



# FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

**MEETING DATE** November 1, 2023  
**PREPARED FOR** Mayor and Town Council  
**PREPARED BY** Heather Abrams, Town Manager  
**SUBJECT** Adopt a Resolution Adopting Rules of Decorum for Town of Fairfax Public Meetings.

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## **RECOMMENDATION**

Review and adopt the proposed Resolution Establishing Rules of Decorum for Town of Fairfax Public Meetings.

## **BACKGROUND**

The proposed Rules of Decorum for Town of Fairfax Public Meetings were drafted with the goal of clearly stating the Council's expectations for participants in public meetings and tools for Fairfax public officials to use in the event of disruptive behavior.

Fairfax public meetings are considered a "limited public forum" and the Town may regulate the time, place and manner of speech permitted during these meetings if the regulations do not discriminate based on the viewpoint being expressed and are evenly applied. The Brown Act recognizes the Town's authority to adopt reasonable rules and to enforce those rules when a meeting attendee's behavior disturbs, disrupts, impedes, or renders infeasible the orderly conduct of a public meeting. (Cal. Gov't Code §§ 54954.3, 54957.9 and 54957.95).

Under the Brown Act, Board-adopted regulations must preserve the public's opportunity to directly address the legislative body on any item of interest to the public that is within the subject matter jurisdiction of the legislative body. (Cal. Gov't Code § 54954.3(a), (b)(1)). A recent amendment to the Act allows the presiding officer to have a meeting participant removed, following a warning, based on disruptive behavior, including failure to comply with the Town's reasonable and lawful rules. (Cal. Gov't Code § 54957.95).

The attached proposed resolution establishes Rules of Decorum that promote civility in the Town of Fairfax's public meetings and include an enforcement mechanism that is consistent with the Brown Act.

## **FISCAL IMPACT**

There is no fiscal impact associated with this recommendation.

## **ATTACHMENT**

Proposed Resolution

**RESOLUTION 23-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
ESTABLISHING RULES OF DECORUM FOR PUBLIC MEETINGS**

**WHEREAS**, the Town of Fairfax public meetings are considered a “limited public forum” and the Town of Fairfax may regulate the time, place, and manner of speech permitted during these meetings if the regulations do not discriminate based on the viewpoint being expressed and are evenly enforced; and

**WHEREAS**, the Ralph M. Brown Act authorizes the Town of Fairfax to adopt reasonable regulations to ensure the opportunity for members of the public to directly address the legislative body on agenda items and topics within the Town of Fairfax’s subject matter jurisdiction, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker (Cal. Gov’t Code § 54954.3(b)(1); and

**WHEREAS**, the Town Council of Fairfax believes that adopting rules of decorum that apply to all Town of Fairfax public meetings will help support civic engagement; and

**WHEREAS**, the Brown Act recognizes the Board’s ability to adopt reasonable rules and to enforce those rules when a meeting attendee’s behavior disturbs, disrupts, impedes or renders infeasible the orderly conduct of a public meeting (Cal. Gov’t Code §§ 54954.3; 54957.9 and 54957.95); and

**WHEREAS**, adoption of the Rules of Decorum for Town of Fairfax Public Meetings is not a “project” under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Town Council of the Town of Fairfax as follows:

**Section 1.** The above recitals are incorporated herein by reference as if set forth in full. Furthermore, the Town Council hereby adopts the Town of Fairfax Public Meetings Rules of Decorum, which are attached hereto as Exhibit A and incorporated herein by reference.

The foregoing resolution was adopted at a regular meeting of the Town Council of the held in said Town, on the 1<sup>st</sup> day of November 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

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Chance Cutrano, Mayor

Attest: \_\_\_\_\_  
Michele Gardner, Town Clerk

## EXHIBIT A

### **Town of Fairfax Public Meetings Rules of Decorum**

#### **General Provisions**

The Town of Fairfax (Town) has numerous public meetings, including Town Council, Commission, and Committee meetings (hereinafter “Public Meetings”). To safeguard civic engagement, persons attending Public Meetings, whether in-person or remotely, are expected to adhere to the following standards of conduct at Public Meetings:

1. Treat everyone courteously;
2. Listen to Town officials and other members of the public respectfully;
3. Exercise self-control and avoid loud, insulting, demeaning, offensive, and threatening communications;
4. Listen to all speakers with an open mind and without interrupting the speakers;
5. Focus on the issues and avoid personalizing debates.

#### **Rules of Decorum**

1. No person attending a Public Meeting, whether in-person or remotely, shall engage in disorderly or boisterous conduct—including but not limited to applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, or impertinent, utterance—that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.
2. All remarks by members of the public shall be addressed to the Mayor or the Chair (hereinafter “Presiding Officer”) and not to any other member of the public or to any single member of the legislative body, unless in response to a question from that member.
3. Signs, placards, banners, or other similar items shall not be permitted in the audience during a Public Meeting if the presence of such item disturbs, disrupts or otherwise impedes the orderly conduct of the meeting.
4. All persons attending a Public Meeting shall adhere to any lawful order of the Presiding Officer to enforce the Rules of Decorum.
5. It is the responsibility of the Presiding Officer to keep comments on topic during Public Meetings. All persons making comments should comply with the Presiding Officer’s direction to stay on topic.

#### **Enforcement of Rules of Decorum**

1. The Presiding Officer shall be responsible for maintaining the decorum at the Public Meeting and reasonably and uniformly enforcing the Rules of Decorum.
2. Enforcement may be required in relation to in-person or remote attendee behavior.
3. If any person, whether in person or remotely, breaches the Rules of Decorum in a manner that disturbs, disrupts, impedes or renders infeasible the orderly conduct of the meeting, the Presiding Officer or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal.<sup>1</sup>
4. If the individual(s) do not promptly cease their disruptive behavior, the Presiding Officer or their designee may then remove the individual from the meeting.
5. The Town Council, Commissions, Committees and Town of Fairfax staff shall promote the use of and adherence to these guidelines for behavior at all Town of Fairfax Public Meetings.

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<sup>1</sup> For purposes of these rules “removal” for remote meeting participants means that the participant will be muted, and their video will be turned off.