

CITY OF PARAMOUNT City Council Policy	Policy No.:
Subject: Rules of Decorum and Procedures for the Conduct of City Meetings	Effective Date: January 12, 2021
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Purpose.

The purpose of this Policy is to establish Rules of Decorum and Procedures for City officials, City Staff, and members of the public at all meetings of the City Council to ensure that the business of the City is attended to thoroughly and efficiently with opportunities for orderly public participation.

Rules of Decorum and Procedures.

- A. Decorum. Members of the City Council shall conduct themselves in an orderly, professional and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times. Members of the City Council shall maintain a polite, respectful and courteous manner when addressing one another, the City Staff, and members of the public during City Council meetings.
- B. Role of the Presiding Officer. The Presiding Officer of the City Council, who shall be the Mayor, or in the Mayor's absence the Vice Mayor, or in both of their absence any other member designated by the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the Rules of Decorum and Procedures contained herein are observed. The Presiding Officer shall maintain control of communication between Councilmembers and between the City Council and members of the public. The Presiding Officer may make and second motions when no other Councilmember does so.

The Presiding Officer shall serve as the parliamentarian and decide all questions of order under these rules, with the assistance of the City Attorney. Any such decision shall be final unless overriding by a majority vote of the Councilmembers present and shall be binding and legally effective for purposes of the matter under consideration

- C. Communications among City Councilmembers at Meetings.
 - (1) Councilmembers wishing to speak shall request the floor by being recognized by the Presiding Officer before speaking. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to address the City Council.

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- (2) No Councilmember shall speak again until all Councilmembers have had the opportunity to speak.
- (3) Councilmembers shall remember that the purpose of the City Council meeting is to conduct the business of the City. Councilmembers should avoid repetition and shall limit their comments to the subject matter at hand. Councilmembers should endeavor to express their views without engaging in unnecessarily lengthy debates.
- (4) When one Councilmember is speaking, other Councilmembers shall not interrupt, disrupt or disturb the speaker. During questions and deliberations, the Presiding Officer may vary the speaking sequence of Councilmembers from item to item.
- (5) Use of cellular phones for texting, calling, or social media browsing by Councilmembers is prohibited during City Council meetings; provided however, that Councilmembers are not prohibited from using cellular phones, tablets or other similar devices for purposes of reading a pre-written speech or making reference to notes. Should the need arise for a Councilmember to use a cellular phone, that Councilmember shall leave the dais.
- (6) Communications between Councilmembers outside meetings are governed by the Ralph M. Brown Act ("Brown Act").

D. Communication with Members of the Public Addressing the Council.

- (1) On specific agenda items, Councilmembers may question any person addressing the City Council at the conclusion of that person's testimony or all public testimony on that agenda item. A Councilmember wishing to ask questions of a member of the public shall first be recognized by the Presiding Officer.
- (2) Councilmembers shall not engage the person addressing the City Council in a debate, but shall confine communication to a brief question and answer format conducted through the Presiding Officer.
- (3) All Councilmember requests to speak shall be made to the Presiding Officer.

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- (4) If a member of the public addresses the City Council on a matter that is not on the Agenda (e.g., during Public Comments), the Brown Act does not allow Councilmembers to engage in discussions nor deliberation of the matter. A Councilmember may do the following: refer the matter to staff (or another source); ask for additional information or request a report back; or give a very limited factual response. If a Councilmember so wishes, the Councilmember may, during the Councilmember Comments portion of the meeting, request that the matter be placed on the next Agenda as set forth in the procedures in Section K of this Policy (Placement of Items on City Council Meeting Agenda).
- (5) The City Council may not prohibit public criticism of the policies, procedures, programs, or services of the City or its acts or omissions. A speaker may not be stopped from speaking because either the Presiding Officer or members of the City Council disagree with the viewpoint being expressed; provided, however, that members of the public shall comply with the Procedures in Section F (3) (e) of this Policy (Rules for Members of the Public).

E. Rules for City Staff.

- (1) Decorum. City Staff shall not engage in dialogue with members of the public during City Council meetings and shall limit conversations between themselves as much as possible unless authorized by the Presiding Officer. City Staff shall direct all comments and presentations to the City Council through the Presiding Officer. When addressed by a City Councilmember, Staff shall respond in a polite, professional, and courteous manner. All requests to speak by members of the City Staff shall be made to the Presiding Officer. Conversely, City Councilmembers shall at all times address City Staff in a polite, professional, and courteous manner. City Councilmembers shall not berate or attack City Staff during City Council meetings; rather, any concerns a City Councilmember has with City Staff shall be addressed with the City Manager at the conclusion of the meeting.
- (2) Role of the City Manager. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the City Council regarding direction for future Staff action and facilitating the orderly presentation of Staff reports.

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- (3) Role of the City Clerk. The City Clerk or her/his deputy shall keep minutes of the open meeting; shall call and record roll call votes; and shall read ordinance titles and agenda items as requested by the Mayor.
- (4) Role of the City Attorney. The City Attorney's duties during City Council meetings include assisting the Presiding Officer with parliamentary procedures, including these Rules of Decorum and facilitating legal issues associated with agenda items.

F. Rules for Members of the Public.

- (1) Within the City Council Chambers.
 - (a) Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of obscene, lewd, loud, threatening, or abusive language; clapping; whistling; yelling; stamping of feet; or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct may, after warning by the Presiding Officer, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting. However, clapping or other celebratory actions from members of the audience are allowed during the Presentations portion of the City Council Agenda.
 - (b) No person shall stand or sit in the aisles. No person shall block any doorways or other exits.
 - (c) Placards, signs, and posters may not be brought into the City Council Chambers that would disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting infeasible, or block the view of any other person in attendance.
 - (d) Packages, bundles, suitcases, large or potentially dangerous objects shall not be brought into the City Council Chambers if such objects pose a threat or as otherwise render the orderly conduct of the City Council meeting.
 - (e) Except as otherwise allowed by the City Council, no animals except for service animals shall be brought into the City Council Chambers.

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- (f) Photographs, audiotapes and videotapes may only be taken from the rear of the Chambers or from any fixed seating within the City Council Chambers, so long as such activity does not disrupt and disturb the audience, public speakers and Councilmembers and interfere with the orderly conduct of the meeting. The Council reserves the right to designate an area for photography, audiotaping and videotaping, in which case such activity shall occur in that area only.
- (g) Public Video Recording during a City Council Recess. At any time which the Presiding Officer has ordered a recess during the City Council meeting, the Presiding Officer shall also order the public recording be discontinued until such time as the Presiding Officer reconvenes the City Council meeting and the public recording shall resume.
- (h) Within the City Council Chambers, all cell phone and pager ringers shall be turned off; no talking on cell phones is allowed; and all electronic equipment shall be operated in a manner which does not emit sound or disturb other members of the public or disrupt the orderly conduct of the meeting.
- (i) The Sergeant-at-Arms is authorized to enforce these rules.
- (2) Noise Adjacent to the City Council Chambers. Noise emanating from adjacent or outside the City Council Chambers which is audible within the City Council Chambers shall not be permitted. The Sergeant-at-Arms is authorized to enforce this rule by requesting those in the lobby to remain silent or to leave the area.
- (3) Persons Addressing the City Council.
 - (a) Public oral communications at the City Council meetings should not be a substitute for any item that can be handled during the normal working hours of the City government.
 - (b) Members of the public may address the City Council during the Public Comment Period(s) i.e. those matters that are not on the Agenda, or prior to the consideration of any agenda item. Any person wishing to speak, whether during the Public Comment Period or on an agenda item, is required to complete a "Speaker's/Comments

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Card” and submit the form to the City Manager prior to the Presiding Officer calling for the Public Comments period on the Agenda. Speaker requests submitted after the calling for the Public Comments period on the Agenda will not be considered. A person who speaks on an item during Public Comments may not make the same comment again at the time the agenda item is heard. All those speaking shall do so from the podium.

