REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:  MARCH 22, 2022

TITLE:  UPDATE TO ORDINANCES, POLICIES AND PROCEDURES FOR AGENDAS AND MEETINGS OF THE CITY COUNCIL, CITY COMMISSIONS, AND CITY COMMITTEES

City Manager

RECOMMENDED ACTION


2. Introduce for first reading, and read by title only – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, REVISING DIVISION 15 OF TITLE 1 OF THE IRVINE MUNICIPAL CODE - PUBLIC MEETINGS AND PUBLIC RECORDS AND MAKING MODIFICATIONS TO CHAPTER 2-1 (GENERAL) OF DIVISION 2 OF TITLE 1, CHAPTER 2-3 (RULES OF ORDER) OF DIVISION 2 OF TITLE 1, CHAPTER 4-1 (IN GENERAL) OF DIVISION 4 OF TITLE 1; CHAPTER 4-2 (IN GENERAL), CHAPTER 4-2 (COMMISSIONS), AND CHAPTER 4-3 (COMMITTEES) OF DIVISION 4 OF TITLE 1, DIVISION 13 (FINANCIAL COMMISSION) OF TITLE 2, DIVISION 3 (COMMUNITY SERVICES COMMISSION) OF TITLE 3, DIVISION 3 (PLANNING COMMISSION) OF TITLE 5, AND CHAPTER 9 (TRANSPORTATION COMMISSION) OF DIVISION 3 OF TITLE 6 OF THE IRVINE MUNICIPAL CODE

EXECUTIVE SUMMARY

At its meeting of November 23, 2021, the City Council appointed a subcommittee consisting of Mayor Khan and Councilmember Carroll to review and develop recommended updates to the City Council Policies and Procedures. The first two Policies and Procedures reviewed by the subcommittee related to “agendas” and “meetings,” and cover subjects including the order of business, the protocol for oral communications by the City Council and to the City Council, maintenance of decorum, seating arrangements, voting procedures, the process for adding items to City Council agendas, and a variety of other topics.
After surveying processes used in other jurisdictions, and carefully considering their own experiences in public meetings in Irvine and elsewhere, the subcommittee proposed the following modifications:

1. **Agenda Publication**: Revise the Municipal Code to require agenda publication 7 days prior to regular City Council meetings. This will provide more than double the 72 hours mandated by the State’s Sunshine Law, the Ralph M. Brown Act (Brown Act). Further use of the 7-day standard in place of the City’s current 12-day standard will substantially improve staff-level work flows while at the same time reduce the public confusion associated with the frequent need for agenda modifications. Special meeting agenda requirements will be revised to match the 24-hour advanced publication requirements in the Brown Act.

2. **Order of Business**: The Order of Business – last established by City Council Resolution in 2005 – has been proposed for modification such that public comments would occur earlier in the meeting, and to make other changes designed to make City Council meetings more efficient. Business may be reordered in the discretion of the Mayor or a majority of the City Council.

3. **Public Participation**: All public comments, other than comments on public hearing items, will be heard as part of a single agenda item near the beginning of the agenda. This will allow interested members of the public the opportunity to present their views prior to the City Council’s conduct of business, and in a manner that is respectful of the busy family and work schedules. Speaking times would also be adjusted to allow 3 minutes per speaker if there are 20 or less speakers; 2 minutes per speaker if there are between 21 and 30 speakers; and 90 seconds per speaker if there are 30 or more speakers. The policy also memorializes the City’s practices of (i) not allowing the transfer of “unused time” from public commenters, and (ii) requesting a “spokesperson” where multiple members of a group propose to speak on a single subject. As to decorum, a Municipal Code amendment is proposed to clarify that slanderous public statements are unauthorized, and to otherwise utilize language that has been reviewed and validated by the federal courts. The default time limitations described above can be modified by the Mayor or a majority of the City Council. For public hearings, an identical set of procedures will be used, but public comments on those items will occur during the public hearings.

4. **Multi-Media**: The updated Policy and Procedure allows the City Clerk to specify the time and format for delivery of multi-media presentations to the City. It also prohibits the display of testimony from another person that has or will speak on the same agenda item, and forbids the division of a single multi-media presentation among multiple multi-media presenters.
5. **Council Comments**: Council announcements and general comments will be limited to 3 minutes per councilmember, with extra time granted to the Mayor for announcements of community events and opportunities. These are refinements on the current overall 15 minute time limit for this portion of the agenda. Separately, councilmember questions, comments, and deliberations on agendized items will be organized into 5 minute “rounds.”

6. **Council Presentation Materials**: Councilmembers are required to provide presentation information at least four hours prior to a scheduled City Council meeting (the former rule was 24 hours prior to the scheduled meeting).

7. **Applicability to Commissions and Committees**: The updated Policies and Procedures will be applicable to all City commissions and committees.

These changes are designed to make the City's preparation of agendas more efficient and less confusing, to continue to allow robust opportunities for public review of agenda materials and participation in City Council meetings, and to make City Council meetings more efficient and focused on the agendized business of the City. In every instance, the proposed changes meet and exceed the standards set forth in the Ralph M. Brown Act (the State of California’s “Sunshine Law”), and the practices used by the vast majority of public entities in California.

**COMMISSION/BOARD/COMMITTEE RECOMMENDATION**

Not applicable.

