



Legislation Details (With Text)

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Title: Recommendation to request City Attorney to prepare an ordinance amending the Long Beach Municipal Code (LBMC), as necessary, to clarify the procedure for removal of disruptive individuals from public meetings in accordance with California Senate Bill 1100, to be effective January 1, 2023; and

Request City Attorney to prepare an ordinance amending the LBMC, as necessary, to remove any requirement for a person to state their name and address prior to addressing the City Council or other City board, commission, or committee. (Citywide)

Sponsors: MAYOR ROBERT GARCIA

Indexes:

Code sections:

Attachments: 1. 101822-R-21sr.pdf, 2. 101822-R-21 Corresp. Hernandez.pdf

Date	Ver.	Action By	Action	Result
10/18/2022	1	City Council	approve recommendation	Pass

Recommendation to request City Attorney to prepare an ordinance amending the Long Beach Municipal Code (LBMC), as necessary, to clarify the procedure for removal of disruptive individuals from public meetings in accordance with California Senate Bill 1100, to be effective January 1, 2023; and

Request City Attorney to prepare an ordinance amending the LBMC, as necessary, to remove any requirement for a person to state their name and address prior to addressing the City Council or other City board, commission, or committee. (Citywide)

On August 22, 2022, the Governor of California approved Senate Bill No. 1100 (SB 1100) regarding the removal of disruptive individuals from public meetings. Effective January 1, 2023, public bodies subject to the Ralph M. Brown Act must follow a specific procedure prior to removing disruptive individuals from public meetings.

The presiding officer must first warn the individual that their behavior is disruptive and failure to stop their disruptive behavior could result in their removal. "Disruptive behavior" is defined as behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. A warning is not required for removal where a disruptive individual uses force or makes a true threat of force. If a disruptive individual does not cease their disruptive behavior following a warning, or if a warning is not required pursuant to the aforementioned instances, the individual may be promptly removed from the public meeting.

It is important to note that SB 1100 does not change or limit any First Amendment rights at public meetings. Rather, SB 1100 provides a uniform process for removal of disruptive persons at public meetings of legislative bodies throughout the State. As such, it is requested that the City Attorney's Office prepares an amendment to the Long Beach Municipal Code (LBMC), as necessary, to clarify the procedure for removal of disruptive individuals from public meetings in accordance with SB 1100, to be effective January 1, 2023.

Additionally, various provisions of the LBMC indicate that individuals should state their names and addresses prior to addressing the City Council and other City bodies. Such requirements have been in the Municipal Code for decades but have not been followed for quite some time in recognition of privacy and safety concerns for members of the public who may wish to remain anonymous or not share their addresses publicly. Instead, members of the public are asked to provide their name when filling out a speaker card for public comment, but they are not required to do so in order to speak on an item. Thus, it is also requested that the City Attorney prepares an amendment to the LBMC to remove any requirement for persons to provide their names and addresses prior to addressing the City Council or other City body to reflect the City's current practice.

This recommendation requests the City Attorney to prepare an ordinance amending the Long Beach Municipal Code (LBMC), as necessary, to clarify the procedure for removal of disruptive individuals from public meetings and prepare an ordinance amending Section 2.03.090.B of the LBMC to remove the requirement for a person to state their name and address prior to addressing the City Council during hearings and debates. This recommendation is anticipated to have a minimal impact on staff hours beyond the budgeted scope of duties and is expected to have minimal impact on existing City Council priorities.

Approve recommendation.

ROBERT GARCIA,
MAYOR