- (c) No person shall address the City Council without first being recognized by the Presiding Officer. The person shall respond when his/her name is called by the City Manager, as directed by the Presiding Officer. The speaker shall go to the podium, or shall raise his/her hand to indicate that he/she wishes to go to the podium to speak.
- (d) The purpose of addressing the City Council is to formally communicate to the Council on matters relating to City business or citizen concerns. During the Public Comments period members of the public wishing to address the City Council must confine those issues to those matters that are within the subject matter jurisdiction of the City Council.
- (e) Each person who addresses the City Council shall do so in an orderly manner and shall not make personal attacks, slanderous or profane remarks to any member of the Council, City Staff or general public. Any person who makes such personal attacks or remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the Presiding Officer or a majority of the Council, be barred from further audience before the Council during that meeting.
- (f) Persons addressing the City Council shall address the Council as a whole and shall not engage in either a debate or question and answer with individual Councilmembers, City Staff, or with other members of the audience. Persons addressing the City Council shall not make personal attacks, charges or slanderous remarks against any City Staff member, regardless of whether or not the City Staff member is named or by another reference which tends to identify such City Staff member (such as job title). Such charges or

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complaints must be presented through the proper administrative channels, which includes contacting the City's Human Resources Department at City Hall.

- (g) Members of the public addressing the City Council shall have three (3) minutes to speak. All Public Comments portion of the Agenda shall not exceed thirty (30) minutes total giving ten (10) members of the public with three (3) minutes each to speak. Upon expiration of the thirty (30) minutes of the Public Comments period, any member of the public who has completed a "Speaker's/Comments Card" as required under Section F. (3) (b) of this Policy shall be heard at the conclusion of the City Council Agenda. Members of the public should refrain from unduly repetitious comments. This rule shall not apply to the proponents and opponents of applications at public hearings.
- (h) Members of the public addressing the City Council are prohibited from requesting City resources, or using their own resources such as flash drives or other forms of electronic media to exhibit any power point presentations during Public Comments or at public hearings.
- (i) Members of the public addressing the City Council have the right to request a spokesperson be chosen for a group and/or limit the number of such persons addressing the Council whenever a group of persons wishes to address the Council on the same subject matter. However, when a speaker represents a large group, he/she should so indicate and request additional time to speak from the Presiding Officer.
- (j) Members of the public addressing the City Council may request a moment of silence to finish up their three (3) minute public comment. The request for a moment of silence will be noted by the Presiding Officer and will be postponed until the end of the City Council meeting, prior to adjournment. At that time, the Presiding Officer will acknowledge the requested moment(s) of silence for a total time of thirty (30) seconds. Nothing in this section prohibits the Presiding Officer, or any other Councilmember from requesting a moment of silence at any time during a Council meeting.

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- (k) Any public requests for Staff comment shall be made to the Presiding Officer, who may then direct such inquiries to the City Manager, City Department Head or City Attorney as appropriate.
- (l) No person except City Staff shall be permitted within the platform area in front of the Council dais without the prior consent of the Presiding Officer or City Manager.

G. Enforcement of Rules.

- (1) Sergeant-at-Arms. The head of the City's police agency or his/her designee shall be ex-officio Sergeant-at-Arms of the City Council. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the City Council Chambers. The Sergeant-of-Arms shall enforce the rules of decorum or eject any person(s) from the City Council Chambers or place the person(s) under arrest or both, upon the direction of the Presiding Officer, or upon his or her own discretion, as applicable.
- (2) Violations. Upon a violation of the Rules of Decorum and Procedures established herein, the procedure to enforce the rules is as follows:
 - (a) Warning. The Presiding Officer shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating these rules, the Presiding Officer shall order a recess. The Sergeant-at-Arms is authorized to warn the person that their conduct is violating the rules and that they are requested to cease such conduct. If upon resumption of the meeting the violation persists, the Presiding Officer shall order another recess, whereupon the Sergeant-at-Arms shall have the authority to order the person ejected from the meeting and/or cited in violation of Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.
 - (b) Motion to Enforce. Any Councilmember may call a point of order specifically identifying the particular provision(s) of this Policy in which the City Council has failed to abide. At that time, the City Council shall immediately act upon the point of order by roll call vote. If the Presiding Officer of the City Council fails to enforce the Rules

