



# City of Sacramento City Council

915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 2/12/2013

**Report Type:** Staff/Discussion

**Title:** Council Rules of Procedure

**Report ID:** 2013-00098

**Location:** Citywide

**Recommendation:** Pass a Resolution approving the Council Rules of Procedure and repealing Resolution No. 2012-010.

**Contact:** Shirley Concolino, City Clerk, (916) 808-7267, Office of the City Clerk; John F Shirey, City Manager, Office of the City Manager (916) 808-7213; James Sanchez, City Attorney, (916) 808-5347, Office of the City Attorney

**Presenter:** Shirley Concolino, City Clerk, (916) 808-7267, Office of the City Clerk; John F Shirey, City Manager, Office of the City Manager (916) 808-7213; James Sanchez, City Attorney, (916) 808-5347, Office of the City Attorney

**Department:** City Clerk

**Division:**

**Dept ID:**

## **Attachments:**

---

- 1-Description/Analysis
- 2-Attachment 1-Summary of Suggested Changes and Edits
- 3-Council Rules of Procedure

---

## **City Attorney Review**

Approved as to Form  
Matthew Ruyak  
2/7/2013 8:27:53 AM

## **Approvals/Acknowledgements**

Department Director or Designee: Shirley Concolino (Via email) - 2/6/2013 6:13:28 PM

## Description/Analysis

**Issue:** The Council Rules of Procedure (CRP) require review and adoption annually as stated in Chapter 1(B)(1).

A summary of suggested changes and edits is included in Attachment 1.

**Policy Considerations:** Any proposed changes directed by a majority vote of the Council will be incorporated into the Council Rules of Procedure and brought back for Council adoption.

**Economic Impact:** None.

**Environmental Considerations:** None

**Commission/Committee Action:** None

**Rationale for Recommendation:** Confirmation by Resolution incorporating appropriate changes to the Council Rules of Procedure meets City standards.

**Financial Considerations:** N/A

**Emerging Small Business Development (ESBD):** N/A

## Summary of Suggested Changes and Edits

The Council Rules of Procedure presented for consideration contain numerous changes from the version adopted in 2012. The proposed changes are of three fundamental types: (1) grammatical and other organizational improvements; (2) substantive changes precipitated by request, comment, or practice; and (3) those that need further council direction. Below is a summary of these types.

*NOTE: these changes are not meant to dissuade additional changes requested by council. The Council Rule of Procedure belong to the council. It is staff's position that substantive changes that go beyond those presented are properly left to council-member suggestion and request.*

### **A. Grammatical and Other Organizational Improvements.**

Dozens of changes have been made to grammar and punctuation. The version presented with this report is not a full redline version showing each and every one of these minor changes, as they do not affect the substance of the Rules. Rather, they simply inject simplicity, consistency, and ease of reading. Some of these changes are listed below.

1. General grammar improvements, such as serial commas, consistent verb tenses, capitalization, etc.
2. Renumbering or rearranging some subsections to enhance clarity.
3. Consistent use of “presiding officer” versus “mayor” when addressing meeting procedures.
4. Making language consistent across chapters.
5. Rule 1.E: update to 11<sup>th</sup> edition of Robert’s Rules of Order.
6. Rule 5.B.1: language change to make purpose and extent of public comment more clear.
7. Rule 11.A: redrafted to clarify active responsibilities for council chamber capacity enforcement.
8. Rule 16.A.9: suggested syntax change to make sentence read better.
9. Rule 14.C: grammatical change for clarification only, including new name for Planning and Design Commission.
10. Rule 16.B: same change as Rule 14.C.

## B. Substantive Changes.

The proposed new Rules also contain minor and major substantive changes. These proposed changes were borne by suggestion, as well as past and current council practice.

1. **Rule 3.F.1.e (minor):** added to list of persons who council members have ability to discuss adopted policies, as current version seems unduly limited.
2. **Rule 4.A.3 (major):** changed to require, except when circumstances do not allow, staff to give two weeks notice to the mayor and council members when matters of controversy or significant impact are coming before the council.
3. **Rule 5.A.1.b (major):** language about unacceptable public conduct restated as an express prohibition against disorderly conduct, with examples.
4. **Rule 5.A.1.c (major):** new provision to grant presiding officer authority to restore order, while allowing offending person opportunity to cease disorderly conduct; if the disorderly person fails to abide the presiding officer's request, the sergeant-at-arms can remove the person.
5. **Rule 5.b.1 (minor):** restatement of purpose of public comment, to match more closely the Brown Act. Note the "public comment" in this chapter refers to all public comment during the meeting, not the more limited "Public Comment" period that is at the beginning of the council's agenda.
6. **Rule 5.D.2 (minor):** "or city clerk" is added, to conform to current practice, whereby the clerk usually reads the speaker slips.
7. **Rule 6.A.3 [2012 version] (major):** removal of once-a month 2:00 p.m. meeting requirement, to conform to current practice. Council, if it chooses, can always add afternoon meetings on an ad hoc basis.
8. **Rule 6.A.5 [2012 version] (major):** removal of council vote to extend meeting past 9:00 p.m., to conform to current practice. If a meeting is running long, the council always retains the ability to adjourn.
9. **Rule 6.D.5 (minor):** suggested language change, to ensure compliance with charter requirements that all council acts are taken by at least five votes; as currently written, this could be applied incorrectly to allow a vote by four members, if only six are present.
10. **Rule 8.E.3 (minor):** additional provision that places duty to adjourn upon the presiding officer; this is suggested to ensure a certainty not provided by an "automatic" adjournment after an undefined "reasonable period of time."
11. **Rule 8.G.1.f (major):** new subsection added to memorialize that one council cannot bind a future council. That is, a future council always has the ability to adopt new ordinances, which may amend or repeal existing ordinances.
12. **Rule 8.G.2.h (minor):** this subsection is moved ahead of "Voting on a Motion," as a statement of conflict logically precedes the vote. Also, "abstention" has been deleted; the practice for years has been to allow

stated abstentions at the same time as the yeas and nays during a roll call vote. That is allowed under Robert's Rules of Order.

13. **Rule 12.B.2 (major):** addition of definitive statement of committee quorums. There is no other place that clarifies committee quorums. Note that this is different than the quorum of the council. The charter provides a council quorum is "a majority of the members of the council then in office." (§ 30(b).) But using that language would conceivably allow a committee quorum of zero or one (post-election); that does not seem practical.
14. **Rule 13.C.2 (minor):** language changes here are to reflect the current organizational structure, whereby the clerk runs Mayor and Council operations.
15. **Rule 13.A.1.c (major):** new provision added to clarify the limitation on persons' authority to state policy positions on behalf of council.
16. **Rule 13.B.1.b(iv) (major):** new exception to Law and Leg Committee ordinance review. This is suggested because the URAC effectively holds the Prop. 218 hearing after the required notice, before the full council adopts the ordinance, which ordinance adoption is necessary if the city wishes to place delinquency assessments on the tax roll.
17. **Rule 13.B.1.h (major):** suggested clarification of the votes necessary to move a Law and Leg Committee item to the full council with a recommendation. Items that do not receive the necessary majority vote can still move forward with two votes, but do so without a recommendation.
18. **Rule 13.B.1.i (minor):** change that follows the proposed change to subsection h, as described above.
19. **Rule 14.B.5:** suggested change to add clerk as person announcing mayoral appointments, to conform to current practice.
20. **Rule 15.B.2.b (minor):** change to delete unnecessary language.
21. **Rule 15.B.3 (major):** suggested vote clarification, to match proposed changes to the Law and Leg Committee vote requirements.

### **C. Additional Potential Changes Needing More Council Direction.**

1. **Rule 6.F.2 (major):** clarification and guidance are required. This section conflicts with the subsections that follow. Subsection 2 prohibits a public hearing continuance without the approval of the relevant council member; but subsection 4 allows certain continuations "as a matter of right" or upon other approval by the council.

