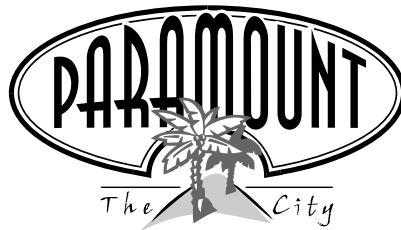


AGENDA

Paramount City Council
September 19, 2017



Adjourned Meeting
City Hall Council Chambers
5:00 p.m.

City of Paramount

16400 Colorado Avenue ❖ Paramount, CA 90723 ❖ (562) 220-2000 ❖ www.paramountcity.com

Public Comments: If you wish to make a statement, please complete a Speaker's Card at the beginning of the meeting. Speaker's Cards are located at the entrance. Give your completed card to a staff member or put it on the staff table located at the front of the room. When your name is called, please go to the rostrum provided for the public. Persons are limited to a maximum of 5 minutes unless an extension of time is granted. No action may be taken on items not on the agenda except as provided by law.

Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (562) 220-2027 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Note: Agenda items are on file in the City Clerk's office and are available for public inspection during normal business hours. Materials related to an item on this Agenda submitted after distribution of the agenda packet are also available for public inspection during normal business hours in the City Clerk's office. The office of the City Clerk is located at City Hall, 16400 Colorado Avenue, Paramount.

Notes

CALL TO ORDER:

Mayor Peggy Lemons

ROLL CALL OF
COUNCILMEMBERS:

Councilmember Laurie Guillen
Councilmember Tom Hansen
Councilmember Daryl Hofmeyer
Vice Mayor Diane J. Martinez
Mayor Peggy Lemons

PUBLIC COMMENTS

NEW BUSINESS

1. [ORAL REPORT](#) Citizen Satisfaction – Sheriff's Service and Public Safety Quality Assurance Follow-up Calls

2. [RECEIVE AND FILE](#) Residential Soil Sampling

3. [APPROVAL](#) Rules of Decorum and Procedures for the Conduct of City Council Meetings

COMMENTS

- Staff
- Councilmembers

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Pedro N. Contreras and Maria A. Contreras v. City of Paramount, et. al; Case No. BS170762

ADJOURNMENT

To a meeting on October 3, 2017 at 6:00 p.m.

SEPTEMBER 19, 2017

ORAL REPORT

CITIZEN SATISFACTION – SHERIFF’S SERVICE & PUBLIC SAFETY
QUALITY ASSURANCE FOLLOW-UP CALLS

SEPTEMBER 19, 2017

REPORT

RESIDENTIAL SOIL SAMPLING

MOTION IN ORDER:

RECEIVE AND FILE THE RESIDENTIAL SOIL SAMPLING REPORT.

APPROVED: _____

DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council

From: John Moreno

By:

Date: September 19, 2017

Subject: Report – Residential Soil Sampling

An oral presentation will be given at the September 19, 2017 City Council meeting regarding the results of a Residential Soil Sampling study that was performed by the Los Angeles County Department of Public Health (DPH) and the City at multiple locations throughout Paramount. Attached is an informational summary of the soil sampling that was recently released to the public by DPH.

Recommended Action

It is recommended that the City Council receive and file this report.

Residential Soil Sampling

Chromium 6 in the City of Paramount



September 5, 2017

Soil Sampling Results

Residential Areas Near Anaplex and Aerocraft Heat Treating

As part of ongoing efforts to control public health risks from industrial emissions of chromium 6 impacting residents in the City of Paramount, the Los Angeles County Department of Public Health (DPH) partnered with the Fire Department Health Hazardous Materials Division (Health Hazmat) and the City of Paramount to assess chromium 6 and other metals in surface soils. In May 2017, DPH selected ten locations in residential areas to sample surface soil downwind of Anaplex Corporation (Anaplex) and Aerocraft Heat Treating (Aerocraft), two facilities identified by the South Coast Air Quality Management District (SCAQMD) as contributing to air emissions of the chromium 6.

