



Essential Hour: Motions, Manners, and Mayhem: Making Sense of Public Meeting Rules of Order

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Introduction.

It can be every city attorney’s nightmare...an agenda item or public hearing goes unexpectedly off the rails, your Council or board members are talking over one another and making conflicting motions, and the City Clerk is looking to you for help getting the agenda back on track. How do you prepare for these scenarios—is your agency equipped with training and adopted rules to efficiently and effectively conduct the people’s business?

In this Essential Hour webinar, we will discuss order and decorum, how to prepare for difficult meetings and be on the same page as City Clerk staff, how to handle parliamentary issues and questions during a stressful public meeting, Zoom bombing, weaponizing the Brown Act, rules

of order and legal advice, meeting disruptions, dealing with interpersonal conflicts between council members, and other tips and tricks for handling public meetings.

In California, public meetings of legislative bodies are meant to be the **living, breathing mechanism of democracy**—where policy debates are transparent, and citizens exercise their fundamental right to observe and participate in governance. Yet, reality often diverges sharply from this ideal. Meetings can be tense, emotionally charged, and occasionally chaotic. Citizens arrive with strong opinions about zoning, public safety, education, or budgets. Council members, elected to balance competing interests, must navigate a room full of passionate constituents. It is essential, in this context, to adopt and adhere to clear rules and guidelines for the orderly conduct of business.

The legal framework governing these interactions is designed to **balance transparency, participation, and order**. At the center of this framework is the **Ralph M. Brown Act** (“Brown Act”), supplemented by other statutory provisions, including the California Penal Code, and guided by federal and state First Amendment jurisprudence. Courts have repeatedly stressed that while legislative bodies may maintain order, they must do so in a way that is **viewpoint neutral, proportionate, and legally defensible**.

The Importance of Preserving Order and Decorum

Preserving order and decorum in city council and other public agency meetings is essential to maintaining the integrity and effectiveness of the democratic process. These meetings serve as the primary forum where elected officials deliberate, make decisions, and engage with the public on matters of community importance. When order is maintained, all participants—council members, staff, and members of the public—can be heard respectfully and fairly, ensuring that debate remains focused on the issues rather than personal conflicts or disruptions.

Maintaining decorum also upholds public confidence in local government. It demonstrates transparency, professionalism, and respect for differing viewpoints, while protecting the rights of all participants to speak and be heard within established procedures. In this way, adherence to orderly conduct not only facilitates efficient decision-making but also strengthens civic trust and reinforces the foundational principle that government should operate through reasoned discussion, not disorder or intimidation.

Managing Motions

Rules of Order—Robert’s or Rosenberg’s?

Purpose and Context

Feature	Robert's Rules of Order	Rosenberg's Rules of Order
Origin & Use	Developed in 1876, widely used in the U.S. for deliberative assemblies, including nonprofit boards, associations, and some government bodies.	Created by Gerald Rosenberg in 2006 specifically for California local government (city councils, boards, and commissions).
Focus	Emphasizes parliamentary procedure, formal motions, debate, and adherence to procedural hierarchy.	Emphasizes efficiency, clarity, and legal compliance with the Brown Act; simplifies rules for public bodies.
Primary Audience	General deliberative assemblies with formal procedures.	California public agencies and local legislative bodies.

Meeting Structure and Process

Feature	Robert's Rules	Rosenberg's Rules
Agenda Handling	Formal order of business; motions must be recognized; amendments carefully structured.	Agenda-driven, straightforward; prioritizes public participation and transparency.
Motions & Debate	Many types of motions (main, subsidiary, privileged, incidental) with strict hierarchy. Debate can be complex and highly procedural.	Fewer types of motions; streamlined approach to debate; emphasizes efficiency and clarity.
Public Participation	Provides procedural guidance but does not explicitly integrate public comment or transparency requirements.	Specifically integrates public participation, comment periods, and Brown Act compliance.
Presiding Officer Role	Strongly procedural; enforces rules, recognizes speakers, maintains order, can limit debate.	Simplified role; maintains order but with focus on public transparency and legally compliant process.

Key Advantages

Feature	Robert's Rules	Rosenberg's Rules
Strengths	Comprehensive; detailed guidance on motions, amendments, debate, and parliamentary procedure.	Simpler, more accessible; tailored to California law and public meetings; reduces confusion for elected officials and staff.
Limitations	Can be overly complex for small councils; not designed specifically for public participation.	Less detailed on complex parliamentary maneuvers; focuses on efficiency over exhaustive procedure.

Bottom Line:

- **Robert's Rules** = traditional, formal, detailed parliamentary authority. Good for organizations needing strict procedural structure.
- **Rosenberg's Rules** = modern, practical, California-specific framework designed to streamline council meetings, ensure Brown Act compliance, and facilitate public participation.

Motions, Friendly Amendments, Amended Motions; Substitute Motions

Here's a concise comparison table for **friendly amendments, amended motions, and substitute motions under Rosenberg's Rules of Order** in the context of a California City Council meeting:

Type of Motion	Purpose / Effect	Process / Vote	Typical Use in Council
Friendly Amendment	Makes a minor, non-controversial change to a motion.	Accepted directly by the original mover and maker of second; no separate vote .	Adding a small clarification or additional item that the original mover supports.
Amended Motion	Alters the main motion in a significant way (scope, amount, or conditions).	Must be formally stated, seconded, and voted on ; if approved, the main motion is updated.	Changing the budget allocation, deadlines, or key elements of a proposed ordinance.
Substitute Motion	Replaces the original motion entirely with a new proposal.	Requires a vote on the substitute motion first ; if it passes, the original motion is replaced.	Redirecting funding to a completely different project, or proposing an alternative plan.

Narrative reminder: Friendly amendments keep minor tweaks efficient, amended motions handle substantial adjustments transparently, and substitute motions allow the council to consider alternative approaches without procedural confusion. All three maintain orderly deliberation while ensuring members and the public have a clear understanding of changes.

Motions to Mayhem – In descending Order

	Motion	Issue/problem	Strategy
1.	Recommended Action	No problem	
2.	Motion language delivered to staff pre-meeting	Provides staff ample time to analyze, and potentially clarify, refine.	• Work with maker in advance to clarify language as necessary; • Present language in writing to Council (paper or on monitor) when motion is made;

3.	Motion language delivered during meeting, pre-hearing	Less time to analyze/clarify; limited opportunity to communicate concerns to maker;	• Work with maker, if possible, during meeting or in recess; • Present language in writing to Council (paper or on monitor) when motion is made; • Encourage maker to present motion language in advance, if possible
4.	Motion language delivered during hearing	Minimal opportunity to analyze/clarify	• Work from the dais to clarify, as needed; • Present language in writing to Council (paper or on monitor) when motion is made; • Encourage maker to present motion language in advance, if possible
5.	Verbal motion	Minimal opportunity to analyze/clarify; potential confusion if language is not clear;	• Ask for recess, if necessary, to clarify wording; • Work from the dais to clarify, as needed; • Present language in writing to Council (paper or on monitor) when motion is made; • Encourage maker to present motion language in advance, if possible
6.	Verbal motion presented with/as part of deliberation;	Blurs wording of motion with deliberation;	• Work with chair to ask maker to state motion separately, without deliberation, unless and until motion receives second; • Ask for recess, if necessary, to clarify wording; • Work from the dais to clarify, as needed; • Present language in writing to Council (paper or on monitor) when motion is made; • Encourage maker to present motion language in advance, if possible

Legal Framework – The Brown Act

The **Brown Act** is one of the cornerstones of California’s open government laws, codified at **Government Code §§ 54950, et seq.** Its primary objective is to ensure that the public can **observe, participate, and monitor** legislative proceedings, while providing legislative bodies with the authority to **maintain decorum and efficiency**.

Key Provisions:

1. **Open Meetings (§ 54953):** Legislative bodies must conduct meetings openly, providing **advance notice** of agenda items. Public accessibility is paramount.
2. **Public Comment (§ 54954.3):** Members of the public may comment on any item on the agenda or any matter within the body’s jurisdiction.
3. **Recording Rights (§ 54953.5):** Individuals and the media may record meetings, provided that the recording does not **materially disrupt** proceedings.
4. **Protection of Criticism (§ 54954.3, § 54953):** Legislative bodies may **not prohibit public criticism** of policies, procedures, officials’ actions, officers or staff.

Authority to Maintain Order

The Brown Act empowers legislative bodies to adopt **reasonable rules governing public participation**, including:

- Time limits for speakers
- Restrictions on repetitious or irrelevant comments
- Regulation of recording or broadcasting when it causes persistent disruption

Additionally, the Act explicitly authorizes the removal of **willfully disruptive individuals**, and if necessary, the clearing of the room, while ensuring:

- Press access for non-disruptive journalists
- Reentry for those not responsible for the disturbance

The Brown Act thus creates a **dual mandate**: protect public rights while preserving the legislative body’s ability to govern effectively. Courts have repeatedly emphasized that violations of these rights can result in legal challenges, injunctions, and potential civil liability.

Weaponizing the Brown Act—Am I “Brown Acted”?

Beyond the Brown Act: Additional Statutory Tools

California Penal Code § 403

- Criminalizes **willfully disturbing a lawful assembly**.
- Applied narrowly to acts that materially impair the ability of a legislative body to conduct business.
- **McMahon v. Albany Unified School District (2006)**: A plaintiff dumped trash during a school board meeting. The court upheld the arrest, finding that the act **substantially disrupted** the meeting, preventing effective public participation.

California Government Code § 36813

- Allows legislative bodies to **punish disorderly conduct** by members or attendees, subject to constitutional limits.
- Useful for addressing disruptions **by elected officials**, but must be applied cautiously due to heightened First Amendment protections.

First Amendment Principles

Legislative bodies meet in a **limited public forum**, meaning:

- Citizens have a robust right to direct speech to government officials.
- Bodies may regulate **time, place, and manner**, but not **content or viewpoint**.
- Disruption must be **actual**, not speculative or based on subjective offense.

Key Cases

- **White v. City of Norwalk, 900 F.2d 1421 (9th Cir. 1990)**: City rules of decorum, authorizing removal of persons for making “personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public” not unconstitutionally vague or overbroad when interpreted by the City to only authorize removal when someone making a proscribed remark acted in a way that actually disturbed or impeded the meeting.
- **Acosta v. Costa Mesa, 718 F.3d 800 (9th Cir. 2013)**: Although city ordinance prohibiting “personal, impertinent, profane, insolent, or slanderous remarks” was facially invalid for failure to limit proscribed activity to actual disturbances, it was constitutionally applied to plaintiff after jury found plaintiff’s behavior actually disrupted meeting.
- **Norse v. City of Santa Cruz (9th Cir. 2010)**:
 - Councils may regulate content if **viewpoint-neutral** and enforceable without bias. Public comment may close after the designated period, but absolute suppression of speech is prohibited.

- “Actual disruption means actual disruption. It does not mean constructive disruption, technical disruption, virtual disruption, nunc pro tunc disruption, or imaginary disruption.”
- **In re Kay, 1 Cal.3d 930 (1970):** To effectuate Cal. Penal Code § 403 within constitutional limits, the court interprets it to require that defendant substantially impaired the conduct of the meeting by intentionally committing acts in violation of implicit customs or usages or of explicit rules for governance of the meeting, of which he knew, or as a reasonable person should have known.

Recurring themes

- **Viewpoint neutrality** is paramount. Courts will invalidate rules applied inconsistently or in a discriminatory fashion.
- Violating rules of decorum only grounds for removal where conduct in question creates an actual, substantial disturbance or disruption.

Practical Guidance: Planning and Execution

Managing disruptions effectively requires preparation, coordination, and leadership. Steps include:

1. **Adopt Clear Rules of Order:** Define disruptive behavior (extended comments, irrelevance, obstruction). Reference upheld rules in Norwalk and Norse.
2. **Pre-Meeting Public Guidance:** Presiding officers should explain rules and consequences to the audience. Transparency reduces escalation and supports legal defensibility.
3. **Staff and Security Coordination:** City attorneys, managers, and police should meet beforehand. Define roles: who issues warnings, who removes individuals, how § 403 applies.
4. **Warnings Prior to Removal:** Courts expect that individuals are warned and given a chance to comply, except in extreme circumstances.
5. **Agenda Management:** Place routine items first, controversial items later. Avoid allowing tension to peak before essential business is conducted.
6. **Leadership by Example:** Calm demeanor by officials reduces audience agitation. Discord among officials can exacerbate disruptions.

Addressing Specific Disruptive Conduct

1. Overlong Speakers:

- Presiding officer may intervene, ideally after warning.
- Time limits should be enforced evenly.

- Third parties (e.g., city clerk) may operate microphones to ensure impartiality.

2. Off-Topic Comments:

- Single irrelevant remarks may be tolerated.
- Repeated, disruptive irrelevance may justify removal, **with prior warning**.

3. Audience Outbursts:

- Identify individuals causing actual disruption. Remove only if warnings fail.
- Widespread disruption: recess, consult staff, and plan next steps.
- Clearing the room is a **last resort**, strictly following statutory requirements and First Amendment protections

4. Zoom Bombers:

- Provide warning before cutting off?

Handling Disruptive Elected Officials

Elected officials have **heightened First Amendment protection**. Removal or censure carries legal risk.

- **Vacca v. Barletta 933 F.2d 31 (1st Cir. 1991)**: School Board member was ejected from meeting and arrested for disrupting board meeting. District Court judgment denying motion for summary judgment affirmed on appeal. Court found there were triable issues of fact as to whether chair's actions were based on actual disruption and viewpoint neutral.

Practical strategies:

- Use warnings, recesses, or parliamentary motions ("end debate") rather than removal.
- Physical removal should only occur if there is **clear, demonstrable disruption**.

Conclusion: Democracy in Action

Managing public meetings is a **delicate art**, blending law, strategy, and human psychology. Legislative bodies must enforce rules:

- **Consistently**
- **Transparently**
- **Without regard to viewpoint**

Preparation—rules of order, pre-meeting coordination, and clear procedures—ensures that democracy functions, even amid tension. Public meetings will remain messy, but with the right approach, they can be **both orderly and constitutionally compliant**, safeguarding the public’s right to observe and participate while enabling elected officials to govern effectively.

Other resources:

Cal Cities: Dealing with Difficult Situations at City Council Meetings:

<https://www.cacities.org/UploadedFiles/LeagueInternet/b1/b1868106-9ea5-4bb1-bd0d-296bf693d417.pdf>

Footnotes

1. Gov’t Code §§ 54950–54963.
2. Open & Public IV: A Guide to the Ralph M. Brown Act, League of California Cities, 2020.
3. §54953(a)–(b).
4. §54954.3(a)–(b).
5. §54953.5(a).
6. §54954.3(a).
7. *White v. City of Norwalk*, 653 F.2d 852 (9th Cir. 1982).
8. *Norse v. City of Santa Cruz*, 629 F.2d 1261 (9th Cir. 1984).
9. *In re Kay*, 203 Cal. App. 3d 594 (1988).
10. *McMahon v. Albany Unified School Dist.*, 142 Cal. App. 4th 1040 (2006).
11. *Vacca v. Barletta*, 930 F.3d 201 (1st Cir. 2010).
12. *Carter v. Commission on Qualifications of Judicial Appointments*, 353 U.S. 3 (1970s).