



**CITY OF HEMET
Hemet, California
RESOLUTION NO. 4545**

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADOPTING RULES OF DECORUM APPLICABLE TO THE PERSONAL CONDUCT OF INDIVIDUALS ATTENDING MEETINGS OF THE CITY COUNCIL, PLANNING COMMISSION, LIBRARY BOARD, HOUSING AUTHORITY, AND ALL OTHER SUBSIDIARY OR ADVISORY BOARDS, COMMISSIONS, OR COMMITTEES OF THE CITY COUNCIL OF THE CITY OF HEMET.

WHEREAS, California Government Code Section 36813 authorizes the City Council to establish rules of conduct for its proceedings and the proceedings of bodies subject to the Council's authority, and to punish any person for disorderly behavior at a meeting; and,

WHEREAS, Government Code Section 54954.3(b) authorizes the City Council to adopt reasonable regulations to effectuate the Legislative intent that public comments at meetings be limited to items within the scope of the meeting body's jurisdiction; and,

WHEREAS, it is the desire and duty of the City Council to ensure its business, and the business of other meeting bodies subject to its authority, is conducted in an orderly, efficient and fair manner and to ensure that the public has a full opportunity to be heard on matters of interest to the community; and,

WHEREAS, disruptive conduct at meetings prevents the meeting body from accomplishing its business in an orderly, efficient and fair manner, and may interfere with the right of other individuals to be heard; and,

WHEREAS, the City Council of the City of Hemet respects an individual speaker's right to disagree and to express his or her opinions and beliefs.

1 **NOW THEREFORE**, the City Council of the City of Hemet does find, determine,
2 and resolve as follows:

3 **SECTION 1:** The Rules of Decorum set forth in Section 2 shall apply to meetings
4 of the City Council, Housing Authority, Planning Commission, Library Board and all
5 other subsidiary or advisory boards, commissions and committees of the City Council of
6 the City of Hemet (hereinafter "Meeting Body" or "Body").

7 **SECTION 2: Rules of Decorum.**

8 A. The City Council recognizes that the First Amendment to the United
9 States Constitution preserves the ability of members of the public to criticize and
10 question government and government officers. The City Council also recognizes that
11 the right of members of the public to speak is fundamental and essential to the proper
12 functioning of our democratic government. However, the City Council acknowledges
13 that the right to speak is not absolute, and government may adopt reasonable
14 regulations to protect its legitimate interest in conducting an orderly public meeting, and
15 to ensure that in the exercise of their right to speak, he or she does not impinge on the
16 rights of others. California has codified the right of local government to adopt
17 reasonable regulations of this kind in Government Code Section 54954.3. Accordingly,
18 the City Council for the City of Hemet adopts the following Rules of Decorum.

19 B. *Decorum.* Meetings shall be conducted in an orderly manner to ensure
20 that the public has a full opportunity to be heard and that the deliberative process is
21 retained at all times. The presiding officer of the Council, who shall be the Mayor of the
22 City Council, the chair of the Meeting Body, or, in their absence, another member so
23 designated by the Meeting Body, shall be responsible for maintaining the order and
24 decorum of meetings.

25 C. *Rules of Decorum.* While any meeting is in session, the following rules of
26 order and decorum shall be observed:

27 1. *Members.* The members of the Meeting Body shall preserve order
28 and decorum, and a member shall not by conversation or other means delay or interrupt

1 the proceedings or disturb any other member while speaking.

2 2. *City Staff Members.* Employees of the City shall observe the same
3 rules of order and decorum as those which apply to the members of the Meeting Body.

4 3. *Persons Addressing the Body.*

5 a. The primary purpose of oral communications is to allow
6 citizens the opportunity to formally communicate with the Meeting Body as a whole, for
7 matters that cannot be handled during the regular working hours of the City
8 government. Public oral communications at meetings should not be a substitute for any
9 item that can be handled during the normal working hours of the municipal government.

10 b. Each person who addresses the Meeting Body shall do so in
11 an orderly manner and shall not make personal, impertinent, slanderous or profane
12 remarks to any member of the Meeting Body, staff or general public. Any person who
13 makes such remarks, or who utters loud, threatening, personal or abusive language, or
14 engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes
15 the orderly conduct of any meeting shall, at the discretion of the presiding officer or a
16 majority of the Meeting Body, be barred from further audience before the Body during
17 that meeting.

18 c. No member of the public shall approach the Meeting Body
19 seating area for any reason during a public meeting.

20 4. *Members of the Audience.* Any person who violates any provision
21 of this Section C.4. shall, at the discretion of the presiding officer or a majority of the
22 Meeting Body, be barred from further audience before the Meeting Body during that
23 meeting.

24 a. No person in the audience at a meeting shall engage in
25 disorderly, disruptive, disturbing, delaying or boisterous conduct, including the utterance
26 of loud, threatening or abusive language, clapping, whistling, stamping of feet or other
27 acts which interrupt, disturb, delay or otherwise impede the orderly conduct of any
28 meeting.

1 b. No person shall eat or drink anything other than water during
2 a meeting.

3 c. Unless entering or leaving the meeting room or approaching
4 or standing at the podium to address the Meeting Body, all persons in the audience
5 shall remain seated or standing in an area designated for standing members of the
6 audience, if any. To facilitate a safe and orderly evacuation in an emergency, the
7 doorways to a meeting room shall not be blocked and all aisles and shall be kept clear.

8 d. Persons who desire to video or audio record a meeting or
9 take photographs during a meeting may do so in a manner that does not cause undue
10 distraction, interfere with the orderly conduct of the meeting, or interfere with the ability
11 of the audience to view, hear or participate in the meeting.

12 i. Persons recording or photographing a meeting must
13 comply with all other applicable provisions of this Resolution, including but not limited to
14 the requirement that they remain seated or standing in an area designated for standing
15 members of the audience, and shall not block any doorway or aisle.

16 ii. Persons may video or audio record or photograph a
17 meeting from their seat if the equipment is compact and can be used in a manner that
18 does not block the view of other members of the audience.

19 iii. There is limited standing space in the Council
20 Chambers for persons to stand. Persons who desire to video or audio record or
21 photograph a meeting who cannot do so from a seat as allowed in C.4.d.ii are
22 encouraged to make arrangements with the City Clerk to reserve standing space for
23 their activities. Standing space is available on a first come, first serve basis.

24 D. *Addressing the Body at a Public Meeting.*

25 1. A person wishing to address the Meeting Body regarding an item
26 which is on the meeting agenda is asked to submit a request on the form provided, or
27 he or she may seek recognition by the presiding officer during discussion of any such
28 item by coming to the public podium during the public comment period for that item.

1 2. Persons wishing to discuss a non-agenda item are asked to submit
2 a request on the form provided, or may seek recognition by the presiding officer during
3 the oral communications portion of the meeting.

4 3. No person shall address the Meeting Body without first being
5 recognized by the presiding officer. The following procedures shall be observed by
6 persons addressing the Meeting Body:

7 a. Each person shall step to the podium provided for the use of
8 the public and is requested to state his or her name and address; the organization, if
9 any, which he or she represents; and, if during the oral communications portion of the
10 meeting, the subject he or she wishes to discuss. The City requests, but does not
11 require, that the speaker fill out a form provided by the City containing this information to
12 ensure the City has proper records of its speakers and to provide the speakers with
13 appropriate notices in the future. The speaker may decline to state his or her name or
14 address if he or she so desires.

15 b. During the oral communications portion, any subject which is
16 not deemed relevant by the Body shall be concluded.

17 c. Each person shall confine his or her remarks to the agenda
18 item or approved oral communications subject being discussed.

19 d. Each person shall limit his or her remarks to three (3)
20 minutes, unless further time is granted by the presiding officer. When it appears the
21 number of speakers during a public meeting will exceed 15 persons, the presiding
22 officer may limit remarks to two (2) minutes.

23 e. Individuals present at a meeting may request that another
24 person speak on their behalf, and in such cases the speaker should submit a speaker
25 request form stating the names of the individuals present at the meeting who have
26 requested the speaker speak on their behalf, and the individuals present at the meeting
27 who have given their time to the speaker should also submit speaker request forms
28 indicating the name of the speak to whom they have asked to speak on their behalf.

1 i. A person speaking on behalf of one to four individuals
2 shall be given as much time to speak as would have been allowed if each person had
3 addressed the Meeting Body individually.

4 ii. A person speaking on behalf of five or more
5 individuals shall be given fifteen (15) minutes to speak.

6 iii. Persons addressing the Meeting Body may not
7 request individuals in the audience give them additional time to speak once they have
8 commenced addressing the Meeting Body.

9 iv. A person speaking on behalf of persons who are not
10 present at the meeting will not be given any additional time to speak for those persons
11 who are not present.

12 5. All remarks shall be addressed to the Body as a whole and not to
13 any single member thereof, unless in response to a question from such member.

14 6. No question may be asked of a member of the Body or of the City
15 staff without permission of the presiding officer.