Background

Since October 2016, SCAQMD, in partnership with state and local agencies, has been conducting an investigation of chromium 6 emissions from industrial facilities in the City of Paramount, where concentrations of chromium 6 in the air were found to be up to 400 times greater than concentrations elsewhere in Los Angeles County. SCAQMD issued an Order of Abatement to Anaplex and Aerocraft to implement air pollution controls to reduce chromium 6 emissions.

Emissions from industrial facilities could have resulted in deposition of chromium onto nearby soils, possibility representing a hazard to residents. Dust accumulation indoors could contain soil that migrated from the outdoors. Young children are more susceptible to exposures to soil or dust.

Given the proximity of the nearest residential property (300 feet) to the Anaplex and Aerocraft facilities, DPH and Health HazMat initiated surface soil sampling in residential areas adjacent to the Anaplex and Aerocraft facilities.

Residential Soil Sampling

Chromium 6 in the City of Paramount



In November 2016, Health HazMat collected surface soil samples from public right-of-way areas around several industrial facilities in Paramount, including Anaplex and Aerocraft. Total chromium detected in soils near the Anaplex and Aerocraft facilities ranged from 51 to 4,670 mg/kg, which exceed typical background soil levels in the area of 21 to 64 mg/kg.¹ Preliminary sampling using X-ray fluorescence (XRF) technology showed a sharp decline of total chromium in soil in the closest residential area (300 feet away).

Measurement of total chromium does not tell the full story. Total chromium consists of several forms of chromium found in the environment, including chromium 3 and chromium 6. While chromium 3 naturally occurs and is an essential nutrient for humans, chromium 6 is produced from industrial processes and is a known cause of human cancer. DPH determined that it was necessary to test not only for chromium 6 in soil, but also for other important metals, to examine the extent of metals deposited on nearby soils and their potential public health impacts.

Methods

On May 20, 2017, ten surface soil samples were collected by Health HazMat from public right-of-way areas near residences (see Figure 1). Health HazMat collected the top 1-inch of soil for each sample. Vegetative matter was removed from the surface sample, and soil sampling equipment was decontaminated prior to sampling and in between samples.

At the request of the City of Paramount, split soil samples were collected from each of the ten sampling locations. A split sample means that a sample is divided into two equivalent portions to be analyzed separately, typically by two different laboratories. The soil samples collected for DPH were analyzed by American Environmental Testing Laboratory, Inc. (AETL) in Burbank, California and the split soil samples were delivered to the City of Paramount's contractor, Tetra Tech, for analysis by Eurofins CalScience.

Each soil samples were analyzed for 21 metals: antimony, arsenic, barium, beryllium, cadmium, chromium (total), chromium 6, cobalt, copper, lead, manganese, mercury, molybdenum, nickel, selenium, silver, thallium, tin, titanium, vanadium and zinc (EPA Methods 6020B/7470A, 6010B and 3060A/7199).

Residential Soil Sampling

Chromium 6 in the City of Paramount



A summary result for each location was determined by selecting the maximum concentration reported from the two split soil samples taken at each of the ten locations. In the case where there were non-detected concentrations for both split samples, the value for the lowest laboratory reporting limit was selected.

In order to assess the potential for health impacts from metals in soil, the summary results for the surface soil sampling were compared to standards established by federal and state agencies, including the *Residential Soil Regional Screening Levels* (U.S. Environmental Protection Agency) and the *California Human Health Screening Levels* (California Environmental Protection Agency).^{2,3} These screening levels are designed to protect the most sensitive populations, including children, from long-term cancer and non-cancer health risks. Additionally, summary results were compared to local background reference levels previously established by soil sampling conducted in the City of Paramount and overseen by the Department of Toxic Substances Control.¹ Note that these background soil samples were collected upwind and away from industrial sources.

