

# CLA MEMORANDUM

DATE: September 13, 2018

Assignment: 18-09-0867

TO: City Clerk  
Room 395, City Hall

FROM: Sharon M. Tso   
Chief Legislative Analyst

## Points Pertaining to Proposed Change to Council Rules (CF 16-1104-S1)

Transmitted herewith is a listing of points / authorities compiled by the City Attorney with the assistance of my office pertaining to the proposed change to the Rules of the City Council (Motion Wesson, et al. - Huizar et al.).

It is requested that this document be attached to and made a part of the record on this matter (CF 16-1104-S1).

SMT:ak

## POINTS PERTAINING TO PROPOSED CHANGE TO COUNCIL RULES (CF 16-1104-S1)

- ▶ The Council desires to amend its rules in the most narrowly tailored manner that will still deter individuals from chronically disrupting Council and committee meetings, thereby impeding the orderly conduct of those meetings including negatively impacting the ability of other members of the public to exercise their Brown Act right to speak to their elected representatives on matters before the Council and committees.
- ▶ The State legislature enacted the Brown Act in order to increase public participation at meetings of legislative bodies throughout the State of California.
- ▶ The Brown Act accomplishes that purpose by requiring legislative bodies to create at their meetings limited public fora for comment by members of the public.
- ▶ The Brown Act specifically requires a legislative body at each of its meetings to hold a public hearing affording members of the public the opportunity to address the legislative body on any agenda-item that has not already received public comment.
- ▶ The Brown Act additionally requires a legislative body at each of its regular meetings to hear general comment affording members of the public the opportunity to address the legislative body on any matter within the body's subject matter.
- ▶ The Rules of the Los Angeles City Council implement these Brown Act's requirements at City Council and committee meetings.
- ▶ It is the Brown Act, and not the First Amendment to the United States Constitution or the Free Speech Clause of the California Constitution, that requires legislative bodies in California to create limited public fora for public comment.
- ▶ Under the First Amendment and Free Speech Clause, the Council may enforce content-based regulations, including rules of decorum, within Brown-Act created fora, as long as the regulations are view-point neutral and reasonable in light of the purpose served by the fora.
- ▶ The Council therefore may and does, for example, require public speech be non-repetitive and germane to an agenda-item or, during general public comment, to a matter within the subject matter jurisdiction of the City or committee.
- ▶ Neither the Brown Act nor the First Amendment nor the Free Speech Clause permits a member of the public to disrupt a meeting of a legislative body.
- ▶ A presiding officer at a Council or committee meeting may eject a member of the public who actually disrupts the meeting.
- ▶ The number of disruptions at Council and committee meeting have recently increased, and these disruptions are often caused by the same few individuals.
- ▶ Despite enforcement of the Council's current rules, individuals have repeatedly disrupted multiple meetings on the same day and/or have repeatedly disrupted multiple meetings on successive days.
- ▶ These same few individuals, by impeding the orderly conduct of the meeting, can deter other members of the public from attending meetings and/or taking the opportunity provided under the Brown Act to provide comment.
- ▶ Individuals who abuse certain rights may forfeit them for a period of time.
- ▶ Individuals ejected from Council or committee meetings may still review recordings of the meetings via the City's website, and may submit comments to the Council or committee members also via the City's website.