 8 separate action shall be heard as the first item on the regular agenda.
- 9 6. Ceremonials and Presentations. Ceremonials and
- 10 presentations shall:
 - 11 a. Be limited to no more than three (3) ceremonials
 - 12 and/or presentations per City Council meeting; and
 - 13 b. Not exceed five (5) minutes per ceremonial or
 - 14 presentation.
- 15 7. Hearings;
- 16 8. Public Comment. The opportunity for members of the
- 17 public to address the City Council on matters of public business which are
- 18 not listed on the agenda but are within the subject matter jurisdiction of the
- 19 City Council, which shall be conducted in accordance with the following
- 20 rules:
 - 21 a. Each person desiring to address the City
 - 22 Council pursuant to this part of the order of business may, but is not
 - 23 required to, submit their name and the subject matter in writing to the City
 - 24 Clerk prior to the commencement of the Council meeting;
 - 25 b. All addresses to the City Council under this part
 - 26 shall be limited to three (3) minutes;
 - 27 c. The total number of speakers under this part
 - 28 shall be limited to the first ten (10) persons who have submitted their

1 request to address the City Council on a matter not listed on the agenda in
2 writing to the City Clerk;

3 d. The total amount of time to be devoted to
4 addresses under this part shall not exceed thirty (30) minutes unless said
5 limit on the total amount of time is waived by consent of the City Council.

6 9. Unfinished business;

7 10. Regular agenda;

8 11. Ordinance(s);

9 12. New business:

10 a. A supplemental agenda item submitted by a
11 Councilmember shall require a separate "Statement of Urgency" explaining
12 why the item is urgent and is required to be added after agenda is posted. If
13 the City Council deems that a supplemental agenda item added onto the
14 posted agenda is not urgent, the item shall be laid over to a future City
15 Council meeting.

16 b. Announcements.

17 13. Public Comment:

18 a. The opportunity for those members of the public
19 to address the City Council on nonagenda items who have not already
20 addressed the City Council on nonagenda items at the same meeting.

21 14. Adjournment. In the event the City Council desires to
22 adjourn to a certain hour on another day, a motion shall be made either
23 prior to or as part of the regular motion to adjourn indicating the hour and
24 date to which the meeting is adjourned.

25 D. Without objection by the City Council, the Mayor, or other
26 presiding officer, may use their discretion to call for any agenda item out of
27 order for consideration and disposition, as needed, to ensure an efficient
28 flow of the meeting.

1 E. Public Comment for Agenda Items.

2 1. Each person desiring to address the City Council on an
3 agenda item may, but is not required to, submit their name in writing to the
4 City Clerk prior to the time that the Mayor, or other presiding officer, calls for
5 the agenda item to be taken up for consideration. At that time, the speakers
6 list for said agenda item will be closed and speakers will be called to speak
7 at a time deemed appropriate by the Mayor, or presiding officer.

8 2. Where less than ten (10) members of the public submit
9 their request to the Clerk to speak on a particular agenda item, each
10 member of the public shall have three (3) minutes to address the City
11 Council. Any member of the public in need of a translator pursuant to the
12 City's Language Access Policy or accommodation pursuant to the American
13 Disabilities Act shall have six (6) minutes.

14 3. Where more than ten (10) members of the public
15 submit their request to the Clerk to speak on a particular agenda item, each
16 member of the public shall have ninety (90) seconds to address the City
17 Council. Any member of the public in need of a translator pursuant to the
18 City's Language Access Policy or accommodation pursuant to the American
19 Disabilities Act shall have one hundred eighty (180) seconds.

20 F. The rules of parliamentary practice contained in "Robert's
21 Rules of Order" shall govern the Council where applicable and not
22 otherwise inconsistent with any provision of this Code or other applicable
23 laws.

24 1. Limits of debate by the City Council. Unless waived by
25 consent of the City Council, a member of the City Council may speak on
26 any debatable motion for an unlimited number of times for up to five (5)
27 minutes at a time. This Section shall not apply to the time available for a
28 Councilmember to present an item to the City Council. This Section shall

1 apply to the conduct of the City Councilmembers during hearings.

