

MOTION For Tuesday October 2, 2018

I MOVE pursuant to Rule 77 that, in light of the attached facts and findings prepared by the City Attorney, the Council adopt the following changes to the Rules of the Los Angeles City Council, with these changes to be effective on January 1, 2019:

Council Rule 7: Add the following to the end of Rule 7:

Disruptions

*A member of the public who disrupts and is ordered removed from a Council meeting or a Committee meeting shall be excluded from the remainder of that meeting.*

*A member of the public excluded from a Council or Committee meeting who then disrupts and is ordered removed from any Council or Committee meeting later that day or during any of the following 3 business days shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following business day.*

*A member of the public excluded from Council and Committee meetings for the following business day who then disrupts and is ordered removed from a Council or Committee meeting on any of the 3 business days immediately following the day of exclusion shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following 3 business days.*

*A member of the public excluded from Council and Committee meetings for 3 business days who then disrupts and is ordered removed from a Council or Committee meeting on any of the 3 business days immediately following the third day of exclusion shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following 6 business days.*

*A member of the public excluded from Council and Committee meetings for 6 business days who then disrupts and is ordered removed from a Council or Committee meeting on any of the 3 business days immediately following the sixth day of exclusion shall be excluded from attending all Council and Committee meetings for the remainder of that day and for the following 6 business days.*

*A business day is every calendar day on which a Council and/or Committee meeting is held.*

Council Rule 63: Add the following as a separate paragraph to the end of Rule 63:

*A member of the public who disrupts and is ordered removed from a Committee meeting shall be excluded from attending Committee and/or Council meetings as provided in Rule 7.*

PRESENTED BY:

  
HERB J. WESSON, Jr.  
Councilman, 10<sup>th</sup> District

  
MITCHELL ENGLANDER  
Councilman, 12<sup>th</sup> District

  
NURY MARTINEZ  
Councilwoman, 6<sup>th</sup> District

SECONDED BY:



SEP 28 2018

September 28, 2018ak

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## ATTACHMENT: FACTS AND FINDINGS

The number of disruptions at Council and Committee meeting have recently increased. Despite enforcement of the Council's current rules, some members of the public repeatedly disrupt multiple meetings on the same day and often multiple days each week. People who repeatedly disrupt the orderly conduct of public meetings deter other members of the public from attending public meetings and taking the opportunity provided under the Brown Act to provide comment to their elected representatives.

In order to prevent repeated and frequent disruptions of public meetings and increase public comment overall, the Council should amend the Council and Committee rules in the most narrowly tailored manner that will curb the actions of people who chronically disrupt Council and committee meetings. The following facts and findings are pertinent to the rule changes proposed in this Motion:

- 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 public 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 jurisdiction.
- The Rules of the Los Angeles City Council implement these Brown Act 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.
- Consistent with the First Amendment and Free Speech Clause, the Council may enforce content-based regulations, including rules of decorum, as long as the regulations are view-point neutral and reasonable in light of the purpose served by the Brown Act 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.
- The Brown Act, the First Amendment, and the Free Speech Clause do not permit a member of the public to disrupt a meeting of a legislative body or impair the reasonable maintenance of public safety.
- A presiding officer at a Council or Committee meeting may order removed a member of the public who actually disrupts the meeting.
- Individuals who abuse certain rights may forfeit them for a period of time.
- Individuals ordered removed from Council or Committee meetings may view and/or listen to the meetings live, while the meeting is occurring, or at a later time via the City's website; may listen to the meetings live while the meeting is occurring from any telephone; and may submit written comments, which become part of the public record, in advance, during, or after the meetings via the City's website, via the U.S. mail, or in person at the office of the City Clerk.