[Back to Report Table of Contents](#)



# City of Sacramento Council Rules of Procedure

ADOPTED ON FEBRUARY \_\_, 2013

by Resolution No. 2013-\_\_

Blank page is Intentional

**CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE  
TABLE OF CONTENTS**

**CHAPTER 1 – AUTHORITY/ADMINISTRATION ..... 1**

A. GENERAL AUTHORITIES AND APPLICABILITY ..... 1

B. GENERAL ADMINISTRATION ..... 1

C. AMENDMENT ..... 1

D. SUSPENSION ..... 1

E. ROBERT’S RULES ..... 1

**CHAPTER 2 - DUTIES ..... 2**

A. JOINT DUTIES OF MEMBERS/STAFF ..... 2

B. DUTIES OF MAYOR AND VICE-MAYOR ..... 2

**CHAPTER 3 - CONDUCT OF MEMBERS ..... 3**

A. SUGGESTED NORMS AND EXPECTATIONS ..... 3

B. GENERAL CONDUCT ..... 3

C. CONDUCT WITH MEMBERS ..... 4

D. CONDUCT WITH CITY MANAGER AND STAFF ..... 4

E. CONDUCT WITH THE PUBLIC ..... 4

F. CONDUCT WITH OTHER AGENCIES ..... 5

G. CONDUCT WITH BOARDS AND COMMISSIONS ..... 5

H. CONDUCT WITH THE MEDIA ..... 5

I. ETHICAL CONDUCT ..... 5

**CHAPTER 4 – CONDUCT OF CITY STAFF ..... 6**

A. GENERAL CONDUCT: ..... 6

**CHAPTER 5 – CONDUCT OF THE PUBLIC ..... 7**

A. GENERAL CONDUCT ..... 7

**CHAPTER 6–MEETING TYPES AND SCHEDULES ..... 10**

A. REGULAR MEETINGS ..... 10

B. ADJOURNED MEETINGS ..... 10

C. SPECIAL MEETINGS ..... 10

D. EMERGENCY MEETINGS ..... 10

E. CLOSED SESSIONS ..... 11

F. PUBLIC HEARINGS ..... 11

**CHAPTER 7- MEETING AGENDAS ..... 14**

A. REQUIREMENTS FOR AGENDA ITEM SUBMISSION ..... 14

B. DECLARATION OF POLICY ..... 14

C. PROCEDURES FOR SUBMISSION OF REPORTS ..... 15

D. WRITTEN COMMUNICATIONS FROM THE CITY AND THE PUBLIC ..... 15

E. PREPARATION OF THE AGENDA PACKET ..... 16

F. DISTRIBUTION OF THE PACKET ..... 16

G. POSTING OF AGENDA ..... 16

H. FAILURE TO MEET AGENDA DEADLINES ..... 17

I. EXCEPTIONS TO THE AGENDA REQUIREMENT ..... 17

J. TYPES OF AGENDA ITEMS ..... 17

K. ORDINANCES/NON-BINDING RESOLUTIONS ..... 18

**CHAPTER 8- CONDUCT OF MEETING ..... 19**

A. CALL TO ORDER – PRESIDING OFFICER ..... 19

B. ROLL CALL/ATTENDANCE ..... 19

C. ORDER OF DISCUSSION ..... 19

D. ORAL COMMUNICATIONS FROM THE AUDIENCE ..... 20

E. QUORUM CALL ..... 21

F. OBTAINING THE FLOOR ..... 21

G. MOTIONS ..... 21

H. VOTING ..... 24

**CHAPTER 9- COUNCIL REQUESTS ..... 25**

A. GENERAL ..... 25

<b>CHAPTER 10 – VACANCIES</b> .....	<b>26</b>
A. PROCEDURES .....	26
<b>CHAPTER 11– FACILITIES</b> .....	<b>27</b>
A. COUNCIL CHAMBER CAPACITY .....	27
<b>CHAPTER 12 - CITY COUNCIL COMMITTEES/REGIONAL ORGANIZATIONS....</b>	<b>28</b>
A. GENERAL .....	28
B. STANDING COMMITTEES .....	28
C. AD HOC COMMITTEES .....	29
D. REGIONAL ORGANIZATIONS.....	29
<b>CHAPTER 13 - LAW AND LEGISLATION (LAW AND LEG) COMMITTEE.....</b>	<b>30</b>
A. AUTHORITY-PURPOSE .....	30
B. PROCEDURES .....	30
<b>CHAPTER 14--PERSONNEL AND PUBLIC EMPLOYEES COMMITTEE.....</b>	<b>32</b>
A. PURPOSE.....	32
B. PROCEDURES .....	32
C. EXCEPTIONS .....	32
<b>CHAPTER 15 — AUDIT COMMITTEE .....</b>	<b>33</b>
<b>CHAPTER 16– BOARDS AND COMMISSIONS.....</b>	<b>34</b>
A. VACANCIES AND APPOINTMENTS .....	34
B. EXCEPTIONS .....	35
<b>END NOTES</b> .....	<b>36</b>
<b>GLOSSARY</b> .....	<b>37</b>
<b>INDEX</b> .....	<b>38</b>

## **CHAPTER 1 – AUTHORITY/ADMINISTRATION**

### **A. General Authorities and Applicability**

1. The Charter of the City of Sacramento provides that the city council shall determine its own rules and order of business.<sup>1</sup> When not in conflict with the Charter of the City of Sacramento, or the Constitution or laws of the State of California, including the Ralph M. Brown Act,<sup>2</sup> these City Council Rules of Procedure (“Rules”) shall be in effect upon adoption by resolution of the council.
2. Until such time as they are amended or new rules are adopted by resolution, these Rules shall govern the order and conduct of business of the council and other legislative bodies that meet concurrently with the council, as well as various council committees, and council-established boards and commissions (collectively, “legislative bodies”). Those council-established boards, commissions, and committees that are required by law to adopt rules of procedure shall adopt rules that are consistent with these Rules to the extent possible.

### **B. General Administration**

1. The council shall review and revise these Rules at least annually, or as needed.
2. During council discussions, deliberations, and proceedings, the presiding officer has the primary responsibility to ensure that the council, staff, and members of the public adhere to these Rules.
3. Any member who thinks the Rules are being violated may make a “point of order” to call for the presiding officer to enforce the Rules.

### **C. Amendment**

Any rule may be adopted, altered, amended, or repealed by resolution at any time by a majority vote of the council, provided that at least a one week notice of such proposed rule change is given to the council members.

### **D. Suspension**

Any rule may be temporarily suspended by a two-thirds vote of all council members present, being not less than five votes of the council.

### **E. Robert’s Rules**

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, Robert’s Rules of Order (Newly Revised 11<sup>th</sup> edition)<sup>3</sup> govern.

## CHAPTER 2 - DUTIES

### A. Duties of Members and Staff

1. Council members (“members”) and city staff shall conduct the business of the City of Sacramento:
  - a. recognizing that stewardship of the public interest is of primary concern;
  - b. working for the common good of the people of Sacramento; and
  - c. assuring fair and equal treatment of all persons, claims, and transactions coming before the council, council committees, and council-established boards, commissions, and committees (legislative bodies).

### B. Duties of Mayor and Vice Mayor

1. The mayor is:
  - a. the presiding officer of the city and of all meetings of the council;
  - b. the official head of the city for performance of duties lawfully delegated to the mayor by the charter;
  - c. referred to as “chair” or “chairperson” when acting as presiding officer of legislative body meetings other than the council;
  - d. considered a member of the council;
  - e. entitled to make and second motions on matters before the council and vote on actions, but shall possess no veto power over actions of the council;
  - f. the primary, but not the only, person responsible for interpreting the policies, programs, and needs of city government to the people; and for informing the people of any major change in policies or programs; and
  - g. empowered, but not exclusively empowered, to make recommendations to the council on all policies and programs that require council decisions; and to perform such other duties as prescribed by the charter.
2. The vice mayor shall:
  - a. be elected annually from among the members of the council, other than the mayor, by a majority vote at the council’s first meeting in January;
  - b. in the absence of the mayor from the city or a council meeting,
    - (i) possess all powers of the office of mayor; and
    - (ii) be subject to all prescribed duties for that office.
3. In the event the mayor and vice mayor are absent, the council may appoint one of its members to serve as mayor *pro tempore*.