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of Decorum and Procedures set forth herein, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for remainder of the meeting, for the limited purpose of enforcing the Rules of Decorum and Procedures established herein.

- (c) Clearing the Room. Pursuant to Government Code Section 54957.9, 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 the individuals who are willfully interrupting the meeting, by a majority vote of the Councilmembers the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the Agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Section 54957.9.

H. Voting.

Any Councilmember may bring a motion to vote on an agenda matter properly seconded, either for purposes of voting on the particular matter or for discussion. The Presiding Officer shall state the maker of the motion and the maker of the second for the record. All votes of the City Council shall be by Roll Call Voting. After every vote, the Presiding Officer shall declare the result and shall note for the record the number of votes for or against the question. A member may change his/her vote only before the next order of business.

- (1) Roll Call Voting. Every non-urgency ordinance and any resolution or order for franchises or payments of money shall require three (3) affirmative votes. An urgency ordinance and certain resolutions shall require four (4) affirmative votes (i.e. adding matters to the Agenda). A roll call vote shall be used in all actions taken by the City Council.
- (2) Effect of Silence. Unless a Councilmember audibly votes in the negative, disqualifies himself/herself or expressly declines to vote,

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his/her silence shall be recorded as an affirmative vote on the matter before the Council.

- (3) Reconsideration. Any Councilmember who voted with the majority may move for a reconsideration of any action at the same or next meeting.
- (4) Tie Votes. Tie votes shall be lost motions. The matter under consideration resulting in a tie vote shall be continued on the Agenda of the next regular meeting unless the Council specifically provides otherwise.
- (5) Quorum. Unless otherwise provided in State law or the Municipal Code or ordinances, a majority of the City Council present at a meeting shall be sufficient to do business, i.e. if 3 Councilmembers are present, a 2-1 may be sufficient for certain matters that are not ordinances, resolutions, franchise or orders for payment of money.
- (6) Legally Required Participation. If a majority of the Council were to be disqualified to vote on a matter by reason of potential conflicts of interest, the Council may utilize the “rule of necessity” to select by lot or other random selection that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Those chosen may vote on the matter but may not discuss it.

I. Robert’s Rules of Order.

Because *Robert’s Rules of Order* does not directly apply to City Council meetings, *Robert’s Rules of Order* cannot be strictly followed and, as such, is not formally adopted by the City Council.

J. City Council Agendas.

- (1) Order of Business. Generally, the order of business at regularly scheduled meetings of the City Council shall be as follows, unless otherwise re-ordered by the Presiding Officer with the consensus of the City Council:
 - (a) Call to Order
 - (b) Pledge of Allegiance
 - (c) Invocation

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- (d) Roll Call of Councilmembers
- (e) Presentations
- (f) Public Comments
- (g) Consent Calendar
- (h) Reports
- (i) City Council Committee Reports
- (j) Comments from Staff and Councilmembers
- (k) Closed Session
- (l) Adjournment

