

ORDINANCE NO. 1205

AN ORDINANCE OF THE CITY OF CYPRESS, CALIFORNIA
AMENDING ORDINANCE NO. 1203 AND SECTIONS 2-1 AND 2-2 OF
THE CYPRESS MUNICIPAL CODE RELATING TO THE CONDUCT OF
CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Cypress is authorized to establish rules of conduct for its proceedings pursuant to Government Code section 36813; and

WHEREAS, on March 14, 2022, the City Council adopted Ordinance No. 1193 updating the rules of conduct and decorum, as well as the order of business of City Council meetings; and

WHEREAS, the publishing company for the Cypress Municipal Code noted some inconsistencies between Ordinance No. 1193 and Cypress Municipal Code Sections 2-1 and 2-2 and subsections thereunder; and

WHEREAS, on April 10, 2023, the City Council adopted Ordinance No. 1203 repealing and replacing Ordinance 1193 and updating Sections 2-1 and 2-2 of the Cypress Municipal Code relating to the conduct of City Council meetings; and

WHEREAS, on April 24, 2023, the City Council directed changes to Ordinance No. 1203 to further refine and update Section 2-2 and subsections thereunder of the Cypress Municipal Code relating to the conduct of City Council meetings; and

WHEREAS, on July 10, 2023, the City Council directed changes to Section 2-2.9 of the Cypress Municipal Code relating to the order of business of City Council meetings, specifically changing the title of the final period of Oral Communications; and

WHEREAS, by adoption of this Ordinance, the City Council wishes to amend Ordinance No. 1203 and Cypress Municipal Code Sections 2-1 and 2-2 and subsections thereunder.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS DOES ORDAIN AS FOLLOWS:

Section 1. Amendments to Ordinance No. 1203 and Chapter 2. Sections 2-1 and 2-2, including all subsections thereunder, of the Cypress Municipal Code shall be amended in their entirety to read as follows:

2-1. City council meetings—Time of regular meetings.

The city council shall hold regular meetings at 5:30 p.m., on the second and fourth Mondays of each month. Said meetings shall be adjourned no later than 11:30 p.m., unless the majority of the council waives said adjournment time.

2-2. Same—Place.

Meetings of the city council shall be held at 5275 Orange Avenue, Cypress, or at such other locations as the city council may specify.

2-2.0. Definitions pertaining to open meeting compliance.

For the purposes of this chapter, the definitions of "legislative body," "regular meeting," and "special meeting" as set forth in Section 54950 et seq. of the Government Code of the State of California shall apply.

2-2.1. Special meetings, call.

As permitted by state law, a special meeting may be called at any time by the presiding officer of the legislative body, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body, posting on the city's website. The notice shall be delivered personally or by any other means and shall be received at least twenty-four (24) hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered

at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time of the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given in writing by electronic communication. The written notice may be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting. The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public.

2-2.2. Same—Adjourned meetings.

Any regular or adjourned regular or special meeting may be adjourned to a time certain but not beyond the next regular meeting date.

2-2.3. Same—Notice.

Notice shall be given of all meetings as required by state law.

2-2.4. Same - Agenda.

- a) The city clerk shall prepare an agenda of the council proceedings, which agenda shall be prepared in accordance with the order of business, and shall furnish each member of the council, the mayor, the city manager and city attorney with a copy of the same not less than seventy-two (72) hours prior to each regular meeting and not less than twenty-four (24) hours prior to each special meeting. Any council member wishing to add an item on the agenda shall adhere to the city council's adopted process for council members adding items to the agenda, as may be amended by the council from time-to-time. Matters that are not listed on the agenda shall not be presented to the council, except matters of an urgent or emergency nature presented by the city manager as provided by Government Code Section 54954.2.
- b) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body, including the city council, may hold an emergency meeting without complying with either the twenty-four-hour notice requirement or the twenty-four-hour posting requirement of Government Code Section 54956 or both the notice and posting requirement. Meetings held in such emergency situations shall comply with Government Code Section 54956.5.
- c) The council may take action on any item of business not appearing on the agenda pursuant to the provisions of Government Code 54954.2.

