

ORDINANCE NO. 19-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADDING CHAPTER 2.07 (PUBLIC MEETING DECORUM) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE RELATING TO DISRUPTIVE CONDUCT AT PUBLIC MEETINGS

THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Rancho Santa Margarita hereby finds, determines, and declares as follows:

- A. The City of Rancho Santa Margarita ("City") has the authority, under its police power, to enact regulations for the preservation of the public peace, safety, morals, and welfare of the City (Cal. Const. art. XI, § 7); and,
- B. The City Council finds that conduct by persons addressing the City Council or Planning Commission during public meetings that disrupts, disturbs, or otherwise impedes the orderly conduct of such meetings prevents the City Council and the Planning Commission from conducting their business in an efficient, effective, and orderly manner, and inhibits public participation during such meetings; and,
- C. Public meetings of the City Council and Planning Commission are limited public forums, *White v. Norwalk*, 900 F.2d 1421 (9th Cir. 1990), and the City Council may adopt regulations related to conduct at public meetings that are viewpoint neutral and reasonable in light of the purposes served by the forums, *Norse v. City of Santa Cruz*, 629 F.3d 966, 975 (9th Cir. 2010); and,
- D. Prohibited conduct at public meetings must be limited to behavior that actually disrupts, disturbs, or otherwise impedes the orderly conduct of such meetings, *Acosta v. City of Costa Mesa*, 718 F.3d 800 (2013).

Section 2. Chapter 2.07 (Public Meeting Decorum) is hereby added to Title 2 (Administration and Personnel) of the Rancho Santa Margarita Municipal Code to read as follows:

Chapter 2.07

Public Meeting Decorum

Sec. 2.07.010. – Disorderly conduct at public meetings.

- (a) Any person who engages in disorderly behavior that actually disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council or Planning Commission meeting shall, upon an order by the presiding officer, law enforcement, or a majority of the respective body, be ejected and barred from further audience before the City Council or Planning Commission during that meeting, pursuant to section 2.07.020 below.
- (b) Disorderly behavior under subdivision (a) may include, but is not limited to, the following:
- (1) Speaking without being recognized by the presiding officer;
 - (2) Continuing to speak after the allotted time has expired;
 - (3) Speaking on an item at a time not designated for discussion by the public on that item;
 - (4) Throwing objects;
 - (5) Speaking on an issue that is not within the subject matter jurisdiction of the respective body;
 - (6) Attempting to engage the audience rather than the City Council or Planning Commission; and/or
 - (7) Refusing to modify conduct after being advised by the presiding officer or law enforcement that the disorderly behavior is actually disrupting, disturbing, or otherwise impeding the meeting, or disobeying any other lawful order of the presiding officer, law enforcement, or a majority of the City Council or Planning Commission.

Sec. 2.07.020. - Enforcement.

Section 2.07.010 shall be enforced in the following manner:

- (a) Call to order and warning to desist. Whenever practicable, the presiding officer, law enforcement, or a majority of the City Council or Planning Commission shall give a warning to the person who is breaching the rules of conduct to immediately cease such disruptive behavior. Such a warning should articulate the rule of conduct being violated and the manner in which the person must comply.

A warning shall not be necessary when it would not be effective under the circumstances, including when, but not limited to, the disturbance is such that the

warning cannot be heard above the noise, or the conduct of the person or persons constitutes an immediate threat to public safety, such as throwing of objects or specific threats of harm and the apparent, present ability to carry out such threats. A warning shall also not be necessary when an individual violates the rules of conduct more than once during a single City Council or Planning Commission meeting.

- (b) Order ejecting and barring person from meeting. A person who engages in disorderly behavior shall be ejected and barred from the remainder of that public meeting and directed to leave by the presiding officer, law enforcement, or a majority of the City Council or Planning Commission when that person: (i) continues the disorderly behavior after receiving a warning pursuant to subdivision (a); (ii) ceases the disorderly behavior upon receiving a warning pursuant to subdivision (a), but later during the same public meeting resumes such disorderly behavior; or (iii) engages in disorderly behavior and no warning is necessary under the circumstances, pursuant to subdivision (a).
- (c) Removal. If the person ejected and barred from the public meeting does not voluntarily remove him/herself from the public meeting upon being instructed to do so by the presiding officer, law enforcement, or a majority of the City Council or Planning Commission, then law enforcement may remove that person from the public meeting.

Sec. 2.07.030. - Violations; misdemeanor.

The following conduct shall be unlawful and shall be punishable as a misdemeanor:

- (a) Continuing to engage in disorderly behavior that actually disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council or Planning Commission meeting after receiving a warning to desist, as warranted, pursuant to Section 2.07.020(a).
- (b) Refusing to leave a City Council or Planning Commission meeting after being ejected and barred and directed to leave pursuant to Section 2.07.020(b).
- (c) Returning to a City Council or Planning Commission meeting after being ejected and barred from such meeting pursuant to Section 2.07.020(b)(c).

Section 3. 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 this 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 section,

subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

Section 4. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted as required by law.

Section 5. This Ordinance shall take effect on the thirty-first (31st) day following its adoption.

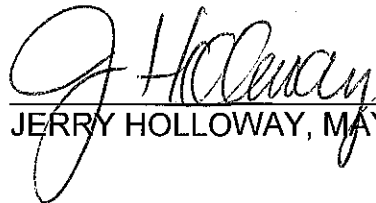
PASSED, APPROVED AND ADOPTED THIS 23RD DAY OF OCTOBER, 2019, BY VOTE AS FOLLOWS:

AYES: Council Member, Figueroa, Mayor Pro Tempore McGirr and Mayor Holloway (3)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Council Members Beall, Gamble (2)



JERRY HOLLOWAY, MAYOR

ATTEST:



AMY DIAZ, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF RANCHO SANTA MARGARITA)

I, Amy Diaz, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 19-05 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 25th day of September, 2019, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 23rd day of October, 2019.



AMY DIAZ, CITY CLERK

AFFIDAVIT OF POSTING
AND PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF RANCHO SANTA MARGARITA)

AMY DIAZ, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Rancho Santa Margarita;

That in compliance with State Laws of the State of California, ORDINANCE NO. 19-05, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADDING CHAPTER 2.07 (PUBLIC MEETING DECORUM) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE RELATING TO DISRUPTIVE CONDUCT AT PUBLIC MEETINGS

on the 1st day of November, 2019, was published in the Coto De Caza News; and was in compliance with City Resolution No. 00-01-06-07, on the 1st day of November, 2019, caused to be posted in three places in the City of Rancho Santa Margarita, to wit:

Rancho Santa Margarita City Hall
Fire Station 45
Trabuco Canyon Water District



AMY DIAZ, CITY CLERK
Rancho Santa Margarita