- (2) Consent Calendar. Items of a routine or generally uncontested nature may be approved by the City Council in a single motion by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein. Approval of the Consent Calendar shall be by roll call vote. Upon request of any Councilmember an item may be removed from the Consent Calendar for separate discussion and/or action. Any action on an item removed from the Consent Calendar shall be by roll call vote. Each item proposed for consideration as part of the Consent Calendar, including any recommended action, shall be described on the Notice and Agenda posted for the meeting.
- (3) Council Comments. Councilmembers have the opportunity to provide general comments, announcements, and/or suggestions during Council Comments. These matters shall be handled by the Presiding Officer according to the same procedures set forth for Public Comments. No action may be taken on such matters without being placed on a subsequent Agenda as more specifically required in Section K of this Policy (Placement of Items on City Council Meeting Agenda).
- (4) Closed Sessions. The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which is authorized to be heard or considered in closed session by State law. If a closed session is included on the Agenda, the description of the item need only identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session, unless otherwise required by law. During closed session, the City Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes

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of the proceedings of the City Council during closed session are required. There shall be no closed session during any special emergency meeting. Disclosure of confidential information by a City Councilmember acquired at closed session is prohibited, unless authorized by the City Council.

K. Placement of Items on City Council Meeting Agenda.

All agenda items for consideration by the City Council shall be set by the City Manager; however, during Council Comments, a Councilmember may make a motion to request that an item be placed on a future agenda. Councilmember requests require approval by a majority of the Council. In the event that a member of the City Council wishes to request an item be placed on the Agenda outside the regular City Council agenda process, that request shall be communicated to the City Manager who will seek a majority consensus from the City Council before placing the requested item on the Agenda.

L. Public Hearings Required by Law.

Except as provided otherwise by law, public hearings shall generally be conducted as follows:

- (1) At the beginning of each public hearing item, the Presiding Officer shall announce the item for the public hearing, request that Staff present the Staff report and any other relevant evidence, and open the public hearing. The presentation of the Staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.
- (2) Following the Staff report and opening of the public hearing, the Presiding Officer shall thereupon call upon the proponent (if other than staff) to present his/her presentation. Thereafter, the Presiding Officer shall inquire as to whether there are any persons present who desire to address the City Council on the matter. Any person desiring to speak or present evidence shall then make their presence known to the Presiding Officer and, upon being recognized by the Presiding Officer, may speak or present evidence relevant to the subject matter being heard. No person may speak without first being recognized by the Presiding Officer. It is customary for the Presiding Officer to recognize those speakers in support of the subject matter being heard followed by those speakers in opposition.

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- (3) The applicants, appellant, and/or their representatives shall speak first and shall have a sufficient time to do so, any portion of which may be reserved and used for rebuttal.
- (4) Each member of the public wishing to address the City Council, other than the applicant/appellant, shall then be allowed to address the City Council and shall have three (3) minutes to speak. Prior to declaring the public hearing open, however, when necessary because of the number of possible speakers, the Presiding Officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks subject to those limitations set forth in Section F (3) (c), (d), (e), (f), (h), (i), (j), (k) hereinabove. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.
- (5) Councilmembers who wish to ask questions of the speakers, staff or each other, during the public hearing portion, may do so only after being recognized by the Presiding Officer in the manner set out in these Rules.
- (6) Councilmembers should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Councilmembers should avoid debate and expressions of personal opinion until after the close of the public hearing.
- (7) Following the conclusion of such questions, the Presiding Officer shall allow the applicant/appellant the opportunity for rebuttal.
- (8) Following the rebuttal, the Presiding Officer shall close the public hearing and then allow each Councilmember to state his/her opinion on the item before asking for a motion to decide the matter.
- (9) Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing through the Presiding Officer with consensus of the City Council.
- (10) The Presiding Officer shall at all times conduct the public hearing in such a manner as to afford due process to all affected persons.

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M. Interpretation and Applicability.

The Rules of Decorum and Procedures set forth herein shall be liberally construed to effectuate their purpose. The Rules of Decorum and Procedures set forth herein shall apply to any other City boards and commissions subject to the Brown Act and shall apply to the City Council Chambers or any other location where a meeting subject to these rules takes place. For purposes of this Policy, the Chair of each of these boards/commissions shall serve as the “Presiding Officer”. In the event of any inconsistency between these rules and State law or regulation, State law or regulation shall apply.

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