Results

For each of the 21 metals, the minimum, maximum, and average concentrations are presented in Table 1, as well as the summary results for the split soil samples taken at each of the ten locations. Four metals were detected at a concentration above state or federal health screening levels, namely, arsenic, cadmium, chromium 6 and lead. Arsenic, cadmium and lead were found to be within typical local background levels. A background reference value was not established for chromium 6, however, because it was not detected in any of the background samples. Since chromium 6 does not occur naturally in soils, any detectable level of chromium 6 would be in excess of background levels. Ten other metals (antimony, beryllium, cobalt, copper, manganese, molybdenum, nickel, titanium, vanadium and zinc) were detected at concentrations above local background levels, but below all available health screening levels.

Out of the ten sampling locations, only one soil sample had a detectable concentration of chromium 6 at 0.4 mg/kg, which exceeds the EPA's Regional Screening Level of 0.3 mg/kg but is below the California Human Health Screening Level of 17.0 mg/kg for residential soil. Summary results for chromium 6 at the other nine locations were either below or estimated to be below the laboratory reporting limit of 0.4 mg/kg.

Residential Soil Sampling

Chromium 6 in the City of Paramount



Conclusion

Out of ten sampling locations, one surface soil sample detected chromium 6 at a concentration above the EPA Regional Screening Level but below the California Human Health Screening Level. This soil sample was taken at a location that was downwind and closest to one of the metal facilities, Aircraft, at a distance of approximately 300 feet.

The low detection of chromium 6 at the ten soil sampling locations suggest that the majority of air emissions of chromium 6 from Anaplex and Aircraft have either not settled or not persisted on the surface soils of nearby residential areas. In addition, historical deposits of chromium 6 may have converted to chromium 3, the non-toxic form of chromium, by organic matter in the soil environment.⁴ At this time, direct contact with or accidental ingestion of these surface soils would not appear to represent an exposure pathway of public health concern for chromium 6. Inhaling chromium 6 poses the most significant threat to public health, and efforts to reduce health risks should continue to focus on reducing air emissions from facilities emitting chromium 6.

It is important to note that these surface soil samples were limited to a specific area downwind of Anaplex and Aircraft. As the interagency investigation continues, additional soil sampling may be warranted to evaluate soil near other industrial sources of chromium 6 in the City of Paramount.

-
1. ToxStrategies, 2015. Summary Results for Soil and Dust Samples Collected in the Vicinity of Carlton Forge Works. Retrieved from http://www.envirostor.dtsc.ca.gov/public/deliverable_documents/5807800114/CFW%20Sampling%20Report%20%202015%20%2003-31.pdf
 2. United States Environmental Protection Agency (USEPA). Regional Screening Levels – Residential Soil Table (June 2017). Retrieved from <https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables-june-2017>.
 3. California Environmental Protection Agency (Cal/EPA). California Human Health Screening Levels – Residential Soil. Office of Environmental Health Hazard Assessment. Retrieved from <https://oehha.ca.gov/chhsltable>, accessed on June 2017.
 4. Xiao, W., Zhang, Y., Li, T., Chen, B., Wang, H., He, Z., & Yang, X. (2012). Reduction kinetics of hexavalent chromium in soils and its correlation with soil properties. *Journal of Environmental Quality*, 41(5), 1452-8. <http://doi.org/10.2134/jeq2012.0061>

Residential Soil Sampling Chromium 6 in the City of Paramount



Figure 1: Locations of surface soil sampling near Aerocraft and Anaplex, Paramount, California.



Residential Soil Sampling Chromium 6 in the City of Paramount



Table 1: Summary of 21 metals from surface soil sampling, Paramount, California.

Metals	EPA Screening Level ^a	CA Health Screening Level ^b	Background Level ^c	Min ^d	-	Max ^d	Avg ^e	Spilt Soil Samples (1 – 10) ^f									
								1A/1B	2A/2B	3A/3B	4A/4B	5A/5B	6A/6B	7A/7B	8A/8B	9A/9B	10A/10B
Antimony	31	30	1.04	0.32	-	1.25	0.59	0.52 [^]	1.25 [^]	0.41 [^]	0.60 [^]	0.47 [^]	0.84 [^]	0.60 [^]	0.45 [^]		
Arsenic	0.68 [†]	0.07	5.50	1.74	-	4.16	3.0	3.41	3.51	3.83	2.76	2.88	1.74	2.63	2.89		
Barium	15,000	5,200	200	87	-	176	130	132	176	139	145	103	103	118	130		
Beryllium	160	16	0.29	0.21	-	0.33	0.27	0.28 [^]	0.33	0.30 [^]	0.24 [^]	0.21 [^]	<1.0	0.25 [^]	0.27 [^]		
Cadmium	71	1.7	4.3	0.32	-	2.26	0.98	2.26	1.09	0.73 [^]	1.22	0.32 [^]	0.41 [^]	0.45 [^]	0.81 [^]		
Chromium	120,000	100,000	64	21	-	57	34	49	45	27	30	23	24	57	23		
Chromium 6	0.3 [†]	17	NA [†]	0.12	-	0.41	0.23	0.41	0.13 [^]	<0.4	<0.4	<0.4	0.22 [^]	<0.4	0.14 [^]		
Cobalt	23	660	12	8	-	22	12	16	15	10	11	9	11	22	9		
Copper	3,100	3,000	140	57	-	151	93	102	85	151	74	67	138	113	57		
Lead	400	80	465	29	-	106	62	35	83	106	74	29	45	64	79		
Manganese	1,800	NA [§]	340	233	-	442	349	354	442	424	327	327	233	303	423		
Mercury	11	18	0.69	0.02	-	0.11	0.06	0.03 [^]	0.04 [^]	0.03 [^]	0.06 [^]	0.02	0.11	0.102 [^]	0.10 [^]		
Molybdenum	390	380	6.3	1.6	-	11.1	3.7	4.8	7.0	2.0	2.6	1.6	2.8	11.1	1.9		
Nickel	1,500	1,600	65	33	-	166	71	132	85	33	48	39	85	166	36		
Selenium	390	380	NA [†]	0.27	-	0.68	0.44	0.68 [^]	0.59 [^]	0.31 [^]	0.34 [^]	<1.0	0.44 [^]	<1.0	0.37 [^]		
Silver	390	380	NA [†]	0.26	-	0.80	0.46	<1.0	0.26 [^]	<1.0	0.34 [^]	<1.0	<1.0	<1.0	<1.0		
Thallium	0.78	5	NA [†]	NA	-	NA	NA	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0		
Tin	47,000	NA [§]	NA [†]	12	-	18	15	14	14	18	16	15	13	14	14		
Titanium	NA [§]	NA [§]	1002	612	-	1040	882	961	836	1020	797	1040	612	843	845		
Vanadium	390	530	33	19	-	36	28	30	31	36	26	29	19	28	25		
Zinc	23,000	23,000	500	186	-	1650	467	399	654	231	524	186	260	260	255		

Residential Soil Sampling Chromium 6 in the City of Paramount



Table 1: Continued

Notes:

- a Regional Screening Levels published by the US EPA for residential soils with target non-cancer risk of 1 in one million²
- b California Human Health Screening Levels (Residential Soil) published by the Office of Environmental Health Hazard Assessment³
- c Upper bound background levels calculated by using U.S. EPA's ProUCL software based upon ten background samples collected in 2014¹
- d Minimum and maximum values take into account detected values and "J-flagged" estimated values
- e Average takes into account detected values and "J-flagged" estimated values
- f The highest value for each split sample at the same location is presented
- ^ Result is a "J-flagged" estimated value that is less than the reporting limit but greater than or equal to the method detection limit
- † Screening level risk is based on target cancer risk of 1 in one million
- < Not detected, value below the laboratory reporting limit
- ‡ Not applicable (NA) because the metal was not detected in enough samples to calculate a background value
- § Not applicable (NA) because no Regional Screening Level or California Human Health Screening Level was developed for this compound

Orange shading indicates result exceeds the health screening level
Blue shading indicates result exceeds the background level

SEPTEMBER 19, 2017

RULES OF DECORUM AND PROCEDURES FOR THE CONDUCT OF
CITY COUNCIL MEETINGS

MOTION IN ORDER:

CONSIDER THE DRAFT RULES OF DECORUM AND PROCEDURES FOR
APPROVAL AS PRESENTED OR PROVIDE ANY ADDITIONAL COMMENTS
AND/OR REVISIONS.

APPROVED: _____

DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council

From: John E. Cavanaugh, City Attorney

By:

Date: September 19, 2017

Subject: Rules of Decorum and Procedures for the Conduct of City Council Meetings

Request

This item is a request to adopt a Policy establishing Rules of Decorum and Procedures for the conduct of City Council meetings. The proposed Rules of Decorum and Procedures are also intended to 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.

Background

At the September 5, 2017 City Council meeting, the Council directed the City Attorney's office to present a comprehensive Policy establishing Rules of Decorum and Procedures for the conduct of City Council meetings.

Discussion

City Council Rules of Decorum and Procedures are a fluid document which are designed to meet the needs of changed circumstances and interactions among City Councilmembers, City Staff and members of the public.

The purpose of this Policy is to establish consistent Rules of Decorum and Procedures applicable to 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. These Rules of Decorum are intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view. City Council meetings are considered under the law to be a limited public forum which means that the City is authorized to define the scope and extent of not only communications among City Councilmembers, but also between members of the public and the City Council and City Staff. The proposed Policy establishing Rules of Decorum and Procedures will enable the City Council, City Staff and members of the public to adhere to a consistent, fair and equitable process which will allow the business of the City to be accomplished efficiently.

The proposed Rules of Decorum and Procedures are divided into the following main categories:

1. Communications among City Councilmembers at Meetings,
2. Communication with Members of the Public Addressing the City Council,
3. Rules for City Staff,
4. Rules for Members of the Public,
5. Enforcement of Rules,
6. Voting on Matters on City Council Agenda,
7. Placement of Items on City Council Meeting Agenda, and
8. Public Hearings

Each of these categories within the proposed Policy has specific rules and procedures which will enable that the business of the City is attended to thoroughly and efficiently with opportunities for orderly public participation. As stated hereinabove, these proposed Rules of Decorum and Procedures will also apply to not only the City Council, but also to any other City Boards and Commissions subject to the Brown Act. This Policy will also apply to those meetings conducted in other locations where a lawful meeting takes place.

Recommended Action

It is recommended that the City Council consider the draft Rules of Decorum and Procedures for approval as presented or provide any additional comments and/or revisions. If approved either as presented or as revised, the Rules of Decorum and Procedures will be implemented immediately by the City Council. The City Council may also wish to have a subsequent workshop/training session on the operative provisions of this Policy.

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Subject: Rules of Decorum and Procedures for the Conduct of City Council Meetings	Effective Date: September 19, 2017
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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.

 - (2) No Councilmember shall speak again until all Councilmembers have had the opportunity to speak.

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- (3) Councilmembers shall remember that the purpose of the City Council meeting is to conduct the business of the City. Councilmembers shall 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, internet or social media browsing by Councilmembers is prohibited during City Council meetings. 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 dialogue, 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.
- (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

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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 those 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.
- (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.

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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, repeatedly irrelevant or repetitious, 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 as such objects can 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 as such objects may 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.
- (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.

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- (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. The primary purpose of oral communications is to allow citizens the opportunity to formally communicate with the City Council as a whole, for matters that cannot be handled during the regular 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 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

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

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- (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 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. No member of the public may cede his/her time to speak to another. However, when a speaker represents a large group, he/she should so indicate and request additional time to speak from the Presiding Officer.
- (j) 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.
- (k) 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

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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 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,

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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, 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.

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(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
- (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

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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 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.

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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.
- (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.

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- (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 at all times shall conduct the public hearing in such a manner as to afford due process to all affected persons.

M. Interpretation and Applicability.

The Rules of Decorum and Procedures set forth herein shall be liberally construed to effectuate their purpose and no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, nor the legality thereof otherwise affected, by the failure or omission of the City Council to technically comply with, observe, or otherwise follow such rules. 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.