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**SOUTH BAY CITIES SERVICE COUNCIL
DECEMBER 9, 2016**

SUBJECT: PUBLIC COMMENT RULES

ACTION: ADOPT RULES FOR PUBLIC COMMENT

RECOMMENDATION

APPROVE public comment rules for South Bay Service Council meetings.

ISSUE

Virtually every governing body has a set of rules and procedures that allow for public comment to be presented to the committee or board. The rules govern requests to address the committee or board, insure that comments are directed to the chair, not individual committee or board members, and presented in a manner that facilitates open discussion.

DISCUSSION

At the Council meeting held on Friday, October 14, 2016, inappropriate comments were directed at a staff member during the public comment period. Jokes or invective about an individual, their training, or other aspect of their person or other gratuitous comments are uncalled for and should be regulated by the Committee or Board [Council] hearing the public comments. The public, Council, and staff should be able to conduct the business of the Council without being subjected to unnecessary invective or comment that adds nothing to proceedings but rather is used to demean an individual.

Metro's Board of Directors has adopted the following procedures which should serve as a model for the South Bay Council. The Metro Board has adopted the following rules and procedures:

- A. Requests To Address The Board or Committee [Council] On Agenda Items. All requests, from members of the public, to address the Board or Committee [Council] on either agenda or non-agenda items shall be submitted to the Board Secretary in writing prior to the start of each meeting. Requests to speak shall be taken in the order received, subject to the provisions in Section 1.7.C. The Board [Council] shall reserve the right to limit redundant or repetitive public comment.
- B. Addressing the Board [Council]. No person shall address the Board or Committee [Council] until he/she has first been recognized by the Chair. All persons addressing the Authority shall give their name for the purpose of the record.
- C. Removal from the Board Room. At the discretion of the Chair or upon vote of the Board [Council], the Chair may order removed [or censure a speaker] from the meeting any person who commits any of the following acts of disruptive conduct

in respect to a regular, adjourned regular or special meeting of the Los Angeles County Metropolitan Transportation Authority [Service Council]:

1. Disorderly, contemptuous or insolent behavior toward the governing board or any member thereof, [or staff member] which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting;
 2. A breach of the peace, boisterous conduct or violent disturbance, which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting;
 3. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the governing board [or staff member]; and/or,
 4. Any other unlawful interference with the due and orderly course of said meeting. Any person so removed shall be excluded from further attendance at the meeting from which he/she has been removed, unless permission to attend is granted by a motion adopted by a majority vote of the governing Board [Council], and such exclusion shall be executed by the Sergeant-at-Arms, or designee, upon being so directed by the Chair. ~~The exclusion of person(s) ordered removed from a Board [or Council] meeting shall also include the removal and exclusion from the interior of the Metro Headquarters Gateway building until the beginning of the next business day.~~ [It is at the discretion of the Council to allow the individual to remain at the meeting after censure. The motion to censure may, at the Chair's direction, also include a prohibition from further public comment at the meeting, except as in writing and in accordance with the spirit of this policy, submitted to the Council Secretary for consideration and inclusion in the record.]
- D. ~~Sergeant-at-Arms – The Sergeant-at-Arms, who shall be the Director of Security for the Los Angeles county Metropolitan Transportation Authority, in attendance at the meeting or whose services are commanded by the Chair, shall carry out all orders and instructions given by the Chair for the purpose of maintaining order and decorum at the meeting. In the absence of the Director of Security, the Sergeant-at-Arms duties shall be performed by the designated ranking Metro Security personnel, or sworn law enforcement personnel, as directed by the Chair, [and in attendance at the meeting. In the absence of sworn personnel to act as the Sergeant-at-Arms, the Chair may direct that all public comment from a censured individual be received in writing. Said censure shall remain in effect until the next regularly scheduled Service Council meeting.~~

It is recommended that the South Bay Service Council adopt the rules and procedures, modified for application to the operation of the Council. Changes in text are shown between the brackets ([]).

DETERMINATION OF SAFETY IMPACT

Adoption of these rules will have no direct effect on public, Council, or staff safety.

FINANCIAL IMPACT

There is no financial impact imparted by approving the recommended action.

ALTERNATIVES CONSIDERED

The alternative to approving this recommendation would be to continue to operate under current procedures, but leaving the determination of censure to the discretion of the Service Council Chair. This is not recommended as the attendees at Council meetings are entitled to conduct the public's business in an atmosphere of civility.

NEXT STEPS

If approved, staff will add these procedures to the published agendas so that everyone may review and abide by the modified rules.

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