2-2.4.1. Enforcement.

The provisions of this chapter shall be enforceable pursuant to the provisions of Government Code Sections 54960 through 54960.5, as said sections may be amended.

2-2.5. Same – Presiding Officer.

The mayor shall preside at the meetings of the council and shall maintain order and decorum at all regular and special meetings of the council. The mayor shall state every question coming before the council, announce the decision of the council on all subjects, except where the city clerk makes such announcement, and decide all questions of order subject however to an appeal to the council in which event a majority vote of the council shall govern and conclusively determine such question of order.

2-2.6. City council meetings – Call to order; temporary chairperson.

The mayor, or in his/her absence the mayor pro tempore, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call

the council to order. In the absence of the mayor or mayor pro tempore, the city clerk shall call the council meeting to order, whereupon a temporary chair shall be elected by the council members present. Upon the arrival of the mayor or mayor pro tempore, the temporary chair shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

2-2.7. Same – Roll call.

Before proceeding with the business of the council, the city clerk shall call the roll of the council members and the names of those present shall be entered in the minutes.

2-2.8. Same – Quorum.

A majority of the council constitutes a quorum for the transaction of business, but a lesser number may adjourn from time to time and may cancel the meeting by a notice. The city clerk may also notice the adjournment or cancellation of a meeting for lack of a quorum.

2-2.9. Same – Order of business.

All meetings of the council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the council members, city manager, city clerk and the city attorney shall take their assigned stations in the council chambers and the business of the council shall be taken up for consideration and disposition in the following order, unless otherwise changed by resolution of the council.

1. Call to order
2. Roll call
3. Oral communications on closed session/workshop items
4. Closed session; workshop
5. Presentations
6. Oral communications on agenda items
7. Consent calendar; minutes
8. Public hearings
9. New business
10. Items removed from consent calendar
11. Continued items
12. Items from council members
13. Oral communications
14. Council member reports from city-affiliated boards and committees, and remarks
15. Council member items for future consideration
16. City manager reports
17. Adjournment

2-2.10. Same—Approved minutes as official record of proceedings.

- a) Approval of minutes. Unless the reading of the minutes of a council meeting is requested by council member, such minutes may be approved without reading if the city clerk has previously furnished each member with a copy thereof. Minutes shall be approved by voice or roll call vote.
- b) Designated as official record. The approved written minutes constitute the official record of council proceedings and actions and are superior to any other record, recordation, document, transcript, audio recording, video recording, or other memorial or writing of said proceedings and action. Any other recordings and records of council proceedings which may be deemed duplicate records shall be kept only as required by Government Code Section 34090.7 and the council's records retention policy. Audio and video recordings of council proceedings may only be destroyed with council authorization.
- c) Subsections (a) and (b) shall apply to the minutes of the meetings of any city board, commission, committee, task force, or agency after the board, commission, committee, task force, or

agency and the council have approved the same.

- d) The provisions of this section shall apply to all minutes and recordings which have been approved by the body conducting the meeting and by the council.

2-2.11. Council meetings—Rules of debate.

- a) Presiding officer may debate and vote. The mayor, or in his/her absence, such other council member as may be presiding may move, second and debate from the chair, subject only to such limitations of debate per these rules imposed on all council members and shall not be deprived of any of the rights and privileges of a council member by reason of his/her acting as the presiding officer.
- b) Getting the floor. Every council member desiring to speak shall do so only when recognized by the presiding officer and confine him/herself to the question under debate.
- c) Interruptions. A council member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a council member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined.
- d) Remarks of council member - When entered in minutes. Any council member may request, through the presiding officer, the privilege of having a written abstract of his/her statement on any subject under consideration by the city council entered in the minutes. If the city council consents thereto, such statement shall be entered in the minutes.
- e) Motion to reconsider. A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one on the prevailing side, but may be seconded by any council member and may be made at any time and have precedence over all other motions or, while a council member has the floor, it shall be debatable.
- f) Rules of order. Except as otherwise provided in this chapter "Robert's Rules of Order", as revised and updated from time-to-time, shall govern the conduct of the meetings of the council.

