

ORDINANCE NO. 22-1503

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY
AMENDING AND RESTATING DOWNEY MUNICIPAL CODE ARTICLE II,
CHAPTER 1, SECTION 2106 REMOVAL FROM COUNCIL MEETING**

WHEREAS, meetings of the City Council constitute a government process with important government purposes; and

WHEREAS, the City Council has an agenda for each meeting that requires that important decisions be made for the best interest of the community and members of the public; and

WHEREAS, the City Council of the City of Downey declares that the business of the City is to be conducted in an orderly and efficient manner to facilitate thorough City Council deliberations and decision making; and

WHEREAS, behavior from the public that actually disturbs, disrupts or otherwise impedes the orderly conduct of a City Council meeting interferes with the rights of the public to speak to the City Council and observe the functioning of their government; and

WHEREAS, disruptive behavior at City Council meetings also prevents the City Council from accomplishing the peoples' business in a reasonably efficient manner, stifles participation and debate, and undermines the local democratic process; and

WHEREAS, Governor Newsom signed Senate Bill 1100 (SB 1100) into law amending the Ralph M. Brown Act (Brown Act) to provide clarification regarding the authority of a local agency's governing body to remove a disruptive member of the public from an open meeting, in order to maintain order during the meeting; and

WHEREAS, the City of Downey shall amend Municipal Code, Article II, Chapter 1, Section 2016 to align with SB 1100 procedures for removal of a disruptive member of the public from an open meeting.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. The City Council of the City of Downey hereby amends and restates Downey Municipal Code, Article II, Chapter 1, Section 2106 to read as follows:

“SECTION 2106. REMOVAL FROM COUNCIL MEETINGS.

Removal at City Council meetings shall be in accordance with the following rules:

The Mayor shall preside at the Council meeting and carry out the terms of these rules. In the event any person believes that the meeting is not being conducted in accordance with the Charter, this Code or other applicable laws, such person may bring such a concern to the attention of the City Council in accordance with the rules of this section and Section 2105, but shall not have the right to disobey such procedures. The Mayor may order, through the City Manager or his designee, the removal from the Council Chambers or other meeting place any person who, after fair warning, commits any of the following acts at a meeting of the City Council:

(a) Violates any of the provisions of Section 2105 or 2106 in such a manner as to disrupt, disturb or otherwise impede the orderly course of said meeting.

- (b) Engages in disorderly, contemptuous or insolent behavior toward the Council or any member thereof or persons addressing the Council, tending to interrupt the due and orderly course of said meeting.
- (c) Commits a breach of the peace, boisterous conduct or violent disturbance in such a manner as to disrupt, disturb or otherwise impede the orderly course of said meeting.
- (d) Disobeys any order of the Mayor, which shall include an order to be seated or to refrain from addressing the Council.
- (e) Engages in any other action or conduct, including speaking, which disrupts, disturbs or otherwise interferes with the orderly course of said meeting.
- (f) Any person so removed shall be excluded from further attendance at the meeting, unless permission to attend has been granted by the Mayor, or upon motion adopted by a majority of the Council.

SECTION 2. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 3. Upon the effective date of this amendment, the City Clerk is directed to place and maintain copies of the City Council meeting rules in the back of the Council Chambers for members of the public.

SECTION 4. The City Clerk shall certify the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

APPROVED AND ADOPTED this 13th day of December, 2022.


CLAUDIA M. FROMETA, Mayor

ATTEST:


MARIA ALICIA DUARTE, CMC
City Clerk

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES } ss:
CITY OF DOWNEY)

I HEREBY CERTIFY that the foregoing Ordinance No. 22-1503 was introduced at an Adjourned Regular meeting of the City Council of the City of Downey held on the 10th day of November, 2022, and adopted at a Regular meeting of the City Council of the City of Downey held on the 13th day of December, 2022, by the following vote, to wit:

AYES:	Council Members:	Sosa, Trujillo, Mayor Frometa
NOES:	Council Member:	None.
ABSENT:	Council Member:	Alvarez
ABSTAIN:	Council Member:	None.

I FURTHER CERTIFY that a Summary of the foregoing Ordinance No. 22-1503, was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on November 24, 2022, (before adoption), and on December 15, 2022, (after adoption, including the vote thereon). It was also posted in the regular posting places in the City of Downey on the same dates.


MARIA ALICIA DUARTE, CMC
City Clerk