**ANALYSIS**

The City, including its Council, its commissions, and its committees, exist to conduct the people’s business. That business is conducted most effectively when the public has the information and the opportunity to meaningfully participate in the City’s legislative and other decision-making processes. Informed participation is protected by assuring that (1) the public has advanced notice of business that is scheduled for consideration by the City Council and City commissions, (2) the public has timely and reasonable access to information and materials that may be considered by the City Council and City commissions, (3) the public has the opportunity to present opinions, viewpoints, and information to the City’s decision-making bodies, and (4) the City’s decision-making bodies conduct their meetings in full view of the public. State-wide standards for each of these four pillars of good governance are found in the Ralph M. Brown Act (Government Code § 54950 et seq.).

Through its Municipal Code, its adopted City Council Policies and Procedures, and through its well-established practices, the City has historically exceeded the standards
set by the Brown Act. That approach has served the City well, as the City’s citizens have played active and meaningful roles in City Council and City commission and committee decision-making processes. The public has contributed valuable knowledge, experience, opinions, and those contributions lead to better decisions.

In 2018, the City Council adopted Ordinance 18-10 which imposed multiple new requirements and standards on the City’s agenda preparation and publication processes. Most prominent were the requirements to publish regular meeting agendas 12 days prior to scheduled regular meetings, along with a “supplemental agenda” published 5 days prior to that meeting. Ordinance 18-10 further provided that special meeting agendas be published 5 days prior to any planned scheduled special meetings.

While well intentioned, these requirements have proven to be unwieldy, and have at times created confusion regarding what items are actually going to be considered by the City Council. For instance, the regulations force City staff to publish staff reports for the “next” City Council meeting only 2 days after the “last” City Council meeting, on the Thursday following a Tuesday meeting. Further, given that timeline, the City has been forced to routinely publish “supplemental agendas,” which occurs on the Thursday which falls 5 days prior to the City Council meeting. Through this supplemental agenda process, the initial City Council agenda is amended to add items, remove items, change recommendations, and / or furnish supplemental materials. All of these modifications, in turn, make the City’s business appear more confusing.

To address those issues, the City Council subcommittee has proposed 7-day advanced publication of City Council agendas for regular meetings. This period is more than double the advanced-publication requirements provided for in the Brown Act and used in the vast majority of cities, counties, school districts, and special districts throughout California. It will continue to allow ample opportunities for public participation while also fixing the redundancies, inefficiencies, ineffectiveness, waste, and confusion in the current process.

Of note, the proposed 7-day advanced publication of City Council agendas for regular meetings would provide for at least the same or more advanced notice than every other city we surveyed, with the exception of the City of Long Beach (8-day advanced publication). Among those jurisdictions we analyzed, council meeting agendas are published with the following advanced notice:

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<th>8 Days</th>
<th>7 Days</th>
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For special meetings, the subcommittee has proposed 24-hour advanced notice, which aligns with the Brown Act. This modification is consistent with the general purpose of special meetings, which is to address emergent circumstances that require prompt action.

The subcommittee has proposed a series of additional modifications designed to improve agenda and meeting procedures. First, the Order of Business has been revised to provide for a more organized meeting flow. The former Order of Business – adopted by City Council resolution in 2005 – was as follows: (a) study sessions / workshops / scoping sessions, (b) closed sessions, (c) call to order, (d) items of protocol, (e) consent calendar, (f) business matters, (g) public comment, and (h) adjournment. The revised order of business moves public comments to near the front of the agenda, provides greater detail on “items of protocol,” and adds public hearings (and associated public comments). As revised, the proposed order of business is as follows:

a. Call to Order  
b. Roll Call  
c. Study Sessions/Workshops/Scoping Sessions  
d. Pledge of Allegiance  
e. Invocation  
f. Presentations  
g. Public Comments – All Agenda Items and Non-Agenda Items, other than Public Hearings  
h. City Manager’s Report  
i. Announcements, Committee Reports, Council Reports  
j. Additions and Deletions  
k. Closed Sessions  
l. Consent Calendar  
m. Public Hearings (Includes Public Comments on Public Hearing Items)  
n. Council Business  
o. Adjournment  

Second, the procedures for public comments have been revised to preserve and improve upon the public’s ability to participate in the meeting while also making the meeting more efficient and oriented to the conduct of the Council’s agendized business. Specifically:

- All public comments, other than comments on public hearing items, will be heard as part of a single agenda item near the beginning of the agenda.
Speaking time will be limited to 3 minutes per speaker if there are 20 or less speakers, 2 minutes per speaker if there are between 21 and 30 speakers, and 90 seconds per speaker if there are 30 or more speakers.

The Mayor and members of the City Council will have the discretion to expand or reduce the time limitations on public comments.

The updated Policies and Procedures will also clarify that transfers of “unused time” from one speaker to another is prohibited, and that the Mayor may request a “spokesperson” where multiple members of a group propose to speak on a single subject.

As to decorum, a Municipal Code amendment is proposed to clarify that slanderous public statements are unauthorized, and to otherwise utilize language that has been reviewed and validated by the federal courts.

Identical procedures have been proposed for public comments on public hearing items – which as a matter of law must be heard during the scheduled public hearings.

Third, over the last several months the City has experienced a significant increase in the use of multi-media materials during presentations, which has prompted a series of inquiries and issues that call for uniform rules. The updated Policies and Procedures address those issues by allowing the City Clerk to specify the time and format for delivery of a multi-media presentation to the City. It also prohibits the display of testimony from another person that has or will speak on the same agenda item, and forbids the division of a single multi-media presentation among multiple multi-media presenters.

Fourth, the revised Policies and Procedures more specifically describe how, and for how long, councilmembers will offer their comments. Existing procedures place a 15 minute cap on councilmember announcements. The updated policy (i) explicitly states that the limitation is 3 minutes per councilmember, and (ii) recognizes the Mayor’s need for additional time to deliver announcement of community events and opportunities. The updates also imposes the use of 5-minute rounds for councilmember comments, questions, and deliberations on agendized items. As to councilmember presentation materials, the proposed update allows for provision of the materials to City staff 4 hours prior to a scheduled meeting, rather than the 24 hour prior-presentation requirement that currently applies.

Fifth, and finally, the updated Policies and Procedures are explicitly and immediately applicable to all City commissions and committees. This is designed to ensure that meeting protocols are uniform across all Brown Act bodies within the City.
ALTERNATIVES CONSIDERED

The City Council may choose to amend or not adopt the proposed resolution, which updates the City Council’s Policies and Procedures as described above. The City Council may also choose to amend or not adopt the proposed resolution, which changes the agenda publication deadlines for regular and special meeting, and which also facilitate the oral communications procedures described above.

FINANCIAL IMPACT

None.

REPORT PREPARED BY     Jeffrey T. Melching, City Attorney

Attachment:             Resolution No. 22-__
                         Ordinance No. 22-__
CITY COUNCIL RESOLUTION NO. 22- __


WHEREAS, the City Council of the City of Irvine selected a subcommittee of councilmembers to review the existing City Council policies and procedures relating to meeting agendas, and relating to the conduct of meetings; and

WHEREAS, the City Council subcommittee reviewed policies and procedures used by other agencies and, based on their experiences in Irvine, made recommendations for adjustments and modifications to existing City Council policies and procedures; and

WHEREAS, in evaluating potential changes to City Council policies and procedures, careful consideration has been given to balancing the City Council's ability to conduct its agendized business with the ability of members of the public to meaningfully participate in, and provide input on, matters within the subject matter jurisdiction of the City Council; and

WHEREAS, further consideration has been given to the uniform application of meeting and agenda procedures to all City commissions and committees, in addition to the City Council.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, DECLARED, AND DETERMINED by the City Council of the City of Irvine, California as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. The City Council hereby adopts the City Council Policy / Procedure for agendas and meetings, attached hereto as Exhibit A, which shall supersede and replace the previously-adopted City Council Policy / Procedure for agendas and the previously-adopted City Council Policy / Procedure for meetings.
SECTION 3. As required by Irvine Municipal Code section 1-2-302, the City Council hereby specifies the following order of business:

1. Call to Order
2. Roll Call
3. Study Sessions/Workshops/Scoping Sessions
4. Pledge of Allegiance
5. Invocation
6. Presentations
7. Public Comments – All Agenda Items and Non-Agenda Items, other than Public Hearings
8. City Manager’s Report
9. Announcements, Committee Reports, Council Reports
10. Additions and Deletions*
11. Closed Sessions
12. Consent Calendar
13. Public Hearings (Includes Public Comments on Public Hearing Items)
14. Council Business
15. Adjournment

*Additions to the agenda are limited by California Government Code Section 54954.2 (of the Brown Act).

SECTION 4. To the extent they conflict with the City Council Policy / Procedure for agendas and meetings as set forth in Exhibit A and/or with the order of business set forth in Section 3 of this Resolution, Resolutions 87-05 and 05-09 are hereby superseded.

SECTION 5. To the extent they conflict with the City Council Policy / Procedure for agendas and meetings as set forth in Exhibit A, minute orders issued by the City Council on April 8, 1975 (seating arrangements), January 10, 1995 (electronic voting lights), February 14, 2006 (distribution of motions), and December 8, 2020 (council-initiated agenda items) are hereby superseded.
PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 22nd day of March 2022.

_________________________________
MAYOR OF THE CITY OF IRVINE

ATTEST:

________________________________
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA   )
COUNTY OF ORANGE    ) SS
CITY OF IRVINE       )

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 22nd day of March 2022.

AYES:                                 COUNCILMEMBERS:
NOES:                                  COUNCILMEMBERS:
ABSENT:                                COUNCILMEMBERS:
ABSTAIN:                               COUNCILMEMBERS:

_________________________________
CITY CLERK OF THE CITY OF IRVINE
In addition to procedures set forth in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Divisions 2 and 15 of Title 1 of the Irvine Municipal Code, the following policies and procedures have been adopted by, and shall be followed by, the City Council and City commissions and committees with regard to agenda preparation and the conduct of public meetings.

1. **Agendas**

   a. **Agenda Posting and Descriptions:** The City Manager shall cause an agenda to be posted in accordance with the Irvine Municipal Code and the Ralph M. Brown Act (Government Code § 54950 et seq.). The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. The description shall be sufficient to apprise interested persons of the subject matter of the discussion or the business to be conducted.

   b. **Councilmember-Initiated Agenda Items:** Councilmembers wishing to place items on City Council Agendas shall adhere to the following.

      i. All Councilmember-initiated items must either be (i) sponsored by the Mayor, or (ii) jointly sponsored by two Councilmembers.

      ii. Councilmember-initiated agenda requests shall be presented in a memorandum to the City Manager, with a copy to the Mayor and City Council, no later than noon, seven days prior to the next scheduled City Council meeting.

   c. **Order of Business:** The order of business at City Council meetings has been established pursuant to City Council Resolution No. 22-__, as follows:

      i. Call to Order
      ii. Roll Call
      iii. Study Sessions/Workshops/Scoping Sessions
      iv. Pledge of Allegiance
v. Invocation  
vi. Presentations  
vii. Public Comments – Non-Agenda Items and Non-Public Hearing Agenda Items  
viii. City Manager’s Report  
ix. Announcements, Committee Reports, Council Reports  
ix. Additions and Deletions*  
xi. Closed Sessions  
xii. Consent Calendar  
xiii. Public Hearings (Includes Public Comments on Public Hearing Items)  
xiv. Council Business  
xv. Adjournment  