2-2.12. Same—Addressing City Council—Generally.

- a) Opportunity to address legislative body. Every agenda for regular meetings of any legislative body, including the city council, of the City of Cypress shall provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Government Code Section 54954.(b). The legislative body may adopt reasonable regulations to ensure that the intent of this section is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. The rules pertaining to addressing the council shall also apply equally to all city board, commission, committee, task force, or agency after the board, commission, committee, task force, or agency created by the council.
- b) Oral communications. Each member of the public addressing

the council in person shall use the microphone in front of the podium or if addressing the council virtually, the microphone on their device, give his/her name and city of residence in an audible tone of voice for the record and, unless further time is granted by the council, shall limit his/her remarks to the time allotted on the agenda for public comments. Members of the public may address the council by oral communications on any matter over which the council has control; provided, however, that preference shall be given to those persons who may have notified the city clerk in advance of their desire to speak in order that the same may appear on the agenda of the city council. All remarks shall be addressed to the legislative body as a body and not to an individual council member. Although council members may provide brief responses, the city council may not discuss or take action on items that are not on its agenda. In discussion of any issue before the council, members of the public must confine themselves to the question before the council.

- c) Spokesperson for group of persons. Whenever any group of persons wishes to address the council on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group to address the council, and in case additional matters are to be presented at the time by any other member of said group, to limit the number of persons so addressing the council so as to avoid unnecessary repetition before the council.
- d) Written communications. Interested parties or their authorized representatives may address the council by written communications in regard to matters then under discussion.
- e) Public hearings and protests. Interested persons or their authorized representatives may address the council by reading of protests, petitions, or communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals, and petitions, or similar matters in regard to matters then under consideration.

2-2.13. Same—Same—After motion made.

After a motion is made by the council, no person shall address the council without first securing the permission of the Presiding Officer.

2-2.14. Reserved.

2-2.15. Council meetings—Decorum.

a) By council members.

1. Conduct. While the council is in session, the council members must preserve order and decorum, and a council member shall neither by conversation, by the utterance of loud, threatening, profane or abusive language, or by engaging in any other disorderly conduct at any council meeting, delay or interrupt the council proceedings. A council member's persistence in discussing an agenda item or any other matter before the council after the matter has been called to a vote, shall constitute a violation of this subsection. Council members shall obey the orders of the council or the presiding officer. The following rules shall be obeyed:

- i. Council members shall keep any remarks clear, concise and on-topic.
- ii. When there are differences of opinion, council members shall focus on debating the facts of the situation and avoid personalities. Council members

- should seek to build on the ideas of others and look for common ground.
- iii. Council members shall be prepared at council meetings, including by reading their agendas with enough time to ask questions prior to the council meeting. Every effort will be made to ask questions before the council meeting so that the city manager or the city attorney, as applicable, has ample time to research the question before the council meeting.
 - iv. Council members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
2. Censure. A violation of these rules of decorum or the adopted civility, conduct and governance policy by a council member shall be subject to the below enforcement provisions. Any council member may make a motion for a vote to censure or for a vote for removal or ejection as set forth herein.
- i. Resolution of censure. Any council member who reasonably believes that another council member is violating these rules of decorum or the adopted civility, conduct and governance policy shall be allowed to request an agenda item be presented, in accordance with the procedures for requesting future agenda items, calling for staff to bring back a draft resolution of censure by identifying the council member, and that council member's speech, actions or behavior, that he/she believes constitutes such violation. Once approved to be presented to the council for consideration, the resolution of censure may be approved by a majority of the council and may contain the penalties described below. Upon such motion, all council members present shall immediately vote on the motion and state whether they agree that the identified speech, actions or behavior constitutes a violation and justifies a vote of censure. If a majority of the council members present a vote for censure, then that vote shall be duly noted by the city clerk and the subject of that vote shall have two (2) minutes to make a rebuttal stating why the vote should be overturned. After such rebuttal, any council member shall be entitled to make a motion to overturn the vote of censure. If such motion is approved by a majority vote of those council members present, then the city clerk shall remove such censure from the record. Motions to overturn a vote of censure may only be made at the meeting at which the vote of censure was made. This subsection contemplates no other administrative remedy to a vote of censure other than the two (2) minute rebuttal. If not so overturned, the resolution of censure shall be adopted.
 - ii. Fines for censure. Any council member who is censured by the City Council may be subject to a one hundred dollar (\$100.00) fine per censure. Such fine(s) shall be paid to the city clerk within thirty (30) days of the date imposed. Failure to pay such fine(s) within sixty (60) days shall give rise to a civil action by the city for collection, or shall be deducted or offset from the council member's compensation or per diem entitlements.
 - iii. Revocation of special privileges. Any council member

who is censured by the council shall be subject to revocation of his/her committee assignments, regional boards and commissions, and community-generated board/committee appointments; suspension of official travel, conference participation, access to a city credit card, council salary, stipends, and ceremonial titles.

- iv. Removal. Any council member who is censured by a majority of the council during a council meeting, in addition to the attendant fines, shall also be subject to a vote, upon motion by any council member, by a majority of the council present, to remove such offender from the council meeting. If a majority of the council votes for removal, then the subject of that vote shall have two (2) minutes to make a rebuttal stating why the vote should be overturned. After such rebuttal any council member shall be entitled to make a motion to overturn the vote to remove. If such motion is approved by a majority vote of those council members present, then the city clerk shall remove such vote from the record. If the vote to remove is not overturned, then such vote shall remain part of the administrative record and resolution of censure. Motions to overturn a vote of removal may only be made at the meeting at which the vote of removal was made. If the offending council member does not leave voluntarily, the presiding officer may order any law enforcement officer who is on duty at the council meeting as sergeant at arms to remove the offender from the council chambers. It shall be the duty of any law enforcement officer who is serving as sergeant at arms at the council meeting to carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum, including the removal of disruptive council members and/or members of the public.
- v. Resisting removal; penalty. Any council member or member of the public who resists removal by the sergeant at arms shall be guilty of a misdemeanor.

- 3. Motion to enforce. If the presiding officer fails to enforce the rules set forth above, any council member may move to require the presiding officer to do so, and an affirmative vote of a majority of the council shall mandate such action. If the presiding officer fails to carry out the will of a majority of the council the majority may designate another council member to act as the presiding officer for the limited purpose of enforcing any provision of this subsection which it desires to enforce.

- b) By other persons. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by directive of the presiding officer, be barred from further audience at said meeting before the council unless permission to continue is granted by a majority vote of the council.

2-2.16. Same – Same – Enforcement.

The Chief of Police or such member or members of the Police Department as he/she may designate shall be Sergeant-at-Arms of the Council meetings. He/she shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms or designee to place any person who violates the

order and decorum of the meeting under arrest, and cause him/her to be prosecuted under the provisions of this Code or state law.

2-2.17 Same—Entering protest of city council action in minutes.

Any member at his request shall have the right to have the reasons for his dissent from or protest against any action of the council entered on the minutes.

2-2.18. Same—Ordinances, resolutions, motions and contracts.

- a) Preparation of ordinances. All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council or requested in writing by any member of the council, the presiding officer or the city manager or prepared by the city attorney on his own initiative.
- b) Prior approval by administrative staff. All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative and shall have been examined and approved for the administration by the city manager or his authorized representative where there are substantive matters of administration involved.
- c) Introducing for passage or approval. Ordinances, resolutions and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the mayor, city manager or city attorney may present ordinances, resolutions and other matters of subjects to the council, and any council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

2-2.19. Same—Voting—Roll call vote.

A roll call vote shall be taken upon the passage of all ordinances and resolutions and be entered upon the journal of the proceedings of the council. Upon request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a recorded or roll call vote of the council is in order, the city clerk shall call the names of the members in alphabetical order, except that the name of the presiding officer shall be called last.

2-2.20. Same—Same—Disqualification and abstention.

No city council member shall be permitted to disqualify him/herself if such disqualification results in a tied vote unless such disqualification shall have been approved by the city attorney or by vote of the remainder of the council. Unexcused disqualification and abstentions shall be counted by the city clerk as a vote in favor of the particular motion.

2-2.21. Same—Motion to adjourn.

A motion to adjourn shall always be in order and decided without debate.

2-2.22. Same—Code of ethics.

The following principles shall constitute the Cypress code of ethics, applicable to all council members. Council members, upon the adoption of this ordinance or upon entering office, shall sign a statement affirming they read and understood the code of ethics. In addition, this code of ethics shall be periodically reviewed and updated by the council.

- a) Act in the public interest. Recognizing that stewardship of the public interest must be their primary concern, council members will work for the common good of the community and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the council.
- b) Comply with the law. Council members shall comply with the laws of the nation, the State of California and the City of Cypress in the performance of their public duties. These laws include, but are not limited to: the United

States and California Constitutions; the Charter; the Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Council members shall also comply with all applicable city policies and procedures.

- c) Conduct of council members. The professional and personal conduct of council members must be above reproach and should avoid even the appearance of impropriety. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other council members, city staff or public.
- d) Respect for process. Council members shall perform their duties in accordance with the processes and rules of order established by the council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the council by city staff.
- e) Incompatible employment. No council member shall engage in or accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.
- f) Use of public property. No council member shall request or permit the use of city owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, and in the same manner as available to the public, or are provided as city policy for the use of such official in the conduct of official business. No official shall use the time of any city employee during working hours for personal purposes.
- g) Contracts with city. Council members shall not have a financial interest in any business transaction, or contract with the city, or in the sale of real estate, materials, supplies or services to the city, except as permitted in the conflict of interest statutes of the state.
- h) Disclosure of interest in legislation. A council member who has a financial or other private interest in any legislation shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest.
- i) Conflict of interest. In order to assure their independence and impartiality on behalf of the common good, council members shall not use their official positions to influence government decisions in which they have a material financial interest. In accordance with the law, council members shall disclose investments, interests in real property, sources of income and gifts; and abstain from participating in deliberations and decision-making where conflicts, as determined under applicable laws, may exist. Council members should endeavor to consult with the city attorney before any council meeting to allow an evaluation by the city attorney of any potential conflict.
- j) Confidential information. Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- k) Advocacy. When representing the city while serving on or appearing before other government agencies or in court, council members shall represent the official policies or positions of the council to the best of their ability when designated as delegates for this purpose. When representing the city while serving on or appearing before other government agencies or in court, council members shall advocate policies that are in the best

interest of the city over their own personal interests. When presenting their individual opinions and positions, council members shall explicitly state they do not represent the council or the city, and shall not allow the inference that they do.

- l) Positive workplace environment. Council members shall support positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Council members shall recognize their special role in dealings with city employees not provide direction to city staff in violation of the city charter.

2-2.22.1. Vacancy on commissions upon filing of nomination papers for city council.

Whenever a member of the recreation and community services commission, senior citizens commission, traffic commission, or any other board or commission officially adopted by ordinance of the city council, as the case may be, is nominated for the office of city council by the filing of nomination papers designating such person as a candidate for the office of city council, the office of such person so nominated on the recreation and community services commission, senior citizens commission, traffic commission or any board or commission officially adopted by ordinance of the city council, as the case may be, shall be immediately and automatically rendered vacant and the city clerk shall immediately notify the city council of that fact, and the vacancy may be filled in the manner provided by law.

2-2.23. City council to serve as planning commission.

The city council hereby is designated as the planning commission of the City of Cypress. Except as otherwise provided for by resolution of the city council, any meeting of the city council shall also be deemed to be a meeting of the planning commission.

Section 3. Effective date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 4. Certification. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the 25 day of September, 2023.

Anne Mallari
MAYOR OF THE CITY OF CYPRESS

ATTEST:
Alisha Farnell
CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Ordinance was duly adopted at a regular meeting of said City Council held on the 25 day of September, 2023, by the following roll call vote:

AYES: 4 COUNCIL MEMBERS: Burke, Peat, Minikus and Mallari
NOES: 1 COUNCIL MEMBERS: Marquez
ABSENT: 0 COUNCIL MEMBERS: None

Alisha Farnell
CITY CLERK OF THE CITY OF CYPRESS