



## Item No. 6 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: ANTHONY SUBER, DEPUTY CITY MANAGER/ CITY CLERK**

**DATE: NOVEMBER 15, 2023**

**SUBJECT: REVIEW MEETING PROTOCOL REVISIONS**

### **RECOMMENDATION**

Adopt amended Town of Atherton meeting protocols and rules of procedure.

### **BACKGROUND | ANALYSIS**

As a result of disruptive impacts from the occurrence of hate speech through remote public comment during the September 20, 2023 City Council meeting and other Town legislative body meetings, the Council received a report at the October 18, 2023 meeting with suggested revisions to the Town's meeting protocols and rules of engagement during the public comment portions of meetings. Council provided direction to staff and requested that staff return with revisions to the City Council Rules of Procedures – Attachment 1 and Council Code of Conduct – Attachment 2.

In addition to the proposed revisions listed below to the City Council Rules of Engagement and Code of Conduct, staff has prepared a brief statement to be included on all Brown Act meeting agendas which may be announced during meetings. City Council meetings and all Committee and Commission meetings are considered "limited public forums", which means the agency can regulate the time, place, and manner of speech. Furthermore, any public comment must relate to Town business, as compared to abstract comments on world affairs or matters that have no bearing on the Town's jurisdiction or powers. The Brown Act empowers the Council to adopt reasonable regulations, including time limits, but cannot prohibit public criticism of the policies, procedures, program, or services of the Town, including the acts or omissions of the legislative body.

Furthermore, on August 22, 2022, the Governor adopted Senate Bill 1100, which addresses orderly conduct at public meetings. This legislation, which has been codified in the Brown Act, authorizes the presiding member of the body conducting a meeting to remove, or cause the removal, of an individual disrupting the meeting. However, prior to any removal, a warning must first be provided.

### Public Announcement and Agenda Language

*Please note that the Town of Atherton Council and Committee or Commission meetings are a limited public forum, and all public comment must relate to something that is within the subject matter jurisdiction of the Council or Committees. If comments do not relate to the subject matter jurisdiction of the Council or Committee, we will stop the comment and provide a warning. If the comment continues to be outside of the subject matter jurisdiction the speaker will be stopped, and we will move on to the next speaker. Speakers found in violation of this rule of procedure may be removed from the meeting.*

The Rules of Procedure listed as Appendix A to the City Council Handbook and included as Attachment 1 was last revised in March 2014. The following are proposed revisions for Council consideration and adoption.

### Rules of Procedure Revisions

5.2 Personal and Slandorous Remarks The Mayor (and other presiding members of other Town bodies) shall discourage demonstrations before them, such as applauding or "booing". Upon instructions by the presiding member, a Sergeant-at-Arms may be appointed for the purpose of removing any person who, in the presiding member's judgment, has violated the rules of conduct and has disrupted, disturbed, or impeded the orderly conduct of the meeting. The Town does not tolerate hate speech, threats, or behaviors or speech that disrupt the meeting. For purposes of this section, disruptive behavior as behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," including but not limited to, behavior that, (1) violates one of the governing body's regulations addressing the conduct of open meetings, or (2) a reasonable observer would perceive as a threat to use force by that member of the public. The presiding officer, assisted by staff will provide a warning to meeting participant in violation of this rule. If the member does not immediately cease the violating conduct, they may be removed from the meeting.

The Council Code of Conduct listed as Appendix B in the City Council Handbook and included here as Attachment 2 was last revised in March 2014. The following are proposed revisions for Council consideration and adoption.

### Code of Conduct Revisions

#### **5. Conduct of Public Meetings**

Councilmembers shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand. The City Council, Commissions and Committees will distinguish between free speech and malicious innuendo or personal, insulting, slanderous attacks and will not tolerate verbal abuse of any Council members, Commissions or Committee members, or staff, either from the floor or from each other. It is the responsibility of the Chair, and, if necessary, all the members of the Council, Commissions and Committees, to enforce and maintain decorum at meetings. The Town does not tolerate hate speech, threats, or behaviors or speech that disrupt the meeting. For purposes of this section, disruptive behavior is behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," including but not limited to, behavior that, (1) violates one of the governing body's

regulations addressing the conduct of open meetings, or (2) a reasonable observer would perceive as a threat to use force by that member of the public. The presiding officer, assisted by staff will provide a warning to meeting participant in violation of this rule. If the member does not immediately cease the violating conduct, they may be removed from the meeting.

### **FISCAL IMPACT**

None.

### **GOAL ALIGNMENT**

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area E – Strengthen Community Engagement and Transparency
- Goal Area F – Be Forward-Thinking, Well-Managed, and Well-Planned

### **POLICY FOCUS**

The City Council are committed to community engagement and transparency. The Council's commitment to offering residents the maximum amount of access to engagement and public discourse has led the conversation related to revising the Council rules of engagement and code of conduct.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service providers (water, power, and sewer), and regional elected officials.

### **COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item has not been before a Town Committee or Commission

### **ATTACHMENTS**

1. Appendix A – Rules of Engagement
2. Appendix B – Code of Conduct