## CHAPTER 3 - CONDUCT OF MEMBERS

### A. Norms and Expectations

1. Members shall:
  - a. put constituents first at all times;
  - b. treat each other, staff, and members of the public with dignity, courtesy, and respect;
  - c. value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation;
  - d. follow through on commitments and be accountable to each other;
  - e. clarify when items are discussed in confidence and maintain appropriate confidentiality;
  - f. be attentive to others, limiting interruptions and distractions;
  - g. encourage dissent in debate while being mindful not to prolong discourse or block consensus;
  - h. be candid with each other about ideas and feelings, and resolve conflicts directly;
  - i. keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;
  - j. continuously strive to improve how members work as a team;
  - k. place clear and realistic demands on staff resources and time when requesting action;
  - l. start and end meetings on time, work from an agenda, and be present, attentive, and prepared;
  - m. present problems in a way that promotes discussion and resolution; and
  - n. continually work to build trust in each other.

### B. General Conduct

1. Members shall:
  - a. treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
  - b. be fair, impartial, and unbiased when voting on quasi-judicial actions;
  - c. use the speaker sequencing system to inform the presiding officer of their wish to speak and wait to be acknowledged by the presiding officer before speaking;
  - d. move to require the presiding officer to enforce these Rules, and the presiding officer shall do so upon an affirmative vote of a majority of the members present;
  - e. preserve order and decorum during the meeting;
  - f. not delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, by conversation or otherwise, nor disobey the

orders of the council, or the presiding officer, except as otherwise herein provided;

- g. support the laws established by the council; and
- h. abide by these Rules in conducting the business of the City of Sacramento.

### **C. Conduct with Members**

- 1. Members shall:
  - a. value each other's time;
  - b. attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
  - c. have the right to dissent from, protest, or comment upon any action of the council;
  - d. respect each other's opportunity to speak and, if necessary, agree to disagree;
  - e. avoid offensive negative comments and shall practice civility and decorum during discussions and debate; and
  - f. assist the presiding officer's exercise of the affirmative duty to maintain order.

### **D. Conduct with City Manager and Staff**

- 1. Members shall:
  - a. speak to the city manager directly on issues and concerns;
  - b. direct the city manager to implement council's policy decisions through the administrative functions of the city;
  - c. treat staff professionally and refrain from publicly criticizing individual employees;
  - d. avoid involvement in personnel issues except during council closed sessions regarding council-appointed staff such as the city manager, city attorney, city treasurer, city clerk, or city auditor, including hiring, firing, promoting, disciplining, and other personnel matters;
  - e. discuss directly with the city manager, city attorney, city clerk, city treasurer, or city auditor as appropriate, any displeasure with a department or staff; and
  - f. request answers to questions on council agenda items from the city manager, city attorney, city clerk, city treasurer, city auditor, department directors, or division managers prior to the meeting whenever possible.

### **E. Conduct with the Public**

- 1. Members shall:
  - a. make the public feel welcome;
  - b. be impartial, respectful, and without prejudice toward the public;
  - c. listen courteously and attentively to public comment;
  - d. not argue back and forth with members of the public; and

- e. make no promises to the public on behalf of the council.

[Back to Index](#)

## **F. Conduct with Other Agencies**

1. Members shall:
  - a. project a positive image of the city when dealing with other agencies;
  - b. show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;
  - c. represent official policies or positions of the council when designated as delegates of a legislative body;
  - d. explicitly state when their opinions and positions do not represent the council when representing their individual opinions and positions, and shall not allow the inference that they do [\(see also Rule 13.1.c\)](#); and
  - e. have the ability to lobby or discuss issues that have been adopted by legislative bodies or are standing policies of the legislative body [yes](#) with other legislators, government officials, [applicants](#), or [other interested persons](#) [developers](#).

## **G. Conduct with Boards and Commissions**

1. Members shall:
  - a. treat all members of boards and commissions with appreciation and respect; and
  - b. refrain from participation at board and commission meetings with the purpose of influencing the outcome of those meetings.

## **H. Conduct with the Media**

1. Members shall not discuss, or go "off the record" with the media to discuss, confidential or privileged information pertaining to closed sessions, or attorney-client privileged or attorney work product communications, including personnel, litigation, or real property negotiations.
2. Providing non-confidential, non-privileged background information is acceptable.

## **I. Ethical Conduct**

1. Members shall receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code section 53234 et seq.<sup>4</sup> every two years.
2. Members shall conduct themselves in accordance with such training.

## CHAPTER 4 – CONDUCT OF CITY STAFF

### A. General Conduct

1. City staff shall:
  - a. prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
  - b. be available for questions from members in accordance with the Brown Act prior to and during meetings;
  - c. respond to questions from the public during meetings only when requested to do so by members or the city manager;
  - d. refrain from arguing with the public or members; and
  - e. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during council meetings.
2. Staff shall remain objective on issues and should not be advocates for issues unless so directed by the legislative body.
3. ~~As soon as possible, to~~ the extent permitted by the Brown Act, the city manager and staff shall inform the mayor and members representing the districts affected, of controversial, significant-impact issues ~~having significant impacts to the City~~ that are coming before the legislative body ~~on short notice~~. The information shall be provided at least two weeks prior to the legislative body's meeting, unless circumstances do not allow for such advance notice.
4. The city manager shall advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.

## CHAPTER 5 – CONDUCT OF THE PUBLIC

### A. General Conduct

1. Decorum.
  - a. Members of the public attending council meetings shall observe the same rules and decorum applicable to the members and staff as noted in chapters 3 and 4 of these Rules.
  - b. No person shall engage in conduct that is intended to or is likely to provoke violent or riotous behavior, nor shall any person engage in conduct that disturbs the orderly conduct of the council meeting. Examples of disorderly conduct include feet-stamping-of-feet, whistling, yelling or shouting, organized silent demonstrations, physically-threatening conduct, and/or similar demonstrations are unacceptable public behavior and will be prohibited by the Sergeant-at-Arms.
  - c. The presiding officer shall request that a person who is breaching the rules of decorum cease the conduct. If the person does not cease the conduct immediately, the presiding officer may order the person to leave the council meeting. The sergeant-at-arms shall assist the presiding officer in enforcing the rules of decorum, including removing disorderly persons upon order of the presiding officer.
2. Lobbyists shall identify themselves and the client(s), business, or organization they represent before speaking to the council.<sup>5</sup>
3. Members of the public wishing to provide documents to the council shall comply with Rule 7.D.

### B. Addressing the City Council

1. Purpose of public comment. During regular meetings, the city provides opportunities for the public to address the council as a whole in order to listen to the public's opinions regarding agendized items and unagendized matters within the subject matter jurisdiction of the city. during Regular meetings and At all other meetings, public comment is limited to agendized items regarding items on the Agenda at all other meetings.
  - a. Public comments should not be addressed to individual members nor to city officials, but rather to the council as a whole regarding city business.
  - b. While members of the public may speak their opinions on city business, personal attacks on members and city officials, use of swear words, and signs or displays of disrespect for individuals are discouraged as they impede good communication with the council.
  - c. Consistent with the Brown Act, the public comment periods on the agenda are not intended to be "Question and Answer" periods or conversations with the council and city officials. The limited circumstances under which members may respond to public comments are set out in Rule 8.D.2.

- d. Members of the public with questions concerning Consent Calendar items may contact the staff person or the member whose district is identified on the report prior to the meeting to reduce the need for discussion of Consent Calendar items and to better respond to the public's questions.
2. Speaker time limits. In the interest of facilitating the council's conduct of the city's business, the following time limits apply to members of the public (speakers) who wish to address the council during the meeting.
  - a. Matters not on the agenda. Two minutes per speaker.
  - b. Consent Calendar items. The consent calendar is considered a single item, and speakers are therefore subject to the two minute time limit for the entire consent calendar. Consent calendar items can be pulled at a member's request and will be considered individually, with up to two minutes of public comment per speaker.
  - c. Discussion Calendar items. Two minutes per speaker.
  - d. Time limits per meeting. In addition to the above time limits per item, the total amount of time any one speaker may address the Council at any meeting is eight minutes.
    - (i) Each speaker shall limit his/her remarks to the specified time allotment.
    - (ii) The presiding officer shall consistently utilize the timing system, which provides speakers with notice of their remaining time to complete their comments. A countdown display of the allotted time will appear and will flash red at the end of the allotted time.
    - (iii) In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group, but with no increase in time.
    - (iv) Speakers shall not concede any part of their allotted time to another speaker.
    - (v) The presiding officer may further limit the time allotted for public comments per speaker or in total for the orderly conduct of the meeting; such limits shall be fairly applied.
3. Speaker slips. Members of the public wishing to speak to the council should complete, and turn into the city clerk prior to the item being called, a speaker's slip indicating the agenda item or off-agenda item that they wish to address and wait to be called upon by the presiding officer.

### **C. Electronic Devices**

1. Members of the public shall turn their electronic devices that are capable of emitting sound – including cellular telephones, personal data devices, pagers, digital tablets, laptop computers, etc. – to the off- or silent-mode during council meetings.
2. Cameras. Cameras and recording equipment may be used during council meetings only if:
  - a. the devices are silent during use; and
  - b. the devices are used in a manner and at locations that do not impede walkways or others views of the meeting or disrupt the conduct of the meeting.

### **D. Location of Speaker**

1. Members of the public shall not approach the dais without the express consent of a council member.
2. Members of the public wishing to address the council must approach the podium when recognized by the presiding officer or city clerk, and speak only from the podium.

## CHAPTER 6—MEETING TYPES AND SCHEDULES

### A. Regular Meetings

1. The council shall meet after 5:00 p.m. not less than one evening each week, not including its four weeks of recess annually.<sup>6</sup>
2. The council shall meet each Tuesday generally beginning at 6:00 p.m. in the City Hall Council Chamber, 915 I Street, First Floor, Sacramento, California, except as otherwise provided in the annually-adopted meeting schedule or as otherwise revised by the council.

~~At least once per month, the City Council shall meet at 2:00 pm in addition to the regularly scheduled 6:00 pm meeting.~~

3. Whenever possible, special workshops shall take place in the council chamber.
4. ~~Continuation of a meeting extending past 9:00 pm requires a majority vote of the Members.~~

### B. Adjourned Meetings

As permitted by law, the council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the motion of adjournment.

### C. Special Meetings

The mayor or a majority of the members may call a special meeting by providing notice 24 hours in advance of the meeting to the mayor, to all members, and to all media outlets and persons having requested in writing notification of such meetings pursuant to state law.

### D. Emergency Meetings

1. 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, the legislative body may hold an emergency meeting without complying with either the 72-hour or 24-hour notice and posting requirements for regular and special meetings, but shall otherwise comply with the Brown Act procedures generally stated below.
2. Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to the Brown Act, shall be notified by the presiding officer of the legislative body, or designee thereof, at least one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the emergency meeting.
3. This notice shall be given by telephone call to the numbers provided in the most recent request for notification.

4. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.
5. During an emergency meeting, the legislative body may meet in closed session pursuant to the Brown Act if agreed to by a two-thirds vote of the members present, being not less than five votes of the council. ~~or, if less than two-thirds (2/3) of the Members are present, by a unanimous vote of the Members present.~~
6. All special meeting requirements in the Brown Act shall be applicable to an emergency meeting, with the exception of the 24-hour notice and posting requirement.
7. The minutes of an emergency meeting; a list of persons who the presiding officer of the legislative body, or designee of the council, notified or attempted to notify; a copy of the roll call vote; and any actions taken at the meeting, shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

#### **E. Closed Sessions**

1. Closed sessions generally shall be conducted weekly or during special meetings held immediately prior to regular meetings.
2. In accordance with the Brown Act, the public may speak regarding any closed session item prior to the closed session.
3. All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the closed session. Any member sharing information in violation of this rule may be subject to censure by the council consistent with the council's confidentiality policy then in effect.
4. The city attorney shall report out in public session any reportable actions that were taken by council and the vote on such actions in accordance with the Brown Act.<sup>2</sup>

#### **F. Public Hearings**

1. The city clerk shall set council hearing dates and notify the council via the preliminary agenda on all matters that require a notice and public hearing before the council, such as matters received from the planning division and appeals to the council, and other municipal matters.
2. Public hearings will not be withdrawn or continued without the full knowledge and concurrence of the members within whose districts/jurisdiction the issue resides.
3. The council may refuse to grant a continuance of any hearing unless there is a valid legal reason why the hearing must be continued.

#### 4. Continuances.

- a. Any person (applicant, appellant, or designated representative) scheduled for a public hearing before the council:
  - (i) may obtain one continuance for a period not to exceed the second regular meeting after the original scheduled hearing date, as a matter of right, without personally appearing before the council on the scheduled hearing date, provided a written request for the continuance must be delivered to the city clerk by noon on the day prior to the scheduled public hearing. Any person who has once obtained a continuance by any procedure, may not obtain a subsequent continuance by notifying the city clerk as provided in this Rule 6.F..a(i).
  - (ii) who wants to obtain a continuance of the hearing beyond the second regular meeting after the original scheduled hearing date, or has not notified the city clerk as provided in Rule 6.F.4.a(i), may obtain a continuance only by appearing before the council at the time the original hearing is scheduled and requesting a continuance. This continuance is not a matter of right and will not be granted unless the council is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.
  - (iii) who has once obtained a continuance of a hearing either by notice to the city clerk per Rule 6.F.4.a(i) or by personal appearance per Rule 6.F.4.a(ii), may obtain a further continuance only by appearing before the council at the scheduled hearing and satisfying the council that extraordinary circumstances exist that would justify this second continuance.
  - (iv) who has twice obtained a continuance of a hearing, may obtain an additional continuance only by appearing before the council at the scheduled hearing and satisfying the council that a miscarriage of justice would result from the refusal of the council to grant a continuance.
- b. City staff may obtain a continuance based on the need of the originating department or on behalf of a member. Department staff may request, via the city clerk, as many continuances as needed to complete and ready the project or appeal for the hearing process; however, staff may not serve as a requestor on behalf of an applicant or appellant.
- c. Any organized group of residents or neighborhood associations, not recognized as an applicant or appellant, may contact their council member and request a continuance as needed to complete and ready the project or appeal for the hearing process. The member, in his or her sole discretion, may request the council approve the continuance for good cause.
- d. Disputes regarding the length of a continuance will be decided by the council at the scheduled hearing if city staff or the city clerk cannot obtain mutual agreement between the parties beforehand.

#### **G. Teleconferenced Meetings**

Members of the public wishing to attend meetings and address the council via teleconference or other electronic device may do so only at duly-noticed teleconference locations set from time to time for members' attendance in accordance with the Brown Act.

#### **H. Televised Meetings**

Meetings held in the council chambers are generally telecast via local cable television and available via streaming video on the city's official website.

## CHAPTER 7- MEETING AGENDAS

### A. Requirements for Agenda Item Submission

1. Members may submit items for inclusion on a future agenda by orally making the request under Council Ideas, Comments, and Questions.
2. Charter officers may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
3. The city auditor and independent budget analyst may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
4. Department directors, subject to the discretion of the city manager, may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
5. Outside agencies may submit agenda items in accordance with the following:
  - a. Items from outside agencies must be sponsored for agenda placement by members, charter officers, or department staff; and
  - b. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.

### B. Declaration of Policy

1. No ordinance, resolution, motion, or item of business shall be introduced or acted upon at a meeting of a legislative body of the city without it appearing on a duly noticed and posted agenda in accordance with the Brown Act. Exceptions to this rule are limited to those provided by state law.
2. No ordinance, resolution, motion, or item of business will be considered that:
  - a. does not affect the conduct of the business of the City of Sacramento or its powers or duties as a municipal corporation, or
  - b. supports or disapproves of any legislation or action
    - (i) of the State of California;
    - (ii) of the Congress of the United States; or
    - (iii) before any officer or agency of the state or nation,unless the proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers or duties of the City of Sacramento or its officers or employees.
  - c. Rule 7.B.2 may be invoked only before public comment or council deliberation on the matter and by five affirmative votes on the question: "Shall the council consider this matter?"

### **C. Procedures for Submission of Reports**

1. A written staff report should be prepared and submitted to agenda review in accordance with the agenda review procedure.
2. Staff reports shall include a section reflecting review by the city attorney and city treasurer, as appropriate.
3. "Continued" items do not require a new report if there are no changes other than the agenda date. If there is any other change, a new report meeting all applicable requirements must be submitted.

### **D. Written Communications from the City and the Public.**

1. The city clerk shall manage communications to members regarding meeting topics to ensure compliance with the Brown Act.
  - a. Except for records exempt from disclosure under the California Public Records Act<sup>7</sup> and otherwise by law, agendas or any other writings distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public, and shall be made available upon request without delay.
  - b. Materials distributed to the members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the city or a member, or at the conclusion of the meeting if prepared by another person.<sup>8</sup>
2. Interested parties or their authorized representatives may address the council by written communications regarding agenda items. Such written communications received by the city clerk prior to close of business on the eighth day preceding the council meeting will be included in the agenda packet material.
3. Written communications received by the city clerk after such deadline will be delivered to members at the city council meeting if related to an item on that meeting agenda.
4. Documents (15 copies recommended) that members of the public submit to the city council at the meeting shall be given directly to the city clerk for distribution and shall not be given directly to the council. The documents will be available to the public.

## **E. Preparation of the Agenda Packet**

1. No later than noon on the Thursday prior to each regularly scheduled meeting, the city clerk shall finalize the agenda packet.
2. Agenda Packet Contents.
  - a. The agenda packet shall include the agenda, the staff reports, draft resolutions and ordinances, contracts, and other attachments. Items noted as "To Be Delivered" on the agenda will be delivered and published to the city's website upon receipt by the city clerk. No item shall be required to be considered by the council if the applicable written material is not delivered to the council before the meeting and made available to the public at the same time.
  - b. Corrections or supplements to a staff report or other written materials already included in the agenda packet may be delivered separately.
  - c. All agreements on the agenda shall be available for review by the council and the public prior to the meeting, or at the meeting location during the meeting, unless determined otherwise by the city attorney.

## **F. Distribution of the Packet**

1. The city clerk shall distribute the agenda packet to the members and persons requesting copies of the agenda packet no later than Friday at noon prior to the regularly scheduled meeting.
2. Paper or electronic copies of the agenda packet shall be available for the news media and other such organizations, agencies, institutions, or persons who so subscribe.

## **G. Posting of Agenda**

1. The city clerk shall post the agenda of each regular or adjourned regular meeting of the legislative body at least 72 hours in advance of the meeting in a location that is freely accessible to members of the public as required by the Brown Act.
2. The city clerk shall maintain an affidavit indicating the location, date, and time of posting each agenda.
3. Agendas will generally be published to the city's website by the end of business on the Thursday before regular meetings.
4. Agenda reports including attachments, exhibits, and agreements will generally be published to the city's website by end of business on the Friday before regular meetings.
5. If technical difficulties occur, the agenda and reports will be published on the city's website as soon as those difficulties are resolved.

## **H. Failure to Meet Agenda Deadlines**

1. The city clerk shall not, without the consent of the city manager or city attorney, accept any agenda item or revised agenda item after the deadlines established and noted in these Rules.

## **I. Exceptions to the Agenda Requirement**

1. Matters not included on the published agenda may be discussed and acted upon by the legislative body only in the following situations:
  - a. at a meeting during which a majority of the members determine in open session that the matter in question constitutes an “emergency”<sup>9</sup>; or
  - b. Upon a determination by two-thirds of the members, or if less than two-thirds are present by unanimous vote of the members present, that:
    - i) there is a need to take immediate action; and
    - ii) the need for action came to the attention of the city after the agenda had been posted; or
  - c. the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

## **J. Types of Agenda Items**

1. Closed Sessions--confidential discussions with the legislative body as permitted by the Brown Act.
2. Ceremonial Matters--the presentation and receipt of ceremonial resolutions and celebrations not requiring formal legislative body action.
3. Administrative Matters--consent items making clerical corrections to previous legislative documents and to ensure accurate legislative history.
4. Consent Calendar—considered one item, consisting of matters routine in nature and not likely to be subject to debate or inquiry by the members or the public; typically adopted in one motion.
5. Public Hearings—duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the council.
6. Discussion Calendar—non-routine items requiring an oral presentation and discussion before action is taken.

7. Information Items--items when staff is required by federal or state law or city code to inform council of an issue when authority has been delegated to a person, position, board, or commission.
8. Public Comment--oral communications from the audience regarding matters not on the agenda but within the subject matter jurisdiction of the city.
9. Council Ideas, Comments, and Questions
  - a. Brief oral or written reports summarizing meeting or conference attendance at city expense, as required by AB 1234;<sup>10</sup>
  - b. Requests that city manager or staff report on various issues;
  - c. Requests to place items on a future council meeting agenda;
  - d. Requests to refer preparation or review of non-binding resolutions or ordinances to the Law and Legislation Committee; and
  - e. Reports on district and citywide activities or news.

**K. Ordinances and Non-Binding Resolutions**

1. Ordinance and non-binding resolution preparation shall be referred to the Law and Legislation Committee before coming to council as described in Rule 13.A.2.
2. Ordinances on the agenda may be passed for publication or adopted in accordance with the procedures in the city charter.<sup>11</sup>

## CHAPTER 8- CONDUCT OF MEETING

### A. Call to Order – Presiding Officer

1. The mayor, or in the mayor's absence the vice mayor, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the council to order.
2. In the absence of the mayor and vice mayor, the clerk shall call the meeting to order and a mayor *pro tempore* shall be appointed from the members present.
3. Upon the arrival of the mayor, the vice mayor shall immediately relinquish the chair at the conclusion of the business then before the council.

### B. Roll Call/Attendance

1. A majority of the members of the council then in office shall constitute a quorum.
2. Before the council proceeds with the business before it, the city clerk shall note the members present for the minutes. The late arrival of members shall be entered into the minutes.
3. A member shall be considered present at a meeting if the member is either physically in the council chamber or is participating in the meeting through teleconference in accordance with the Brown Act. (See endnote 4.) Meeting attendance of members through teleconference will be permitted only in extraordinary circumstances such as a medical condition that physically disables the member from attending in person.
4. Members attending a council meeting through a teleconference are not counted when determining a quorum.
5. Members must be physically present at the council chamber dais or teleconference location to vote. Proxy or absentee voting is not permitted.

### C. Order of Discussion

The order of business is typically carried out as listed on the agenda or as set out below; however, the mayor may reorder the items, unless members object. Members may request items be reordered by motion.

1. Public Comment will be held at the beginning of the meeting for 30 minutes or less, with any additional comments heard at the end of the meeting.
2. Consent Calendar items removed for discussion
  - a. Members, the city manager, or other charter officers may request that any matter be removed from the Consent Calendar.
  - b. All matters remaining on the Consent Calendar shall be approved by a single action, such single action to have the legal effect of individual action on each matter.
  - c. The city clerk shall read into the record each item removed from the Consent Calendar.
  - d. If Consent Calendar items are removed, they shall be discussed immediately after adoption of the balance of the Consent Calendar.

### 3. Public Hearings.

- a. The order of public hearings will generally be as follows:
  - (i) Staff comments, information, and reports, followed by member questions.
  - (ii) Proponent, if applicable, speaks, followed by member questions.
  - (iii) Opponent, if applicable, speaks, followed by member questions.
  - (iv) If the public hearing is on an appeal that does not require council *de novo* review, then the appellant (opponent) speaks before the applicant (proponent) in accordance with the allotted time.
  - (v) Public comments.
  - (vi) If the public hearing is a *de novo* review appeal, the applicant speaks in rebuttal, but if not a *de novo* review appeal, the appellant speaks in rebuttal.
  - (vii) Closure of public hearing.
  - (viii) Further member discussion, motion, and action. See Rule 6.F regarding continuances.
- b. The presiding officer may direct speakers to avoid repetition in order to permit maximum information to be provided the council within the time allotted to the hearing.

### 4 Discussion Calendar.

- a. The order of discussion after introduction of an item by the mayor will generally be as follows:
  - (i) Staff comments, information, and reports, followed by questions from the members.
  - (ii) Public comments and information, followed by questions from the members.
  - (iii) Member discussion, motion, and action.
- b. Once the item is placed before the council for discussion, motion, or action, no member of staff or the public shall be allowed to address the council without the consent of the mayor or members.

### **D. Oral Communications from the Audience**

1. As required by the Brown Act, a portion of each council meeting agenda will provide an opportunity for members of the public to address the council on any agendized item, including closed session and consent calendar items. Regular meeting agendas also will provide for public comment on any unagendized matter that is within the subject matter jurisdiction of the city.
2. In response to public comment on non-agendized items, the members may individually:
  - a. briefly respond to statements made or questions posed by members of the public;
  - b. ask questions for clarification;
  - c. provide a reference to staff or other resources for factual information or response;

- d. request staff to report to the council at a subsequent meeting; and
- e. request staff to place a matter of business on a future agenda as needed.

#### E. Quorum Call

1. During the course of the meeting, should the presiding officer note a quorum is lacking, the presiding officer shall call this fact to the attention of the clerk.
2. The presiding officer then shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the presiding officer may declare a recess for a reasonable period of time in order to reestablish a quorum.
3. If no quorum is reestablished within a reasonable time, the presiding officer shall adjourn the meeting. ~~or the meeting shall be deemed automatically adjourned.~~

#### F. Obtaining the Floor

1. Any member wishing to speak must first obtain the floor by being recognized by the presiding officer. The presiding officer shall recognize any member who seeks the floor when appropriately entitled to do so.
2. With the concurrence of the presiding officer, a member holding the floor may address a question to another member and that member may respond while the floor is still held by the member asking the question. A member may opt not to answer a question while another member has the floor.

#### G. Motions

1. No motion shall be entertained when a question is before the council except the following, listed in order of precedence. Any such motion – except to adjourn, postpone, substitute, or reconsider – shall be put to a vote without discussion.
  - a. **Motion to Adjourn**--A motion to adjourn requires a second and is not debatable except to set the date and time to which the meeting is adjourned to consider the unfinished business. The purpose of a motion to adjourn is to terminate the meeting although the business on the agenda has not been completed and a time fixed for adjournment has not yet arrived. A motion to adjourn shall be in order at any time, except when:
    - (i) repeated without intervening business or discussion;
    - (ii) made as an interruption of a member while speaking;
    - (iii) the previous question has been moved; or
    - (iv) while a vote is being taken.
  - b. **Motion to Table**--The purpose of this motion is to terminate further consideration of the subject being discussed, without qualification. The effect of the motion, if approved, is to not only end discussion on any other motion being considered, but to preclude any other motion being made. A motion to table requires a second, is not amendable, and is not debatable. A motion to table shall not preclude any Member from placing the subject on an agenda for a later meeting.
  - c. **Motion to Call for the Question (Close Debate)**--The member moving the adoption of an ordinance or resolution shall have the privilege of moving to close the debate and at once to take the vote on the immediately pending

question. The motion requires a second, is not debatable, is not amendable, and requires a two-thirds vote for adoption.

- d. **Motion to Postpone to a Certain Time/Day**--A motion to postpone to a time certain is amendable, and is debatable as to the propriety of postponement and as to the time set in the motion. The purpose of the motion is to postpone the subject under discussion until another specified time.
- e. **Motion to Substitute**--A motion to substitute the motion under consideration with another motion requires a second, is not amendable, and is debatable. A motion to substitute must be germane to the subject and compatible with the underlying purpose of the motion under consideration; if passed, the substitute motion eliminates the necessity to vote on the motion being substituted. If the substitute motion fails to pass, debate resumes on the previous motion.

**f. Motion to Reconsider.**

(i) A motion to reconsider an action taken by the council must be made not later than the second succeeding official regular meeting of the council and only if the motion is based upon a different state of facts giving rise to the motion. However, an action relating to a contract may be reconsidered at any time before the final contract execution.

~~(i)~~(ii) The motion can only be made by a member who voted with the majority. It can be seconded by any member, and is debatable.

~~(ii)~~(iii) At the time a motion to reconsider is heard by the council, testimony shall be limited to the alleged different state of facts in support of the motion.

(iv) No question shall be twice reconsidered, except by unanimous consent of the members.

~~(iii)~~(v) The provisions of this Rule 8.G.1.f shall not act as a restriction upon the council's inherent power to exercise its legislative authority. However, action relating to any contract may be reconsidered at any time before the final contract execution.

2. Discussion of Motions.

- a. **Stating the Motion**--The presiding officer or clerk shall state the motion before it is debated.
- b. **Addressing the Council**--When a motion is pending before the council, no person other than a member shall address the council without first securing the permission of the presiding officer or members.
- c. **Mayor Debate**--The mayor may debate from the chair, subject only to such limitations of debate as are imposed by these Rules on all members, and shall not be deprived of any of the rights and privileges as a member of the council by reason of acting as the mayor.
- d. **Obtaining the Floor/Improper References to be Avoided**--Every member desiring to speak shall utilize the electronic call device to gain the attention of the presiding officer, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

- e. **Interruptions**--A member, once recognized, shall not be interrupted when speaking unless it is to call the person to order, or as herein otherwise provided. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.
  - f. **Division of Question**--If the question contains two or more divisible propositions, each of which is capable of standing as a complete proposition if the others are removed, the presiding officer may, and upon request of a member shall (unless appealed), divide the question.
  - g. **Withdrawal of Motion**--A motion may not be withdrawn by the movant without the consent of the member seconding it.
  - h. **Conflicts**-- Any member wanting to declare a conflict of interest shall do so prior to the vote being taken.
  - i. **Voting on a Motion**--The vote on a motion shall be taken by unison vote, roll call vote, or electronic voting device and entered in full upon the record. The mayor or the city clerk shall announce the result of the vote. ~~Any Member wanting to declare a conflict of interest or abstain shall do so prior to the vote being taken.~~
3. On any matter not requiring immediate action, members are encouraged to utilize a "Motion to Postpone to a Certain Time/Day," as opposed to a "Motion to Table" the matter, in order to have substantive issues addressed further.

## H. Voting

1. Requirements for Action.
  - a. Unless a higher vote is required by the city charter, the city code, or otherwise by law, the affirmative votes of at least five members of the council shall be required:
    - (i) for the council to take action on an item of business;
    - (ii) to pass any ordinance, resolution, or motion; or
    - (iii) to make or approve any order for the payment of money requiring council approval.
  - b. Any ordinance declared by the council to be necessary as an emergency measure and containing a statement of the facts constituting such emergency as provided in the city charter may be introduced and adopted at the same meeting if passed by at least six affirmative votes.
2. Voting Disqualification.
  - a. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.
  - b. A member shall openly state an abstention due to a conflict of interest or bias.
  - c. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
  - d. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
  - e. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.

## CHAPTER 9- COUNCIL REQUESTS

### A. General

1. Council requests that deal with policy issues and council requests that may be construed as direction shall be directed to the city manager, except for general inquiries or questions, in which case the council may go to the department directors or key staff in the City Manager's Office. Members may also deal directly with the city attorney, city clerk, city treasurer, city auditor, or other staff appointed by the council.
2. Council requests requiring funding must go through the city manager. The city manager shall respond in a timely manner.
3. Council requests to prepare or consider new ordinances or non-binding resolutions shall be made in accordance with Rule 13.B.

## CHAPTER 10 – VACANCIES

### A. Procedures

1. Per the city charter:<sup>12</sup>
  1. Absence from five consecutive regular meetings of the council, unless excused by resolution of the council, shall operate to vacate the seat of the mayor or member so absent; and
  2. A vacancy in the office of council member or mayor
    - i. shall be filled by special election called by the council as provided in the city charter,<sup>13</sup> unless
    - ii. the vacancy occurs within one year of the next general election at which that office would normally be filled, in which case the vacancy shall be filled by appointment. The city clerk shall be directed to perform council-determined procedures and take the necessary actions to accomplish the recruitment and appointment of candidates as provided in chapter 2.40 of the city code.

**A. Council Chamber Capacity**

Council chamber attendance is limited to the posted seating capacity. The city manager shall appropriately regulate ~~E~~entrance to the ~~C~~council chamber ~~will be appropriately regulated by the City Manager on occasions~~ when the ~~C~~council chamber capacity is likely to be exceeded, ~~and enforced by the Sergeant-at-Arms.~~ ~~When~~~~ile the~~ legislative bodies are in session, members of the public shall not remain standing in the seating area or aisles of the council chamber. Sitting on the floor is not permitted. The sergeant-at-arms shall enforce this chapter.

## CHAPTER 12 - CITY COUNCIL COMMITTEES/REGIONAL ORGANIZATIONS

### A. General

1. The mayor shall make all appointments to council standing committees, subject to the approval of the council. The mayor shall make all appointments to council ad hoc committees.
2. A standing committee is a permanent committee of the council established to consider subjects of a particular class, with regularly scheduled meeting dates and times.
3. An ad hoc committee is a temporary committee of the council established for a special purpose and of limited duration.
4. Standing and ad hoc committees have fact-finding, informative, and recommendatory powers only, and such other powers delegated by the council.
5. The council intends that council committees, to the extent possible, conduct a full hearing on any matter referred to that committee before the committee refers the matter back to the council.
6. The city clerk shall maintain and keep on file a list of the standing committees, ad hoc committees, regional organizations, and joint powers agencies to which council members are appointed.

### B. Standing Committees

[Back to Index](#)

1. General Guidelines
  - a. Standing committee appointments shall be made by the mayor each January.
  - b. Standing committees shall meet in the council chamber to allow for videostreaming and website access of meetings.
  - c. Standing committees are subject to the Brown Act. Standing committee agendas shall be prepared, posted, and distributed in accordance with the Brown Act stating the time and place of the meeting and the subject matters to be discussed.
  - d. A council member who is not a member of the standing committee may attend a standing committee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.
  - e. Except as provided in subsection f, Generally, all items on an Agenda for a standing committee's agendas shall first be referred to the committee by the council for review, with a recommendation returned to the council within 120 days, subject to the exceptions set forth below or as otherwise modified by the council.
  - f. ~~As of the date of adoption of these Rules there are three existing Standing Committees: the Law and Legislation Committee (Chapter 13) the Personnel and Public Employees Committee (Chapter 14), and the Audit Committee (Chapter 15).~~

g.f. With approval of the city manager, an item may be sent directly to a standing committee without council referral. If a matter is so referred to a standing committee, the committee agenda shall note that fact on the face of the agenda. Such referrals are not required to be forwarded to the council unless council action is recommended by the standing committee.

2. As of the date of adoption of these Rules there are three existing standing committees: the Law and Legislation Committee (Chapter 13); the Personnel and Public Employees Committee (Chapter 14); and the Audit Committee (Chapter 15). Each of these committees has four members. The quorum for each standing committee is three.

### C. Ad Hoc Committees

#### 1. Establishment.

- a. Once the mayor or a majority of the council has requested the creation of an ad hoc committee, the city manager or department director, together with the city attorney, shall work with the appropriate supporting department(s) and determine the scope and approximate duration the ad hoc committee will be needed.
- b. The department director shall submit a request to the mayor, with a copy to the city clerk, requesting the creation of and appointment of up to four members to an ad hoc committee.
- c. Council members who are not ad hoc committee members shall not attend ad hoc committee meetings.
- d. Once the ad hoc committee has completed its task, the supporting department shall submit a report to the mayor, with a copy to the city clerk, stating completion of the ad hoc committee tasks and dissolution of the ad hoc committee.

#### 2. Scheduling.

- a. Once an ad hoc committee has been established ~~by the Mayor~~, all meeting requests shall be directed to ~~the city clerk~~ Mayor and Council operations manager, for coordination with member's calendars and to ~~set~~ locate a meeting location. Once confirmed, the ~~city clerk~~ operations manager shall notify the members, mayor's office, ~~City Clerk~~, city manager (or designee), and the ~~city~~ Attorney (or designee) of the meeting details ~~of the committee meeting~~.

### D. Regional Organizations

The mayor shall appoint council representatives to the regional organizations and joint powers agencies listed in the documents maintained by the city clerk, subject to council approval.

## Chapter 13 - Law and Legislation (Law and Leg) Committee

### A. Authority; Purposes

#### 1. Authority to Represent City Positions.

~~b.~~ a. The Law and Leg Committee has the authority to take positions on behalf of the city on state and federal legislation.

b.        The mayor or the chair of Law and Leg Committee has the authority to take positions on behalf of the city when the need to react quickly does not allow for a matter to be considered by the Law and Leg Committee.

c. Except as provided in subsections a and b, no person or committee has authority to represent the council on policy matters, unless that authority has been granted by the council or the information is limited to a factually accurate statement of the council's publicly-adopted position.

~~1.2.~~        Purposes. The purposes of the Law and Leg Committee are to consider, evaluate, conduct fact-finding, and recommend to council positions on proposed city ordinances and non-binding resolutions.

### B. Procedures

#### 1. Ordinances and Non-Binding Resolutions.

a. ~~Generally~~ Except as provided in subsection b, all requests to prepare, amend, draft, or process ordinances and non-binding resolutions shall be made by one or more members during a council meeting in open session or by city staff, and shall be referred to the Law and Leg Committee.

b. Ordinances not requiring Law and Leg Committee review prior to council review and adoption are those that are:

(i) deemed urgent by the mayor or city manager;

(ii) voted on by the majority of council to bypass the Law and Leg Committee;

(iii) voted on by the majority of the Law and Leg Committee to go to council without full Law and Leg Committee review;

~~(iii)~~ (iv) zoning code amendments for specific development projects; or or  
~~(iv)~~ (v) adopting property-related fees or fee increases that require public notice before the Utilities Rate Advisory Commission zoning code amendments for specific development projects.

c. Ordinances and non-binding resolutions referred by city staff or by members during a council meeting ~~under Comments, Ideas and Questions~~ shall be placed on the municipal legislation log, with new items placed at the end of the log, to establish a priority order; provided, although the Law and Leg Committee or council may reorder the priority.

d. The log will be scheduled for the consent agenda at every Law and Leg Committee meeting. Any committee member may pull the item from consent for discussion.

- e. Items placed on the log must be approved by the committee's adoption of the log before scheduling the item for discussion on the Law and Leg Committee agenda.
- f. Items on the log may be removed at the request of the sponsor. Staff shall note the removal request on the log and remove the item after the log has been approved by the committee.
- g. The log shall be brought to the council quarterly to confirm council's continued interest in the items and the priority status of the items.
- h. A vote of ~~two or more~~ majority of the members present is required to approve a recommendation; provided, a vote of two or more members results in an item being forward~~ed a Law and Legislative item to council with or~~ without a recommendation ~~to Council~~.
- i. If a Law and Leg Committee item fails to receive the votes required under Rule 13.B.1.h to forward the item with or without recommendation, any member during the Council Ideas, Comments, and Questions portion of a council meeting may request the item be placed on a future council agenda.

## CHAPTER 14--Personnel and Public Employees Committee

### A. Purposes

The purposes of the Personnel and Public Employees Committee are to:

1. review applications received for membership to various city boards, commissions, and committees;
2. conduct interviews for such membership appointment; and
3. make recommendations to the mayor concerning such appointments.

### B. Procedures

3. Applications for city boards, commissions, and committees shall be reviewed by the Personnel and Public Employees Committee.
4. Recommendations by the Personnel and Public Employees Committee shall be submitted to the city clerk for distribution to the mayor.
5. The mayor, or the city clerk on the mayor's behalf, shall announces appointments at the council meeting during Council Ideas, Comments, and Questions.
6. After the mayor's appointments, the city clerk shall submit a report for the council agenda requesting confirmation of the appointments.
7. A vote of a majority of members present is required to forward Personnel and Public Employees Committee appointment recommendations to the council, in accordance with Chapter 16.

### C. Exceptions

The procedures in this chapter 14 shall not apply to recommendations for appointments to the Parks and Recreation Commission, except as provided in city code chapter 2.62; nor to the Planning and Design Commission, except as provided in city code chapter 2.60.

**A. Purposes.**

The purposes of the Audit Committee are to:

1. Assist the council in overseeing and supervising the city auditor; and
2. Assist the council in enhancing the city's ability to:
  - a. improve the effectiveness and efficiency of city operations;
  - b. improve the city's fiscal operations; and
  - c. comply with city policies, procedures, and regulatory requirements.

**B. Procedures.**

1. The Audit Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, and updates from the city auditor.
2. The Audit Committee may:
  - a. receive, review, and forward to the council, when relevant to city audits, any reports from the city treasurer, the department of finance, other city offices, or external auditors; and
  - b. propose that the council adopt ordinances, resolutions, or take other actions, provided that such ordinances, resolutions, or actions are within the jurisdiction of the Audit Committee ~~and that the Audit Committee believes are necessary or appropriate.~~
3. ~~A vote of two (2) or more members present is required to forward an Audit Committee item with or without a recommendation to Council.~~ A vote of a majority of the members present is required to approve a recommendation; provided, a vote of two or more members results in an item being forwarded to council without a recommendation.
4. If an Audit Committee item fails to receive the votes required under Rule 15.B.3, any council member during the Council Ideas, Comments, and Questions portion of a council meeting may request the item be placed on a future council agenda.

## CHAPTER 16– BOARDS AND COMMISSIONS

### A. Vacancies and Appointments

1. When any vacancy occurs on a board or commission, the city clerk shall announce that vacancy pursuant to the standard outreach procedures. For routine vacancies, the announcement is made approximately six months prior to the date on which the vacancy is to occur. For non-routine vacancies, the announcement is made as soon as possible in order to maintain viable memberships on the various boards and commissions. The City Clerk's Office maintains the board and commission files, and performs all clerical and administrative support tasks related to the application process.
2. At the close of the application period, all applications received for the vacancy are referred by the clerk to the applicable council district, mayor, or the Personnel and Public Employees Committee for review and recommendation.
3. Following review, the member or Personnel and Public Employees Committee Chair shall send the board and commission nomination(s) to the city clerk for distribution to the mayor.
4. After reviewing the submitted nomination(s) made by the member or Personnel and Public Employees Committee, the mayor shall make an appointment to fill the vacancy at a regular council meeting.
5. At the next regular council meeting (but not sooner than six days) following the meeting at which the mayor made the appointment, the council shall vote whether to confirm the appointment.
6. If the council does not approve the appointment, then the mayor shall make another appointment, and at the next regular meeting following the meeting at which the subsequent appointment was made, the council shall vote whether to confirm the new appointment.
7. This procedure shall followed until an appointment has been approved by the council. No request by a member to delay the appointment or approval will be allowed unless approved by a majority vote of the council.
8. At the direction of the council, all vacancies, application periods, and close of application periods for boards and commissions shall be monitored and maintained by the city clerk in compliance with the Maddy Act.14
9. In making nominations and appointments to city boards and commissions, the mayor, Personnel and Public Employees Committee, and council district member ~~will~~should consider ~~personseple fromof~~ various ethnicities-groups, ages, genders, education, and occupational experience as reflected in the

general population of the city; and should, as appropriate for the vacancy, consider persons from all districts of the city.

## **B. Exceptions**

The procedures in this chapter 16 shall not apply to recommendations for appointments to the Parks and Recreation Commission, except as provided in city code chapter 2.62; nor to the Planning and Design Commission, except as otherwise provided in city code chapter 2.60.

## END NOTES

- 1 Sacramento City Charter, § 30 (Rules, Quorum and Voting).
- 2 California Government Code, § 54950 et seq.
- 3 Roberts Rules of Order-Newly Revised 11<sup>th</sup> Edition.
- 4 California Government Code, § 53234 et seq.
- 5 Sacramento City Code, § 2.15.160 (Lobbyist Identification).
- 6 See Sacramento City Charter, § 31 (Meetings).
- 7 California Government Code, § 6250 et seq.
- 8 California Government Code, § 54957.5(b).
- 9 California Government Code, § 54956.5.
- 10 AB 1234, codified at California Government Code, § 53232.3.
- 11 Sacramento City Charter, § 32 (Ordinances).
- 12 See Sacramento City Charter, § 28 (Vacancies), and § 46 (Mayor Vacancy).
- 13 See Sacramento City Charter, § 154 (Special Elections to Fill Vacant Offices).
- 14 California Government Code, § 54970 et seq.

**et seq.** *abbr. Lati.*

et sequens (and the following one or ones)

### **Non-Binding Resolution**

A non-binding resolution is a resolution in which the council declares its position and opinions on an issue, policy, or other matter that the council lacks legal authority to establish or regulate, but that the council determines is of such importance that the council should make the symbolic gesture of adopting a resolution declarative of council's position.

### **Quasi-judicial**

Quasi-judicial action means any council action that implicates constitutionally protected property or liberty interests, such as issuance or denial of discretionary land use permits, subdivision maps, business licenses, and other similar action in which a property interest is at stake and the council is charged with applying legal standards to a specific factual situation.

### **Sergeant-at-Arms**

The sergeant-at-arms is the principal law enforcement official of the legislative body and is charged with maintaining security within the chamber (meeting location) and surrounding areas. The sergeant-at-arms also enforces protocol and ensures public decorum is followed as noted in the body's rules of procedure.

**A**

AB 1234 Government Code 53232.3 ..... 36  
Absence ..... 26  
Ad Hoc Committees ..... 29  
Adjourned Meetings ..... 10  
Amendment..... 1

**B**

Boards and Commissions  
    Vacancies and Appontments.....34  
BOARDS AND COMMISSIONS..... 34

**C**

Call to Order – Presiding Officer ..... 19  
City Charter-Article III § 30 Rules, Quorum and Voting ..... 36  
City Code 2.15.160 Lobbyist Identification. .... 36  
Closed Sessions ..... 11  
Conduct with Boards and Commissions..... 5  
Conduct with City Manager and Staff ..... 4  
Conduct with Members..... 4  
Conduct with Other Agencies..... 5  
Conduct with the Media..... 5  
Conduct with the Public..... 4  
Council Chamber Capacity..... 27  
COUNCIL REQUESTS ..... 25

**D**

Declaration of Policy..... 14  
Distribution of the Packet. .... 16

**E**

Emergency Meetings..... 10  
Ethical Conduct ..... 5  
Ethics Training-Government Code 53234 et seq ..... 36  
Exceptions to the Agenda Requirement. .... 17

**F**

Failure to Meet Agenda Deadlines. .... 17

**G**

General Administration..... 1  
General Authorities and Applicability..... 1  
General Conduct ..... 3  
General Conduct-City Staff ..... 6  
General Conduct-Public ..... 7  
GLOSSARY ..... 37  
Government Code 54956.5 ..... 36  
Government Code 54957.5 Written Communication ..... 36

**J**

Joint Duties of Members/Staff ..... 2  
Adopted by Resolution No. 2013-\_\_\_\_ 38

*L*

Law and Legislation.....	30
Non-Binding Resolutions.....	30

*M*

Maddy Act-Government Code 54970 et seq .....	36
--	----

**Motion**

Addressing the Council.....	22
Division of Question.....	23
Interruptions.....	23
Mayor Debate .....	22
Motion to Adjourn .....	21
Motion to Postpone.....	22
Motion to Reconsider.....	22
Motion to Substitute.....	22
Motion to Table .....	21
Obtaining the Floor.....	22
Stating the Motion .....	22
Voting on a Motion.....	23
Withdrawal of Motion .....	23

**Motion (Close Debate)**

Close Debate.....	21
-------------------	----

Motions.....	21
--------------	----

*O*

Obtaining the Floor.....	21
Oral Communications from the Audience.....	20
Order of Discussion.....	19
Ordinances/Non-Binding Resolutions.....	18

*P*

Personnel and Public Employees Committee .....	32
Posting of Agenda.....	16
Preparation of the Agenda Packet. ....	16
Procedures for Submission of Reports.....	15
Public Hearing-Continuances.....	12
Public Hearings .....	11

*Q*

Quorum Call .....	21
-------------------	----

*R*

Regional Organizations .....	28, 29
Regular Meetings .....	10
Requirements for Agenda Item Submission .....	14
Roberts Rules of Order-Newly Revised 10 <sup>th</sup> Edition.....	36
Roll Call/Attendance.....	19
Rule 7B-2 (Municipal Powers).....	14

*S*

Special Meetings.....	10
Standing Committees .....	28
Suspension .....	1

*T*

The Brown Act-Government Code 54950 et seq..... **36**  
Types of Agenda Items ..... **17**

*V*

Voting..... **24**

*W*

Written Communications from the City and the Public. .... **15**