* Additions to the agenda are limited by California Government Code Section 54954.2 (of the Brown Act).  

d. Public Comments  

i. Public Comments – All Agenda and Non-Agenda Items, Except Public Hearings: Each meeting agenda shall include a single item providing for members of the public to address the City Council on items of interest to the public and within the subject matter jurisdiction of the City Council, and on all agendized items other than public hearings. The total time for public comments shall be limited to a maximum period of one hour. If 20 or fewer requests to provide public comments are submitted, each speaker shall be limited to three minutes. If between 21 and 30 speakers submit public comments, each speaker shall be limited to two minutes. If more than 30 speakers submit public comments, each speaker shall be limited to 90 seconds. The time limit per speaker shall be established based on the number of requests to speak submitted to the City Clerk before the first speaker is called. Requests to speak submitted after the first speaker is called shall receive 90 seconds. These time limits may be shortened or extended, or a cumulative limit on the time for all public speakers may be imposed, at the discretion of the Mayor or by a majority vote of the City Council.  

The City Council shall not discuss items which are raised by the public as a part of the public comment period and not included within the posted agenda.  

ii. Public Hearing Items: Public comments on public hearing items shall occur during the public hearing. The total time for public comments on public hearing items shall be limited to a maximum period of one hour. If 20 or fewer requests to provide public comments are submitted, each speaker shall be limited to three minutes. If between 21 and 30 speakers submit public comments, each speaker shall be limited to two minutes. If more than 30 speakers submit public comments, each speaker shall be limited to 90 seconds. The time limit per
speaker shall be established based on the number of requests to speak submitted before the first speaker is called. Requests to speak submitted after the first speaker is called shall receive 90 seconds. These time limits may be shortened or extended, or a cumulative limit on the time for all public speakers may be imposed, at the discretion of the Mayor or by a majority vote of the City Council.

iii. **Unused Time:** For all categories of public comments, public speakers may not transfer unused time to another public speaker.

iv. **Groupings of Commenters:** For all categories of public comments, whenever a group of persons wishes to address the City Council on the same subject matter, it shall be proper for the presiding officer to request that the group appoint a spokesperson to address the City Council. If the group does not appoint a spokesperson, or if members of the group other than the spokesperson, seek to address the City Council, the presiding officer may limit the numbers of such speakers so as to avoid unnecessary repetition before the City Council.

v. **Multi-Media:** For all categories of public comments, when using multi-media presentations, the following rules shall apply: (1) the presentation shall be provided in a time and format specified by the City Clerk and described on posted agendas, (2) multi-media presentations shall not include testimony from another person providing public comments, (3) a single multi-media presentation shall not be divided among multiple multi-media presenters, (4) unless otherwise directed by the Mayor or a majority vote of the City Council, all multi-media public comments shall be taken last in order.

e. **Announcements, Committee Reports, and Council Reports:** Announcements, Committee Reports, and Council Reports shall be limited to a maximum of 15 minutes, 3 minutes per member of the City Council. In addition, the Mayor shall receive any necessary additional time to deliver announcements of community events and opportunities.

f. **Consent Agenda:** Items of a routine nature will be considered under the Consent Calendar and will be acted upon as one item. Any member of the City Council shall have the right to remove any item from the Consent Calendar for separate discussion.

g. **Reordering:** Recognizing the occasional need to rearrange the order of business, it shall be done at the discretion of the Mayor or by a majority vote of the City Council.

h. **City Council Questions, Comments, and Deliberation:** City Council questions, comments, and deliberations shall be conducted in rounds, with each councilmember receiving an opportunity to speak in each round. Speaking time shall be limited to five
minutes per councilmember per round. That time limit may be shortened or extended at the discretion of the Mayor or by a majority vote of the City Council.

2. **Decorum**

Public Safety will assign at least one (1) officer to remain present through all City Council meetings. His/her responsibilities will include: security; maintaining the peace at all times; enforcement of the no smoking regulation; escorting Councilmembers to their vehicles if need be; and general enforcement of any order given by the Chief of Police or City Manager. The officer shall at all times be noticeably visible to the public and City Council.

3. **Seating Arrangements**

The seating arrangement for the City Council shall be determined by the Mayor, unless overturned by a majority vote of the City Council. (Adopted by City Council action on 4-08-75.)

4. **Motions**

Whenever possible, motions of a substantive nature shall be drafted, copied and distributed on the dais at least one (1) hour prior to a City Council meeting at which the motion is to be considered. Councilmembers must be notified by phone or in person that new material awaits them. This distribution and notification notice does not automatically indicate that appropriate time has been given for individual Councilmember’s or staff’s consideration, but serves to help address last minute information.

5. **Voting**

By City Council action roll call votes shall be taken by the use of electronic voting lights, unless otherwise mandated by law or directed by the Mayor.

6. **Supplemental Information**

Councilmembers who wish to present supplemental information at a City Council meeting, i.e., overheads, visuals, handouts, etc., should provide that information to the City Manager no less than 4 hours prior to the scheduled City Council meeting to insure adequate time to arrange for the presentation.
7. **Applicability to Commissions and Committees**

These policies and procedures shall apply to all City commissions and committees (to the extent they are otherwise subject to the Brown Act). When applying these policies to City commissions and committees, the word “commissioner” or “committee member” shall be substituted for the word “councilmember” and the word “presiding officer” shall be substituted for the word “mayor.” In the event of any inconsistency between these policies and any adopted rule or regulation of a City commission or committee (e.g., bylaws), this policy shall control.
ORDINANCE NO. 22-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE REVISING DIVISION 15 OF TITLE 1 OF THE IRVINE MUNICIPAL CODE - PUBLIC MEETINGS AND PUBLIC RECORDS AND MAKING MODIFICATIONS TO CHAPTER 2-1 (GENERAL) OF DIVISION 2 OF TITLE 1, CHAPTER 2-3 (RULES OF ORDER) OF DIVISION 2 OF TITLE 1, CHAPTER 4-1 (IN GENERAL) OF DIVISION 4 OF TITLE 1; CHAPTER 4-2 (IN GENERAL), CHAPTER 4-2 (COMMISSIONS), AND CHAPTER 4-3 (COMMITTEES) OF DIVISION 4 OF TITLE 1, DIVISION 13 (FINANCIAL COMMISSION) OF TITLE 2, DIVISION 3 (COMMUNITY SERVICES COMMISSION) OF TITLE 3, DIVISION 3 (PLANNING COMMISSION) OF TITLE 5, AND CHAPTER 9 (TRANSPORTATION COMMISSION) OF DIVISION 3 OF TITLE 6 OF THE IRVINE MUNICIPAL CODE

WHEREAS, the City has a duty to serve the public and to accommodate those who wish to obtain information about or participate in the City’s decision-making processes; and

WHEREAS, the City Council, City Commissions, and City Committees exist to conduct the people’s business; and

WHEREAS, the City Council recognizes and appreciates the enormous value of direct, active participation by citizens in their government, and of the primary importance of guaranteeing public access to and participation in the operation and development of the community; and

WHEREAS, Government Code section 54953.6 provides “Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in [the Brown Act]. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body”; and

WHEREAS, the City has historically met and exceeded the requirements of California’s open meeting law, the Ralph M. Brown Act (Government Code §§ 54950 et seq. [Brown Act]), regarding the timelines for posting meeting agendas for special meetings, and generally exceeds the Brown Act requirements for posting meeting agendas for regular meetings; and

ATTACHMENT 2
WHEREAS, the City Council values and appreciates the input and participation of members of the public in the open meeting process, and believes that providing notice beyond the minimum requirements set forth in the Brown Act makes public participation easier and more meaningful; and

WHEREAS, revisions to the Irvine Municipal Code that will preserve public transparency while also streamlining the conduct of City business in a manner that maintains ample opportunities for participation and accountability in public processes include: (a) providing seven days advanced publication of regular meeting agendas; (b) clarifying that the Rules of Order applicable during City Council meetings apply equally to all City commissions and committees; and (c) clarifying the process for ordering agenda items and providing public comments during City Council meetings.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2: Division 15 of Title 1 Public Meetings and Public Records is hereby replaced to read in full as follows:

Division 15 of Title 1

PUBLIC MEETINGS AND PUBLIC RECORDS

Sections:

Sec. 15-1-101 Findings and purpose.

Sec. 15-1-102 [Reserved]

Sec. 15-1-103 Definitions.

Sec. 15-1-104 Meetings to be open and public – Application of Brown Act.

Sec. 15-1-105 [Reserved]

Sec. 15-1-106 Conduct of business – Time and place for meetings.

Sec. 15-1-107 Notice and agenda requirements – Special meetings.

Sec. 15-1-108 Notice and agenda requirements – Regular meetings.

Sec. 15-1-109 Conduct at meetings.

Sec. 15-1-110 Minutes and recordings.
Sec. 15-1-111 Responsibility for implementation and administration.

Sec. 15-1-101 Findings and purpose.

The Irvine City Council finds and declares:

A. The City has a duty to serve the public and to accommodate those who wish to obtain information about or participate in the decision-making process. The City, the City Council, City Commissions and City Committees exist to conduct the people’s business.

B. The City Council, in prescribing the provisions of this division, hereby states its recognition of the enormous value of direct, active participation by citizens in their government, and of the primary importance of guaranteeing public access to and participation in the operation and development of the community.

C. The provisions of this division shall be interpreted to further the intent of the City Council to assure that the City’s deliberations and operations are open to the public. This division is intended to clarify and supplement the Irvine City Charter, the Ralph M. Brown Act, and the California Public Records Act to assure that the people of the City of Irvine can be fully informed and thereby retain control over the instruments of local government in their city.

Sec. 1-15-102. [RESERVED]


Words or phrases in this division shall be defined pursuant to the Ralph M. Brown Act, Government Code § 54950 et seq. and the Public Records Act, Government Section 6250 et seq. unless otherwise specified as follows:

A. *Agenda* means the agenda of a local body which has scheduled a meeting. The agenda shall meet the requirements of Government Code § 54954.2. For closed sessions, the agenda shall meet the requirements set forth in Government Code § 54954.5. The agenda shall contain a brief, general description of each item of business to be transacted or discussed during the meeting and shall avoid the use of abbreviations or acronyms not in common usage and terms whose meaning is not known to the general public. The agenda may refer to explanatory documents, including but not limited to, correspondence or reports, in the agenda related material. A description of an item on the agenda is adequate if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item.
B. *Agenda related materials* means the agenda, all reports, correspondence and any other document prepared and forwarded by staff to any local body, and other documents forwarded to the local body, which provide background information or recommendations concerning the subject matter of any agenda item.

C. *Local body* means the Irvine City Council, and every commission and committee of the City of Irvine that is otherwise subject to the Ralph M. Brown Act, Government Code § 54950 *et seq.* “Local body” shall not mean any congregation or gathering which consists solely of employees of the City of Irvine.

D. *Meeting* shall have the meaning set forth in Government Code § 54952.2(b)(1).

E. *Notice* means the posting of an agenda in a location that is freely accessible to the public 24 hours a day and as additionally specified in Section 1-15-107 and Section 1-15-108.

