

ORDINANCE NO. 1415

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING PALM DESERT MUNICIPAL CODE CHAPTER 2.36, PROCEDURES FOR THE CONDUCT OF MEETINGS

City Attorney's Summary

The purpose of this ordinance is to amend the Palm Desert Municipal Code to clarify that Chapter 2.36 applies to the conduct of all appointed body meetings; sets time limits for public comment and public hearings, eliminates the need to sort public comment based on their position, and establishes a procedure for the sequencing of appeal hearings.

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby amends Section 2.36.010, *Finding of Fact*, to read as follows:

“Section 2.36.010 Finding of fact.

The city council finds and declares that by reason of the increased intensity and complexity of city business, a need to adopt procedural rules for the conduct of public business is necessary. The city council further finds and declares that increased concentrated judicial attention to the due process clauses of both the California and Federal Constitutions regarding public hearings and the rights of individuals to be heard, require more detailed rules and regulations, insuring the protection of the rights. The city council further finds and declares that it is imperative that any person having business before the city council have a reasonable opportunity to be heard and have his matter acted upon. The provisions of this chapter shall apply to every appointed body whether it is established by ordinance, resolution, or otherwise. In the event any provision of this chapter conflicts with a specific provision of an ordinance or resolution establishing a specific appointed body or the appointed body's bylaws, such specific provision shall control.”

SECTION 2. The City Council hereby adds Section 2.36.255, *Addressing the council – speaker time limits*, to read as follows:

“Section 2.36.255 Addressing the council – Speaker time limits

- A. Public comment period: Each speaker is limited to three minutes per agenda item during the public comment period, unless the time is adjusted by the presiding officer to accommodate the number of speakers and the length of the agenda.

- B. Public hearings: The public may comment on individual public hearing items within the three-minute time limit. The applicant or appellant will be provided up to ten (10) minutes to make their presentation. The applicant or appellant will be provided with an opportunity to make closing comments for up to three (3) additional minutes.

SECTION 3. The City Council hereby amends Section 2.36.390, *Public hearing – Opening*, to read as follows:

“Section 2.36.390 Public hearing – Opening.

After the mayor has announced that the time has arrived for a public hearing on any scheduled agenda item set for public hearing, the mayor shall announce that it is the time and place for the public hearing, and shall ascertain whether or not anyone wishes to be heard on the agenda item under consideration. If there are persons present wishing to be heard, ~~the presiding officer shall request that those in opposition to the matter under consideration be heard first, and~~ the persons shall be given an opportunity to address the city council in accordance with the provisions of Section 2.36.250 through and including Section 2.36.270 of this chapter.”

SECTION 4. The City Council hereby adds Section 2.72.040, *Sequencing of appeals hearings*, to read as follows:

“Section 2.72.040 Sequencing of appeal hearings.

When an appeal may be heard by two or more bodies, the appeal shall be heard in the following sequence, with the City Council considering the appeal last, when practical:

- A. Administrative Hearing Bodies: Appeals shall first be heard by the appropriate administrative hearing body with subject-matter jurisdiction.
- B. Appoint Bodies: If applicable, appeals shall next be heard by any relevant appointed bodies that provide recommendations to the City Council.
- C. City Council: The City Council shall hear the appeal last, ensuring that all preceding bodies have rendered their decisions or recommendations before the matter is brought before the City Council.

SECTION 5. Severability. If any section, subsection, clause, or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional, or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase would be declared invalid, unconstitutional or unenforceable.

SECTION 6. Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish a summary of this Ordinance in the Desert Sun, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON _____, 2024.

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1415 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on June 27, 2024, and adopted at a regular meeting of the City Council held on _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK