

ORDINANCE NO. 03-830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 2.02, ENTITLED "DEFINITIONS," AND CHAPTER 2.14, ENTITLED "DECORUM AT PUBLIC MEETINGS," TO THE MONTCLAIR MUNICIPAL CODE

WHEREAS, in order to ensure that public meetings of the Montclair City Council, Montclair Redevelopment Agency Board, Montclair Housing Corporation Board, Montclair Financing Authority Board, Montclair Planning Commission, Montclair Community Action Committee, and any other legislative body that is created by the Montclair City Council and is subject to the Open Meeting Laws of California, *The Ralph M. Brown Act*, are conducted in the most efficient manner, the City Council desires to establish rules of conduct suitable for such meetings.

THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 2.02 is hereby added to the Montclair Municipal Code as follows:

2.02.10 Definitions

As used in this title:

Legislative body shall mean the City Council, Redevelopment Agency Board, Montclair Housing Corporation Board, Montclair Financing Authority Board, Planning Commission, Community Action Committee, or any other legislative body that is created by the Montclair City Council and is subject to *The Brown Act*.

Meeting site shall mean any location in which a legislative body as defined herein is meeting including, but not limited to, the City Council Chambers.

Presiding Officer shall mean, in the case of the City Council, the Mayor or, in the absence of the Mayor, the Mayor Pro Tem or, in the absence of both the Mayor and Mayor Pro Tem, a member designated by the City Council. In the case of other legislative bodies defined herein, the presiding officer shall mean the Chairperson or, in the absence of the Chairperson, the Vice Chairperson or, in the absence of both the Chairperson and Vice Chairperson, a member designated by the legislative body.

SECTION 2.

Chapter 2.14 is hereby added to the Montclair Municipal Code as follows:

2.14.010 Preservation of order.

Meetings of a legislative body as herein defined shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the legislative body is conducted as efficiently as possible. The presiding officer shall be responsible for maintaining the order and decorum of meetings.

2.14.020 Rules of Decorum.

A. Members of a Legislative Body. The members of a legislative body as herein defined shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the legislative body's proceedings including delaying or interrupting and person who is speaking who has been recognized by the presiding officer.

B. City staff members. Employees of the City shall observe the same rules of order and decorum as those that apply to members of the legislative body.

C. Persons addressing the legislative body. Members of the public are afforded the opportunity to address the legislative body on any item of interest to the public that is within the subject matter jurisdiction of the legislative body. Each person who addresses the legislative body shall do so in an orderly manner and shall not make personal, impertinent, slanderous, or profane remarks to any member of the legislative body, staff, or general public that disrupt, disturb, or otherwise impede the orderly conduct of any meeting of the legislative body.

Any person who makes such remarks; or who utters loud, threatening, personal, or abusive language; or engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting of the legislative body, including, but not limited to, addressing the legislative body without being recognized, repetitiously addressing the same subject, or failing to relinquish the podium when requested to do so, shall, at the discretion of the presiding officer, be barred from further audience before the legislative body during that meeting.

D. Members of the audience. No person in the audience at a meeting of the legislative body shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling; stamping of feet; or other acts which disturb, disrupt, or otherwise impede the orderly conduct of any meeting of the legislative body. Any person who conducts himself or herself in the aforementioned manner shall, at the discretion of the presiding officer, be barred from further audience before the legislative body during that meeting.

2.14.030 Addressing the legislative body.

Any person wishing to address the legislative body regarding an item which is on the meeting agenda or is otherwise within the subject matter jurisdiction of the legislative body may submit a request on the form provided, or he or she may seek recognition by the presiding officer during discussion of any such item. Persons wishing to discuss a nonagenda item may seek recognition by the presiding officer during the Public Comment portion of the meeting. No person shall address the legislative body without first being recognized by the presiding officer.

The following procedures shall be observed by persons addressing the legislative body:

A. Each person shall speak from the podium provided for the use of the public.

B. Each person shall confine his or her remarks to: (1) an agenda item before or during the legislative body's consideration of the item; or (2) any matter not on the agenda which is within the legislative body's subject matter jurisdiction.

C. Each person shall limit his or her remarks to five minutes, unless the presiding officer determines that a different time limit is appropriate.

2.14.040 Enforcement of decorum.

The rules of decorum set forth above shall be enforced in the following manner:

A. Warning. The presiding officer shall request that a person who is violating the rules of decorum conform his or her behavior to

these rules. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order him or her to leave the meeting.

B. Removal. If such person does not remove himself or herself from the meeting, the presiding officer may order any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove that person from the meeting.

Any law enforcement officer who is serving as sergeant-at-arms may carry out orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the meeting. Upon instruction of the presiding officer, the sergeant-at-arms may remove from the meeting any person(s) who is (are) disturbing the proceedings of the legislative body in violation of these rules.

C. Resisting removal. Any person who resists removal by the sergeant-at-arms may be charged with a violation of this section.

D. Clearing the meeting site. 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 presiding officer may order the room cleared and continue in session. In conformance with provisions of *The Brown Act*, the presiding officer may subsequently readmit individuals not believed to be responsible for creating the disturbance into the meeting. If a meeting of the legislative body is disturbed or disrupted in such a manner as to make unfeasible or improbable the restoration of order, the meeting may be adjourned or continued; and any remaining business of the legislative body may be considered at the next meeting.

2.14.050 Guidelines for recording meetings.

As provided by *The Brown Act*, members of the public are permitted to record any open and public meeting of a legislative body. In order to provide for the recording of such meetings by members of the public, the City has developed the following guidelines:

A. The recording procedure must not disrupt, disturb, or otherwise impede the conduct of the meeting. A disruption or disturbance of the orderly conduct of the meeting can include, but is not limited to, the following:

1. Obstructing the view of audience/staff members.
2. Creating noise that keeps audience/staff members from hearing the proceedings.
3. Treating potential interviewees, and/or conducting interviews, in a belligerent manner.

B. Placement of video recording equipment/crew:

1. When recording is taking place in the City Council Chambers, video cameras, tripods, and/or crew shall be located in the walkway surrounding the perimeter of the Chambers and shall be situated so the public is able to safely walk around said perimeter without being impeded by such video cameras, tripods, and/or crew.

2. When recording is taking place at a meeting of a legislative body herein defined at a location other than the City Council Chambers, video cameras, tripods, and/or crew shall be situated so neither the view nor the circulation of the audience or staff is impeded.

3. All audio/electrical cords must be securely taped or covered with a mat.

C. City staff is in charge of enforcing the above guidelines at the meeting site.

SECTION 3. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION 4. Posting.

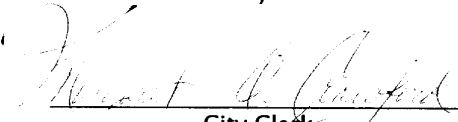
The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this 5th day of May, 2003.



Mayor

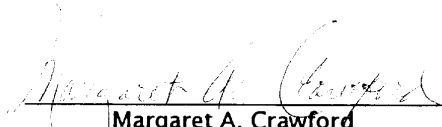
ATTEST:



City Clerk

I, Margaret A. Crawford, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 03-830 of said City which was introduced at a regular meeting of the City Council held on the 7th day of April, 2003, and finally passed not less than five days thereafter on the 5th day of May, 2003, by the following vote, to-wit:

AYES: Paulitz, Dutrey, Eaton
NOES: Ruh, Raft
ABSTAIN: None
ABSENT: None



Margaret A. Crawford
City Clerk