16 7. If a person wishes to distribute written materials to the Meeting Body, the
17 person shall submit the materials to the City Clerk or Minutes Secretary before or at the
18 beginning of the meeting. The City Clerk, Minutes Secretary, or a designee will
19 distribute the written materials to the Meeting Body before or during the meeting.

20 E. *Addressing the Body at a Public Hearing.* No person shall address the Meeting
21 Body without first being recognized by the presiding officer. The following procedures
22 shall apply to persons speaking at a public hearing:

23 1. The project proponent shall be allowed to speak first and given a
24 reasonable time to present their matter. The presiding officer shall determine the
25 reasonable amount of time a project proponent shall be given.

26 2. Upon the conclusion of the project proponent's allotted time,
27 members of the public shall be given the opportunity to comment, subject to the
28 restrictions in paragraph D (Addressing the Body at a Public Meeting) of this Section.

1 3. Upon the conclusion of the public comment, the project proponent
2 shall be allowed to speak to rebut any comments made during the public comment
3 portion of the hearing. The project proponent shall be given five (5) minutes of rebuttal
4 time.

5 F. *Display of Video and Audio Recordings.*

6 1. When Display Is Allowed. Video and audio recordings may be played in
7 presentations to the Meeting Body during the discussion of an item on the agenda,
8 including but not limited to public hearings, work studies, action items, or presentations
9 to the Meeting Body, subject to the limitations in F.2 below. Video and audio recordings
10 shall not be displayed during public comments on items not on the agenda.

11 2. Requirements for Display. Video and audio recordings may be played in
12 presentations to the Meeting Body only if the recording is submitted to the City Clerk at
13 least three (3) business days prior to the meeting. The City may review the recording
14 prior to the Meeting to ensure that it is compatible with the City's technology and does
15 not contain any viruses, malware or would otherwise harm the City's equipment if
16 displayed. The City may refuse to display any video or audio recording that is irrelevant
17 to the agenda item or violates these rules of decorum. The time used to display the
18 video or audio recording, including any set up or loading time, will count toward the
19 presenter's allotted speaking time.

20 G. *Enforcement of Decorum.* The rules of decorum set forth above shall be enforced
21 in the following manner:

22 1. *Warning.* The presiding officer shall request that a person who is
23 breaching the rules of decorum be orderly and silent.

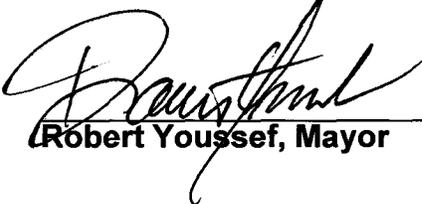
24 2. *Order to Leave.* If, after receiving a warning from the presiding
25 officer, a person persists in disturbing the meeting, the presiding officer shall order him
26 or her to leave the meeting. If such person does not remove himself or herself, the
27 presiding officer may request any law enforcement officer who is on duty at the meeting
28 as sergeant-at-arms to remove that person from the meeting.

1 2. *Removal.* If the presiding officer has ordered a person who is
2 breaching the rules of decorum to leave a meeting and the person does not comply with
3 the presiding officer's order, any law enforcement officer who is on duty at the meeting
4 as sergeant-at-arms shall assess the situation and may remove the person and place
5 him or her under arrest for violation of California Penal Code Section 403, or any other
6 applicable provision of law.

7 3. *Motion to Enforce.* If the presiding officer fails to enforce the rules
8 set forth above, any member of the Meeting Body may move to require him or her to do
9 so, and an affirmative vote of a majority of the Meeting Body shall require him or her to
10 do so. If the presiding officer fails to carry out the will of a majority of the Meeting Body,
11 the majority may designate another member of the Body to act as presiding officer for
12 the limited purpose of enforcing any rule of this section which it wishes to enforce.

13 6. *Adjournment.* If a meeting is disturbed or disrupted in such a
14 manner as to make infeasible or improbable the restoration of order, the meeting may
15 be adjourned or continued by the presiding officer or a majority of the Meeting Body,
16 and any remaining Council business may be considered at the next meeting."

17 **PASSED, APPROVED AND ADOPTED** this 25th day of June, 2013.

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20 **Robert Youssef, Mayor**

21 **ATTEST:**

22 **APPROVED AS TO FORM:**

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24 
25 **Sarah McComas, City Clerk**

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27 
28 **Eric S. Vail, City Attorney**

1 State of California)
County of Riverside)
2 City of Hemet)

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
4 foregoing resolution was passed, approved and adopted the 25th day of June, 2013, and
5 was passed by the following vote:
6

7 **AYES: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith**
8 **and Mayor Youssef**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

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13 Sarah McComas, City Clerk

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