

ORDINANCE NO. 4349

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE
BY ADDING NEW CHAPTER 2.102 THERETO ENTITLED
“PUBLIC PARTICIPATION AND DISRUPTIVE BEHAVIOR”

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Title 2 Administration and Personnel of the Huntington Beach Municipal Code is hereby amended by adding new Chapter 2.102 thereto entitled “Public Participation and Disruptive Behavior” to read as follows:

Chapter 2.102 Public Participation and Disruptive Behavior

Section 2.102.010	Findings.
Section 2.102.020	Purpose and Authority.
Section 2.102.030	Applicability.
Section 2.102.040	Standard of Conduct.
Section 2.102.050	Prohibited Conduct.
Section 2.102.060	Enforcement of Audience Decorum.
Section 2.102.070	Violations—Penalty.
Section 2.102.080	Severability.

2.102.010 Findings.

The City Council of the City of Huntington Beach does hereby ordain as follows:

(a) On October 3, 2025, Governor Gavin Newsom signed Senate Bill 707 (“SB 707”), which amended provisions of the Ralph M. Brown Act (Government Code section 54950 et seq.) governing teleconferenced meetings, remote public participation, technology disruptions, and public meeting procedures.

(b) Additional teleconferencing and remote participation provisions required by SB 707 will become operative on July 1, 2026, and that adoption of this Chapter prior to that date is necessary to ensure that the City, its legislative bodies, and City staff establish uniform procedures and operational protocols necessary to comply with the Brown Act before such provisions become operative.

(c) SB 707 requires the City to adopt and implement clear procedures governing remote participation, technology disruptions, public comment, meeting decorum, and enforcement of rules necessary to preserve the orderly conduct of meetings while protecting the public’s statutory and constitutional rights. Accordingly, the adoption of this Chapter is necessary to ensure compliance with the Brown Act by establishing uniform procedures

applicable to meetings of the City Council and all legislative bodies of the City that are required to provide remote public access or are otherwise required by law to provide remote participation.

2.102.020 Purpose and Authority.

(a) Authority. This Chapter is adopted pursuant to Article XI of the California Constitution, the Charter of the City of Huntington Beach, the Ralph M. Brown Act (Gov. Code § 54950 et seq.), including Government Code Section 54957.9 and SB 707, to establish reasonable regulations governing public participation, meeting decorum, remote participation, and procedures necessary to address disruptive conduct and technology disruptions occurring during public meetings.

(b) Purpose. This Chapter establishes uniform procedures for addressing disruptive behavior by members of the public in both in-person and remote meeting environments and is intended to (i) preserve the ability of the legislative body to conduct its business in an orderly manner; (ii) protect the rights of all members of the public to observe and participate in meetings without unreasonable interference; and (iii) ensure that any limitations on public participation are content-neutral, narrowly tailored, and consistent with applicable law.

2.102.030 Applicability

(a) Applicability. This Chapter applies to all public meetings of any legislative body of the City of Huntington Beach.

(b) Scope. This Chapter governs the conduct of members of the public attending or participating in such meetings, whether physically present or participating through remote access services, and further governs the procedures and responsibilities of City officials, staff, and agents in administering, enforcing, and complying with applicable laws governing public meetings. The scope is intended to codify requirements that members of the public comply with the reasonable time, place, and manner procedures established by this Chapter for the orderly conduct of meetings; however, the scope will be applied in a manner that doesn't limit the right to provide public comment in violation of applicable law.

(c) Consistency with Other Laws. This Chapter shall be interpreted consistent with the City Charter, Brown Act, including Government Code Section 54957.9, SB 707, and applicable constitutional protections. In the event of any conflict between this Chapter and any rules of procedure adopted by a board, commission, or committee of the City, the provisions of this Chapter shall control to the extent necessary to ensure compliance with the Brown Act and applicable constitutional requirements.

2.102.040 Standard of Conduct.

(a) Decorum Standards, Disruptive Conduct Prohibited. All persons participating in a City Council meeting, or meeting of any other legislative body, in-person or remotely, shall do so with decorum and in a civil manner that promotes the free exchange of ideas and encourages public participation. Any person who engages in behavior that is disruptive, meaning actually

disrupts, disturbs, or otherwise impedes the orderly conduct of any applicable meeting may result in further enforcement action such as being barred from further participation or restricted participation during the remainder of that meeting or removal. Disruptive behavior is behavior that actually interferes with the orderly conduct of the meeting or the ability of the legislative body to conduct its business, or the ability of the public to observe or participate.

(b) Remote Participation. For meetings in which remote participation is available, members of the public may observe and address the legislative body through the designated telephonic or audiovisual platform as set forth by Resolution. Persons participating in any applicable meeting from a remote location shall conduct themselves in accordance with the same decorum standards required of all in-person participants, and as set forth in existing law and this Chapter. Any remote participant who engages in behavior that is disruptive, meaning actually disrupts, disturbs, or otherwise impedes the orderly conduct of any applicable meeting may result in further enforcement action such as being barred from further participation or restricted participation during the remainder of that meeting or removal. Disruptive behavior is behavior that actually interferes with the orderly conduct of the meeting or the ability of the legislative body to conduct its business, or the ability of the public to observe or participate.

(c) Examples of Disruptive Behavior. Examples of behavior that can actually interfere (i.e. disrupt, disturb, or otherwise impede) with the orderly conduct of the meeting, the ability of the legislative body to conduct its business, or the ability of the public to observe or participate include, but are not limited to, the following objective-based actions which, shall apply to both in-person and remote participation, to the extent such conduct can occur in the applicable setting:

(1) Speaking Without Recognition/Outside Designated Procedures. Addressing the legislative body without being recognized, speaking at a time not designated for public comment, or otherwise failing to follow established procedures for public participation.

(2) Exceeding or Refusing to Yield Time. Continuing to speak after the allotted time has expired or refusing to relinquish the podium, microphone, or speaking opportunity when directed.

(3) Interrupting or Interfering with Speakers. Interrupting, speaking over, or otherwise interfering with a recognized speaker, or preventing a person from addressing the legislative body during their allotted time.

(4) Improper Direction of Remarks. Directing remarks to the audience rather than to the legislative body or attempting to engage in dialogue with others outside the recognized speaking process.

(5) Disruptive Vocal Conduct. Making sustained or repeated noise, including yelling, shouting, chanting, or using loud, threatening, or abusive language, that interferes with the ability to hear or conduct the meeting.

(6) Threatening or Intimidating Conduct. Making statements that constitute a true threat of violence or engaging in conduct that would cause a reasonable person to fear for their safety and that interferes with participation in the meeting.

(7) Physical Disruption. Engaging in physical conduct that interferes with the meeting, including throwing objects, blocking aisles or exits, or entering restricted areas such as the dais or staff areas without authorization.

(8) Failure to Comply with Lawful Direction. Refusing to comply with a lawful directive issued by the Mayor, City Clerk, or authorized staff to maintain order, including directions related to speaking order, time limits, or use of meeting facilities or remote platform features.

(9) Obstructive Use of Objects, Displays, or Attire. Using signs, banners, costumes, masks, or other items in a manner that blocks the view of others, obstructs cameras or recording equipment, or otherwise interferes with the conduct of the meeting.

(10) Improper Use of Devices, Equipment, or Platform Features. Using amplification devices, alarms, lighting, or electronic equipment, or misusing remote platform features such as chat, video, reactions, or screen sharing, in a manner that produces sound or visual interference that disrupts the meeting.

(11) Unmuted or Remote Interference. Failing to mute audio when not recognized to speak or otherwise creating background noise or technical interference that disrupts the proceedings.

(12) Bypassing Speaker Procedures. Repeatedly attempting to speak, re-enter the speaker queue, or otherwise circumvent established procedures for public comment.

(13) Disruptive Expressive Conduct. Clapping, whistling, stomping, sign waving, or similar expressive conduct that becomes sustained or amplified to the extent that it interferes with the orderly conduct of the meeting.

(14) Conduct Preventing Orderly Continuation. Engaging in conduct that prevents the legislative body from proceeding with its agenda or otherwise actually interferes with the public's ability to hear, observe, or participate in the meeting.

(d) Clarifying Standard. The following examples do not constitute disruptive behavior, standing alone: (i) expressing criticism of the City, Councilmembers, or staff; (ii) expressing offensive, harsh, or unpopular viewpoints; or (iii) expressive conduct, including clapping, brief vocal reactions, or silent protest, that does not actually disrupt the meeting.

2.102.050 Prohibited Conduct.

The following are some examples of prohibited conduct:

(a) Continued Disruptive Conduct/Behavior. Continuing to engage in behavior that actually interferes (i.e. disrupts, disturbs, or otherwise impedes) the orderly conduct of a City Council meeting after receiving a warning at that meeting.

(b) Refusal to Leave. Refusing to leave the Council Chambers after being removed by the Mayor or Presiding Officer from the meeting.

(c) Attempt to Return. Returning to the Council Chambers before the conclusion of a City Council meeting after being removed or barred from further participation from the remainder of that meeting.

(d) Attempt to Rejoin Remotely. Rejoining or attempting to rejoin a meeting through a remote platform after being removed or barred from further participation for the remainder of that meeting.

2.102.060 Enforcement of Audience Decorum.

(a) Enforcement of Decorum. The rules of audience decorum set forth in this Chapter shall be enforced in a progressive, content-neutral manner designed to restore and maintain the orderly conduct of the meeting using the least restrictive means necessary. Except where immediate action is warranted, enforcement shall generally proceed through a sequence of steps, including a clear warning to desist, a directive to comply, and, if necessary, further enforcement action such as restriction of participation, removal, or barring a person from further participation during the meeting.

(b) Generally. When feasible, a warning shall identify the specific conduct at issue, state that the conduct is disrupting the meeting, and direct the individual to cease the conduct and comply with meeting rules. The individual shall be provided with a reasonable opportunity to comply before further enforcement action is taken.

(1) Enforcement actions under this Section shall be based on conduct and not on the content or viewpoint of a person's speech.

(2) Nothing in this Section shall be construed to limit the authority of the Mayor or other presiding officer to take immediate action where necessary to protect public safety or ensure the orderly conduct of the meeting.

(c) Enforcement Procedure - In-Person Decorum. The rules of conduct for in-person attendance at meetings of the City Council, and any other applicable legislative body, shall be enforced in the following manner:

(1) Warning to Desist. Whenever practicable, the Mayor or other presiding officer, shall first give a warning to a person to stop the conduct that is actually disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting. The warning shall, where feasible, identify the specific conduct, state that the conduct is disrupting the meeting, and direct the individual to immediately cease the conduct. The warning may also include notice that failure to comply may result in removal. A warning shall not be required where it would be ineffective due to extraordinary circumstances, including but not limited to situations in which a warning would be difficult to hear over the disturbance, situations involving an immediate threat to public safety, or situations involving a person who, after being warned during that meeting, again engages in disruptive conduct.

(2) Directive to Comply. The individual shall be provided a reasonable opportunity to comply. If, after receiving a warning or direction from the Mayor or other presiding officer, the person persists in violating the rules of decorum, the presiding officer may again direct the person to cease such conduct.

(3) Order Barring Person from Further Attendance During the Meeting. The Mayor, the presiding officer, may issue an order removing a person from the remainder of the meeting if that person, after being warned at that meeting, again engages in conduct that actually disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. The basis for the order, including the warning provided and the continued disruptive conduct, shall be stated on the record. Such an order may also be issued without a prior warning where extraordinary circumstances exist such as (i) a true threat of violence; (ii) an immediate risk to public safety; or (iii) the conduct is so severely disruptive that a warning would be ineffective.

(4) Removal. If a person barred from the remainder of the meeting does not voluntarily leave the meeting room, the Mayor, the presiding officer, may direct the Sergeant-at-Arms or law enforcement personnel to remove that person from the meeting room and exclude that person for the remainder of the meeting. Removal shall be limited to the individual or individuals responsible for the disruption.

(5) Recess. The Mayor or presiding officer may order a recess at any time for the purpose of restoring order. The duration of the recess shall be limited to the amount of time reasonably necessary under the circumstances to address the disruption and restore the orderly conduct of the meeting. If, upon resumption of the meeting, the disruptive conduct continues, the Mayor or presiding officer may take further enforcement action in accordance with this Chapter, including directing the removal of individuals engaged in disruptive conduct or, if necessary, invoking the procedures set forth in Government Code Section 54957.9 to clear the meeting room. Nothing in this Section shall be construed to limit the authority of the Mayor or presiding officer to take immediate action where necessary to protect public safety or ensure the orderly conduct of the meeting.

(6) Clearing the Room. Pursuant to Government Code Section 54957.9, if a meeting is interrupted so as to render the orderly conduct of the meeting infeasible and order cannot be restored by removal of the individuals responsible, the City Council, or other applicable legislative body, may order the meeting room cleared and continue in session. Prior to

clearing the room, the Mayor or other presiding officer shall state on the record that: “The Disruption is preventing the orderly conduct of the meeting and less restrictive measures, including individual removal, have been ineffective or are impracticable.”. The order shall apply only to the extent necessary and shall not apply to members of the press or media not participating in the disturbance. Following clearance, the legislative body may continue the meeting and may, in its discretion, permit readmission of individuals upon a determination that such individuals will comply with the rules of decorum. To the extent feasible, the City shall maintain audio or video broadcast of the meeting during any cleared session.

(7) Documentation. The City Clerk or designee shall document in the meeting record the nature of the disruptive conduct, any warnings given, the individual’s response, and the enforcement action taken.

(d) Enforcement Procedure - Remote Decorum. The rules of conduct for remote attendance and participation at meetings of the City Council, and any other applicable legislative body, shall be enforced in the following manner:

(1) Warning to Desist. Whenever practicable, the Mayor, the presiding officer, or authorized staff shall first give a warning to a remote participant whose conduct is actually disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting. The warning shall, where feasible, identify the participant by name or other identifier, describe the specific disruptive conduct, state that the conduct is interfering with the meeting, and direct the participant to cease the conduct. The warning may be delivered verbally or through available platform tools. A warning shall not be required where it would be ineffective due to extraordinary circumstances, including but not limited to situations involving an immediate threat to public safety or conduct so disruptive that immediate action is necessary to restore order.

(2) Directive to Comply. The participant shall be provided a reasonable opportunity to comply, and staff may assist where feasible; if, after receiving a warning or direction, the participant persists in violating the rules of decorum, the Mayor, the presiding officer, or authorized staff may direct the participant to cease such conduct and may take reasonable steps to ensure compliance.

(3) Restriction of Participation Features. If the participant continues to engage in disruptive conduct, the Mayor, the presiding officer, or authorized staff may mute the participant, disable video, restrict chat or other platform features, remove screen-sharing privileges, place the participant in listen-only mode, or impose other reasonable restrictions necessary to restore order. To the extent feasible, less restrictive measures shall be used before removal, including muting the participant, disabling video, restricting chat, or placing the participant in listen-only mode.

(4) Removal from Remote Platform. If a participant barred from further participation continues to interfere with the meeting or circumvents platform restrictions, the Mayor, the presiding officer, may remove that participant from the remote platform for the remainder of the meeting.

(5) Recess. The Mayor or presiding officer may order a temporary recess at any time for the purpose of restoring order in response to disruptive conduct by one or more remote participants. The duration of the recess shall be limited to the amount of time reasonably necessary under the circumstances to address the disruption and restore the orderly conduct of the meeting. During the recess, the Mayor, presiding officer, or authorized staff may take reasonable steps to address the disruptive conduct, including issuing warnings, muting participants, restricting participation features, or removing participants in accordance with this Chapter. If, upon resumption of the meeting, the disruptive conduct continues, the Mayor or presiding officer may take further enforcement action, including barring the participant from further participation or removing the participant from the remote platform for the remainder of the meeting. Nothing in this Section shall be construed to limit the authority of the Mayor or presiding officer to take immediate action where necessary to protect public safety or ensure the orderly conduct of the meeting.

(6) Continued Observation Where Practicable. Removal from active remote participation shall not require complete exclusion from observing the meeting.

(7) Documentation. The City Clerk or designee shall document in the meeting record the nature of the disruptive conduct, any warnings given, the participant's response, and the enforcement action taken.

(e) Technology Disruptions Affecting Remote Participation. Nothing in this Section authorizes the City to continue a meeting in a manner inconsistent with the Brown Act or SB 707 if a broader disruption of telephonic or internet service affects remote public access generally. Any such disruption affecting remote access, connectivity, or the availability of telephonic or internet-based participation shall be governed by the City's Technology Disruption Policy as adopted by Resolution.

(f) Motion to Enforce. Any member of the City Council may request enforcement of the rules of decorum set forth in this Chapter. The Mayor or presiding officer shall determine the appropriate enforcement action consistent with this Chapter. In the event the Mayor or presiding officer fails to act, a member of the City Council may make a motion to enforce the rules of decorum, including a motion to issue a warning, direct compliance, restrict participation, or remove a person from the meeting. Such motion shall be decided by a majority vote of the City Council.

(g) Sergeant-At-Arms. The Chief of Police for the Huntington Beach Police Department (HBPD) shall assign one or more Sergeant-at-Arms to all meetings of the City Council. The Chief of Police, or his or her designee, shall carry out all lawful orders and directions given by the presiding officer, or their designee (with consultation with the City Manager and City Attorney as needed) for the purpose of maintaining order and decorum at meetings. The Sergeant-at-Arms is authorized to warn individuals whose conduct violates this Chapter, request compliance with lawful directives, and, when directed by the presiding officer, or his or her designee, remove any person from the meeting room who has been barred from further attendance or who otherwise engages in unlawful or disruptive conduct. Nothing in this

Section shall be construed to limit the authority of law enforcement personnel to take immediate action where necessary to protect public safety or enforce applicable laws.

(h) Remote Decorum Enforcement Authority. For meetings in which remote participation is available, the City Clerk, Information Technology staff, or other authorized City personnel shall administer and enforce the rules of decorum applicable to remote participation. Such personnel are authorized to carry out lawful directions of the Mayor, the presiding officer, or a majority of the City Council for the purpose of maintaining order, including issuing warnings, managing speaker queues, muting participants, restricting participation features, and removing participants from the remote platform in accordance with this Chapter.

2.102.070 Violation—Penalty.

(a) Violations of this Chapter shall constitute a misdemeanor punishable as set forth in Chapter 1.16 of the Huntington Beach Municipal Code.

(b) Any person who willfully disrupts a public meeting so as to render the orderly conduct of the meeting infeasible may be subject to enforcement under California Penal Code Section 403. Referral for enforcement may be made where the disruption is intentional and substantial, the individual refuses to comply with lawful directives, the conduct prevents the legislative body from continuing its business, or the conduct poses a risk to public safety. Nothing in this Chapter shall be construed to limit the authority of the Huntington Beach Police Department to take appropriate action consistent with applicable law.

2.102.080 Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2026.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney 

INITIATED REVIEWED AND APPROVED:

City Manager