F. *On line* means accessible by computer without charge to the user.

G. *Software or hardware impairment* means a circumstance where the City is unable to utilize computer software, hardware and/or network services to produce agendas, agenda related material or to post agendas on-line due to inoperability of software or hardware caused by the introduction of a malicious program (including but not limited to a computer virus), electrical outage affecting the City’s computer network, or unanticipated system or equipment failure. “Software or hardware impairment” may also include situations when the City is unable to access the internet due to required or necessary maintenance or the installation of system upgrades that necessitates de-activating the system network; however, the City shall make reasonable efforts to avoid a delay in the preparation, distribution, or posting of agendas and agenda related material as a result of required or necessary maintenance or installation of system upgrades.

**Sec. 1-15-104. Meetings to be open and public—Application of Brown Act.**

All meetings of local bodies specified in Section 1-15-103(C) shall be open and public, to the same extent as if that body were governed by the provisions of the Ralph M. Brown Act (Government Code § 54950 *et seq.*) unless greater public access is required by this division, in which case this division shall be applicable.

**Sec. 1-15-105. Reserved.**

A. Every local body, or the authority creating each local body, shall establish by formal action the time and place for holding regular meetings and shall conduct such regular meetings in accordance with such formal action.

B. Except as otherwise authorized by the Ralph M. Brown Act (Government Code § 54950 et seq.), regular and special meetings of local bodies shall be held within the City of Irvine.

C. If, because of fire, flood, earthquake, or other emergency, it would be unsafe to meet in the customary location, the meetings may be held for the duration of the emergency at some other place specified by the City Manager or his or her designee. The change of meeting site shall be announced, by the most rapid means of communication available at the time, in a notice to media organizations who have requested written notice of meetings.


A. Seven-day advance notice requirement. Local bodies shall provide notice no later than seven (7) days before the date of each of their respective regular meetings by:

1. Posting a copy or image of the agenda in no fewer than four (4) locations freely accessible to the public twenty-four (24) hours per day;

2. Making a copy or image of the agenda available in the City Clerk’s office and at the Irvine Police Department during regular business hours; and

3. Posting a copy or image of the agenda on-line on the City’s website; provided, however, the failure to timely post a copy or image of the agenda online because of software or hardware impairment shall not constitute a defect in the notice for a regular meeting, if the local body complies with all other posting and noticing requirements.

B. Agenda Modifications Prior to Brown Act Deadline. Notwithstanding the notice provisions of Section 1-15-107(A), agendas for the local bodies may be amended or supplemented up to seventy-two (72) hours before a regular meeting to add an item that requires or would materially benefit from action prior to the next regularly-scheduled meeting of the local body, to add an item at the request of the Mayor or members of the City Council in a manner consistent with an adopted City Council policy and/or procedure, to continue an agendized item to a future regular meeting of the local body, or to remove any item from a posted agenda.
C. **Action on items not appearing on the agenda.** Except as otherwise provided in Government Code § 54954.2, no action shall be taken on matters not appearing on the posted agenda.

D. **Future meeting.** Nothing in this section shall prohibit the local body from taking action to schedule items for a future meeting to which regular or special meeting notice requirements will apply.

E. **Conforming documents and errata.** Nothing in this section shall prohibit the City Attorney from conforming a document to comply with technical requirements as to form and legality, nor shall this section prohibit the distribution of an errata prepared by City staff to make corrections or clarifications to, or to provide supplemental information for, published agenda materials.

F. **Submittal of additional documents.** The City Manager, City Attorney, City Clerk and their designees, in their capacities with the City, shall diligently attempt to submit public agenda related materials to the City Clerk or other responsible department in sufficient time to meet the deadlines of this section and Section 1-15-108. However, the referenced officers may submit additional documents to the local body, and that body may accept the documents if such information are relevant to the local body’s decision making process. Documents submitted by outside parties may be distributed to and accepted by the local body at any time prior to or during the subject meeting. Documents submitted by outside parties prior to the meeting shall be made available to the public at the subject meeting. Documents submitted by outside parties at the meeting shall be made available to the public the following business day. Nothing in this section or in any other provision of this division shall be interpreted to require that the City Manager, City Attorney or City Clerk submit to the City Clerk any documents that are not public records.

A. Special meetings of the local body may be called at any time by the presiding officer thereof or by a majority of the members thereof in accordance with the Ralph M. Brown Act (Government Code § 54950 et seq.).


A. The Rules of Order of the City Council, as provided in Chapter 3 of Division 2 of this title, and the City Council Policies and Procedures for agendas and meetings, any amendments thereto, shall govern all proceedings of local bodies and are hereby incorporated into this division; provided, however, that references to the “Mayor” shall refer to the presiding officer of each local body, and references to “City Council” and/or “Council” shall refer to the local body.

B. No local body shall abridge or prohibit public criticism of the policies, procedures, programs or services of the local body or agency, or of any other aspect of its proposals or activities, or of the acts or omissions of the local body, even if the criticism implicates the performance of one or more public employees. Nothing in this subsection shall change the operation of law in the area of defamation.

Sec. 1-15-110. Minutes and recordings.

A. The City Council shall make a visual and audio recording of every open meeting. All other local bodies shall make an audio recording of every open meeting. Any recording of any open meeting shall be a public record subject to inspection and copying and shall not be erased, deleted or destroyed for at least five (5) years, provided that if during that five-year period a written request for inspection or copying of any recording is made, the recording shall not be erased, deleted or destroyed until the requested inspection or copying has been accomplished. A copy of any such recording shall be provided, free of charge, upon request.

B. All local bodies shall record the minutes for each regular and special meeting convened under the provisions of this division. The minutes of the City Council shall be kept by the clerk of the local body with a record of each particular type of business transacted set off in paragraphs, with proper subheadings; provided that the clerk of the local body shall be required to make a record only of such business as was actually passed by a vote of the local body, and shall not be required to record any remarks of a member of the local body, or of any other person, except at the special request of a
member of the local body (per Section 1-2-311(E)); provided, further, that a record shall be made of the names of persons addressing the local body, the title of the subject matter to which the remarks related, and whether they spoke in support of or in opposition to such matter.


A. The City Manager shall administer and coordinate the implementation of the provisions of this division for all local bodies, agencies and departments under his or her authority, responsibility or control.

B. The City Clerk or other responsible department shall timely post all agendas and shall make available for immediate public inspection and copying all agendas and agenda-related material filed with it.

Sec. 1-15-111. Precedence.

In the event of any inconsistency between this Division and any bylaws or procedures of any City Commission or committee, this Division shall control.

SECTION 3. Division 2 of Title 1 City Council is amended as follows and shall in all other respects remain in full force and effect:

CHAPTER 2-1

GENERAL

Sec. 1-2-102. Special Meetings.

Special meetings may be called by the Mayor or a majority of the members of the City Council pursuant to the notice and agenda requirements for special meetings set forth in Chapter 2 of Division 15 of this Title, and Government Code § 54956. Only matters contained in such notice may be considered and only urgency ordinances may be adopted. No regular ordinances or orders for payment of money shall be considered at such special meetings.

Sec. 1-2-103. Public meetings.

All meetings of the City Council shall be open to the public and comply with the Ralph M. Brown Act (Government Code § 54950 et seq.) and the Irvine Sunshine Ordinance (with Division 15 of this Title 1), except “closed session” matters, as provided by law. Such closed sessions may be held only during the course of a duly called meeting.
CHAPTER 2-3
RULES OF ORDER

Sec. 1-2-301. Agenda.

All meetings of the City Council shall be noticed via posting of the agenda in accordance with the notice and agenda requirements set forth in the Irvine Sunshine Ordinance (Division 15 of this Title 1). Except as provided in Section 15-1-107 and/or as otherwise provided in Government Code § 54954.2, no action shall be taken on matters not appearing on the posted agenda.

Sec. 1-2-309. Preparation of minutes.

The minutes of the City Council shall be kept by the City Clerk with a record of each particular type of business transacted set off in paragraphs, with proper subheadings; provided that the City Clerk shall be required to make a record only of such business as was actually passed by a vote of the Council, and shall not be required to record any remarks of a member of the Council, or of any other person, except at the special request of a member of the Council (Section 1-2-311(E) is applicable); provided, further, that a record shall be made of the names of persons addressing the Council, the title of the subject matter to which the remarks related, and whether they spoke in support of or in opposition to such matter. Such minutes shall meet the minimum standards set forth in Chapter 2 of Division 2 of this Title, Section 15-1-108(B) (Minutes and Recordings).

Sec. 1-2-313. Addressing the Council.

A. Securing permission, right to address Council. Any person desiring to address the City Council shall first secure the permission of the presiding officer so to do; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested person shall have the right to address the Council upon obtaining recognition by the presiding officer:

1. **Staff reports.** Interested parties or their authorized representatives may address the Council with regard to written communications referred to in the report of the City Manager or any department head.

2. **Public hearings.** Interested persons or their authorized representatives may address the Council in regard to matters then under consideration.

3. **Oral communications.** Taxpayers or residents of the City, or their authorized representatives, may address the Council by oral communication on any matter concerning the City’s business, or any matter over which the Council has control; provided, however, that
preference shall be given to those persons who have notified the City Clerk of their desire to speak in order that the same may appear on the agenda of the Council.

B. **Manner of addressing of Council; time limit, spokesman spokesperson for group.** Each person addressing the Council on agendized items and non-agendized items that are within the subject matter jurisdiction of the City shall step up to the microphone in front of the rail, give his or her name and address in an audible tone of voice for the record, and limit his or her comments to three minutes, unless further time is granted by the presiding officer. With respect to public comments on items on the consent calendar, or public comments on non-agendized items, each person addressing the Council shall limit his or her remarks to three minutes, unless further time is granted by the presiding officer. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than a member of the Council, and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.

Whenever a group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters that have been presented at the time by any other member of said group, to limit the numbers of persons addressing the Council, so as to avoid unnecessary repetition before the Council.

B. **Addressing the Council after close of public hearing.** After a public hearing has been closed and before action is taken by the Council, no person shall address the Council without first securing the permission of the presiding officer so to do.

**Sec. 1-2-314. Decorum.**

A. **By Council members.** While the Council is in session, the members must preserve order and decorum; and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any member while speaking or refuse to obey the orders of the Council or the presiding officer, except as otherwise herein provided.

B. **By other persons.** Persons who substantially impair or disturb a City Council meeting by intentionally committing acts in violation of the provisions hereof or of implicit customs or usages governing the conduct of City Council meetings. 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. Each person who addresses the City Council shall
do so in an orderly manner and shall not make personal, impertinent,
slanderous or profane remarks to any member of the City Council, staff or
general public. Any person who makes such 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 City Council meeting shall, at the discretion of the presiding officer
or a majority of the City Council, be barred from further addressing the City
Council at the meeting. If such conduct thereafter continues so as to disrupt
the orderly conduct of the public's business, the Mayor shall order the
person removed from the City Council chambers. Aggravated cases may
be prosecuted on appropriate complaint signed by the Mayor, a member of
the City Council or any other authorized City representative. The members
of Council may, pursuant to Government Code § 54957.9, order the meeting
room cleared and continue with the session when the orderly conduct of the
meeting becomes unfeasible and order cannot be restored.

SECTION 4. Division 4 of Title 1 Commissions and Committees is amended as
follows and shall in all other respects remain in full force and effect:

CHAPTER 4-1
IN GENERAL

Sec. 1-4-104. Application of State law and the Irvine Sunshine Ordinance and
Irvine Municipal Code Enhancements to State Law.

All commissions and committees shall be subject to those sections of the California
Government Code known as the “Ralph M. Brown Act” (Government Code § 54950 et seq.), and shall conduct their business in conformity therewith. All local bodies as defined in Section 15-1-103(C) shall comply with the additional requirements of Division 15 of
Title 1 the Irvine Sunshine Ordinance, and shall conduct their business in conformity
therewith.

CHAPTER 4-2
COMMISSIONS

Sec. 1-4-207. Meetings.

The commission shall meet at such times as may be established by the City Council.
All meetings shall be opened to the public and shall conform to the provisions of the “Ralph
M. Brown Act” (Government Code § 54950 et seq.) and to the extent such commission
constitutes a local body under Section 15-1-103(C), it shall comply with the additional
requirements of the Division 15 of Title 1 the Irvine Sunshine Ordinance. Special meetings
may be called by the chair of the commission or upon the written request of at least a majority of its members.

Sec. 1-4-208. Procedures.

A. Unless otherwise specifically provided by law or elsewhere in the Code, including the provisions of Division 15 of Title 1 the Irvine Sunshine Ordinance, Robert’s Rules of Order, Newly Revised, shall govern the general conduct of meetings of commissions. The adoption of Robert’s Rules of Order is for the purpose of establishing a procedural framework for the conduct of meetings only. Any failure to adhere thereto shall in no way affect the validity of any action taken by the commission.

B. It shall be the duty of each commissioner to take an active part in the commission’s deliberation and to act in whatever capacity the commissioner may be called. Absence from three consecutive meetings without the formal consent of the commission shall be deemed to constitute the retirement of the commissioner, and the position shall automatically become vacant.

CHAPTER 4-3

COMMITTEES

Sec. 1-4-302. Structure.

The structure, composition, number of members, manner of their appointment or selection, and other matters necessary to the creation and operation of each committee shall be determined in each case by the authority which establishes such committee, subject, however, to compliance with this division and Division 15 of Title 1 the Irvine Sunshine Ordinance.

SECTION 5. Division 13 of Title 2 Finance Commission is amended as follows and shall in all other respects remain in full force and effect:

Sec. 2-13-108. Meetings and procedures.

A. The Finance Commission shall meet regularly at least once each month, at a time and place to be fixed by the City Council, and shall hold such other meetings as from time-to-time shall be called in the manner and form required by law, including the provisions of Division 15 of Title 1 the Irvine Sunshine Ordinance.
B. The meetings and procedures of the Finance Commission shall be subject to and governed by the resolutions and ordinances of the City Council establishing rules and regulations for commissions and committees.

**SECTION 6.** Division 3 of Title 3 Community Services Commission is amended as follows and shall in all other respects remain in full force and effect:

Sec. 3-3-109. Meetings and procedures.

A. The Community Services Commission shall meet regularly at least once each month, on a day to be fixed by the City Council, and shall hold such other meetings as from time-to-time shall be called in the manner and form required by law, including the provisions of Division 15 of Title 1 the Irvine Sunshine Ordinance.

B. The meetings and procedures of the Community Services Commission shall be subject to and governed by the rules and regulations for commissions and committees set forth in Chapter 2 of Division 4 of Title 1 of the Code.

**SECTION 7.** Division 3 of Title 5 Commission (Planning) is amended as follows and shall in all other respects remain in full force and effect:

Sec. 5-3-107. Meetings and procedures.

A. The Planning Commission shall meet regularly at least once each month, on a day and place to be fixed by the City Council, and shall hold such other meetings as from time-to-time shall be called in the manner and form required by law, including the provisions of Division 15 of Title 1 the Irvine Sunshine Ordinance.

B. The meetings of the Planning Commission shall be subject to and governed by the rules and regulations for commissions and committees set forth in Chapter 2 of Division 4 of Title 1 of the Code.

**SECTION 8.** Chapter 9 of Division 3 of Title 6 (Transportation Commission) is amended as follows and shall in all other respects remain in full force and effect:

Sec. 6-3-906. Meetings and procedures.

A. The Transportation Commission shall meet regularly twice per month, on a day and place to be fixed by the City Council, and shall hold such other meetings as from time-to-time as called in the manner and form required by law, including the provisions of Division 15 of Title 1 the Irvine Sunshine Ordinance.
B. The meetings and procedures of the Transportation Commission shall be subject to and governed by the rules and regulations for commissions and committees set forth in Chapter 2 of Division 4 of Title 1 of the Code, as well as any bylaws which are approved by the City Council.

SECTION 9. CEQA Determination. In adopting this Ordinance, the City Council finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Sections 15061(b)(3) and 15378, in that it can be seen with certainty that the Municipal Code amendments propose no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

SECTION 10: This Ordinance shall become effective thirty (30) days after adoption.

SECTION 11: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 12. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Irvine, California, on the ____ day of _______________, 2022.

________________________________
MAYOR OF THE CITY OF IRVINE

ATTEST:

________________________________
CITY CLERK OF THE CITY OF IRVINE
I, CARL PETERSEN, City Clerk of the City of Irvine HEREBY DO CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the _____ day of ______________________, 2018, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

______________________________
CITY CLERK OF THE CITY OF IRVINE