2 Section 2. Section 2.03.090 of the Long Beach Municipal Code is hereby
3 amended to read as follows:

4 A. No ordinance, resolution, motion, petition, appeal, report or
5 any other matter, thing or proceeding whatsoever, presented by any person
6 not a member of the Council, shall be presented to or considered by the
7 Council unless the subject matter thereof, signed by the person desiring to
8 be heard in connection therewith, is presented, in writing, to the City Clerk
9 before twelve o'clock (12:00) noon on the Monday of the week immediately
10 preceding the date of the meeting at which the same is to be considered;
11 provided, however, that the requirement of this Subsection may be waived
12 by the Council in the exercise of its sound and reasonable discretion.

13 B. No person shall address the Council without first securing the
14 permission of the Mayor so to do; and no person, other than a member of
15 the Council, shall speak more than once during the consideration of any
16 one question, of whatever nature, at the same meeting, except that the
17 person presenting the matter to the Council may speak a second time for a
18 period not to exceed two (2) minutes, for the purpose of closing. Except for
19 testimony at public hearings, all addresses to the Council, other than from
20 members thereof, shall be limited to three (3) minutes. It shall be the duty of
21 the City Clerk to keep the Mayor advised of the time consumed by each
22 speaker and upon such advice from the City Clerk, it shall be the duty of the
23 Mayor to strictly enforce this rule. Every person, other than a member of the
24 Council, desiring to speak on any subject shall, standing in the place
25 indicated for such purpose, address the presiding officer of the Council as "
26 Mayor", and when recognized and given permission to proceed by the
27 Mayor, may, but is not required to, first state their name and address in
28 order that the same may be made a record in the minutes of the meeting;

1 provided, however, that this rule, or any part thereof, may be suspended by
2 the affirmative votes of two thirds ($\frac{2}{3}$) of the members of the Council
3 present.

4
5 Section 3. Section 2.03.100.A. of the Long Beach Municipal Code is
6 hereby amended to read as follows:

7 A. Any person desiring to address the Council shall state what
8 they wish to present and obtain permission of the Mayor before proceeding.
9 No person shall be permitted to use lewd, vicious or personal language
10 which disrupts the meeting under Section 2.03.140 of this Chapter, and,
11 should they do so, it will be the duty of the Mayor, or other presiding officer,
12 to not permit them to continue to disrupt the meeting.

13
14 Section 4. Section 2.03.140 of the Long Beach Municipal Code is hereby
15 amended to read as follows:

16 2.03.140 Disrupting Council meetings.

17 A. No person without authority of law shall disrupt any meeting or
18 session of the Council, or of any legally constituted board or commission of
19 the City.

20 B. The Mayor, or other presiding officer, must first warn an
21 individual that their behavior is disrupting the meeting or session and that
22 failure to promptly cease their behavior could result in their removal. A
23 warning is not required for removal if the disruptive individual uses force or
24 makes a true threat of force.

25 C. Once the procedure in Subsection B is followed, the disruptive
26 individual may be removed from the meeting or session.

27 D. "Disrupt" or "disrupting" means engaging in behavior during a
28 meeting or session of the Council, or of any legally constituted board or

1 commission of the City, that actually disrupts, disturbs, impedes, or renders
2 infeasible the orderly conduct of the meeting, including but not limited to the
3 following:

- 4 1. A failure to comply with reasonable and lawful
5 regulations adopted by the body pursuant to Section 54954.3 of the
6 Government Code or any other law;
- 7 2. Engaging in behavior that constitutes use of force or a
8 true threat of force;
- 9 3. Engaging in conduct that may interfere with the rights
10 of other speakers;
- 11 4. Engaging in conduct that prevents the body from
12 accomplishing its business in a reasonably efficient manner; and
- 13 5. Using lewd, vicious, or personal language that actually
14 disturbs or impedes the meeting.

15 E. "True threat of force" means a threat that has sufficient indicia
16 of intent and seriousness that a reasonable observer would perceive it to be
17 an actual threat to use force by the person making the threat.

18
19 Section 5. The City Clerk shall certify to the passage of this ordinance by
20 the City Council and cause it to be posted in three (3) conspicuous places in the City of
21 Long Beach, and it shall take effect on January 1, 2023, after it is approved by the Mayor.

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OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of _____, 2022, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor