# RESOLUTION NO. 2007-283

Adopted by the Sacramento City Council

May 15, 2007

## APPROVING THE COUNCIL RULES OF PROCEDURE (CRP) AND REPEALING RESOLUTON NOS. 1996-692 AND 1995-437

## BACKGROUND

A. The following is the legislative history of the Council Rules of Procedure since January 6, 1970:

1. On January 6, 1970 the City Council adopted Resolution No. 1 establishing the City Council Rules of Procedure.

2. On January 21, 1971, Resolution No.555 was adopted amending Sections 7-a (Usual Course) and 7-b (Delay of Action) of the CRP.

3. On February 17, 1972, Resolution No. 77 was adopted-again establishing Council Rules of Procedure. (No note of repealing Resolution No. 1 or amendments)

4. On March 16, 1976, Resolution No. 76-136 was adopted-once again establishing Council Rules of Procedure and repealing Resolution No. 77 and all amendments.

5. On May 3, 1977 Resolution No. 77-234 was adopted amending Section 13-c (Roberts Rules) of the CRP.

6. On November 29, 1977, Resolution No. 77-756 was adopted amending Section 3-a (Order of Council Business) of the CRP.

7. On April 25, 1978, Resolution No. 78-252 was adopted amending Section 7-b (Delay of Action) of the CRP.

8. On August 19, 1978, Resolution No. 78-537 was adopted amending Resolution No. 76-136 adding Section 4.5 (Continuance of Hearings) to the CRP.

9. On February 27, 1979, Resolution No. 79-114 was adopted amending Resolution 76-114 amending section 2-c (Vice-Mayor) of the CRP.

10. On January 6, 1981, Resolution No. 81-007 was adopted amending Resolution No. 76-136 repealing and re-enacting Section 7-h (Ordinance Numbering) of the CRP.

11. On July 19, 1988 Resolution No. 88-651 was adopted revising the CRP and repealing Resolution Nos. 77-234, 77-756, 78-252, 78-537, and 79-114.

12. On March 3, 1992, Resolution No.92-155 was adopted revising the CRP and repealing Resolution No. 88-651.

13. On December 13, 1994, Resolution No. 94-706 was adopted amending the CRP to designate 7:00 p.m. as the time for the regular Council meetings.

14. On July, 25, 2006 Resolution No. 95-437 was adopted revising the CRP and Resolutions No. 92-155 and No. 94-706 were rescinded.

15. On 10-24-95, Resolution No. 95-603 amended Resolution No. 95-437 revising Chapter 7 Section 7-A (Attendance) of the CRP.

16. On January 9-1996, Resolution No.96-016 was adopted amending Resolution No. 95-437 revising chapter 8 Section 8-I 3 (Voting) of the CRP

17. On October 1 1996, Resolution No. 96-527 was adopted amending Resolution No. 95-437 adding Sections 3-I to Chapter 3 (Order of Business) of the CRP.

18. On December 17, 1996 Resolution No. 96-692 was adopted amending Resolution No. 95-437 providing general clean-up, reorganization and minor revisions to the CRP.

B. The City Clerk, City Attorney, and City Manager have reviewed current best practices and statutory requirements to ensure these Council Rules of Procedure comply with state and City statutes while providing clear direction to the Mayor, Council, staff, and the public in the procedures of the City's legislative bodies.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. The Council Rules of Procedure (Exhibit A) attached hereto and incorporated herein are hereby adopted.

Section 2. All previous Resolutions listed in the background section of this Resolution and all other Council minute actions establishing Council Rules of Procedure are repealed.

**Table of Contents**:

Exhibit A Council Rules of Procedures

Adopted by the City of Sacramento City Council on May 15, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Mayor Fargo.

Noes: Councilmember Waters

Abstain: None.

Absent: None.

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk

**Exhibit A**

# City of Sacramento
# Council Rules of Procedure

Approved on May 15, 2007

By Resolution 2007-283

Adopted 05-15-2007 by Resolution No. 2007-283

**CITY OF SACRAMENTO**

**COUNCIL RULES OF PROCEDURE**

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# CHAPTER 1 – AUTHORITY/ADMINISTRATION

## A. General Authorities and Applicability

1. The Charter of the City of Sacramento ("City") provides that the City Council shall determine its own rules and order of business (Article III, Section 30).[1] When not in conflict with the Charter of the City of Sacramento, the Constitution or laws of the State of California, including California Government Code section 54950, et seq. (the "Brown Act") [2], the following rules shall be in effect upon adoption by Resolution of the City Council.
2. Until such time as they are amended or new rules adopted by Resolution, these rules shall prevail to govern the order and conduct of business of the City Council and other legislative bodies that meet concurrently with the City Council, as well as various City Council Committees, and City Council-established Boards and Commissions. Those City Council established Boards and Commissions 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 City Council will review and revise the City Council Rules of Procedure ("Rules") at least annually or as needed.
2. During City Council discussions, deliberations, and proceedings, the Mayor has been designated with the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's norms and procedures.

## C. Amendment

1. Any Rules 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

1. Any Rule may be temporarily suspended by a two-third (2/3) vote of all Council Members present, not being less than 5 votes of the Council.

## E. Robert's Rules

1. To the extent these Rules do not address the parliamentary procedures for legislative body meetings, Robert's Rules of Order[3] (Newly Revised 10th edition) shall govern.

# CHAPTER 2 - DUTIES

## A. Joint Duties of Members/Staff

1. City Council members ("Members") and City staff shall conduct the business of the City of Sacramento:
   a. recognizing that stewardship of the public interest must be 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 City Council, City Council Committees, and City Council-established Boards and Commissions (Legislative Bodies.)

## B. Duties of Mayor and Vice-Mayor

1. The Mayor shall be:
   a. the presiding officer of the City and of all meetings of the City Council;
   b. the official head of the City for performance of duties lawfully delegated to the Mayor by the City Charter;
   c. referred to as "Chair" or Chairperson" when acting as presiding officer of legislative body meetings other than Council;
   d. considered a Member of the City Council;
   e. entitled to make and second motions on matters before the City Council and vote on actions, but shall possess no veto power over actions of the City Council;
   f. the primary, but not the only person, responsible for interpreting the policies, programs and needs of City government to the people, and of informing the people of any major change in policies or programs; and
   g. empowered, but not exclusively empowered, to make recommendations to the City Council on all matters of policy and programs that require Council decisions and to perform such other duties as prescribed by the City Charter.
2. The Vice-Mayor shall:
   a. be appointed from members of the City Council, other than the Mayor, by a majority vote at its first meeting in January annually;
   b. in the absence of the Mayor from the City or a City Council meeting, assume the duties of the Mayor and shall:
      (i) possess all powers of the office of Mayor; and
      (ii) be subject to all prescribed duties for such office.
3. In the event the Mayor and Vice-Mayor are absent, the City Council may appoint one of its Members to serve as Mayor pro tempore.

# CHAPTER 3 - CONDUCT OF MEMBERS

## A. 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 Mayor of their wish to speak and shall be acknowledged by the Mayor before speaking;

   d. move to require the Mayor to enforce these rules and the Mayor 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 City Council, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the City Council, or the presiding officer, except as otherwise herein provided;

   g. support the laws established by the City Council; and

   h. abide by these Rules of Procedure in conducting the business of the City of Sacramento

## B. 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 City 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 Mayor's exercise of the Mayor's affirmative duty to maintain order.

## C. 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 City 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 City Council Closed Sessions regarding City Council appointed staff such as City Manager, City Attorney, City Treasurer, or City Clerk including hiring, firing, promoting, disciplining and other personnel matters;
   e. discuss directly with the City Manager, City Attorney, City Clerk or City Treasurer, as appropriate, any displeasure with a department or staff; and
   f. request answers to questions on City Council agenda items from the City Manager, City Attorney, City Clerk, City Treasurer or department directors/division managers prior to the meeting whenever possible.

## D. 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.

## E. 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 City Council when designated as delegates of a legislative body;
   d. explicitly state when their opinions and positions do not represent the City Council when representing their individual opinions and positions, and shall not allow the inference that they do; and
   e. have the ability to lobby or discuss issues that have been adopted by the legislative bodies or are standing policies of the legislative body with other legislators, government officials or developers.

## F. 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 in board and commission meetings for the purpose of influencing the outcome of said meetings.

## G. 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, attorney-client privileged or attorney work product communications including without limitation personnel, litigation or real property negotiations.
2. Providing non-confidential, non-privileged background information is acceptable.

## H. 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 sections 53234 et seq.[4] every two years commencing January 1, 2007.
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 when requested to do so by Members, or 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 will 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 will inform the Mayor and Members representing districts affected, of controversial issues having significant impacts to the City that are coming before the legislative body on short notice.
4. The City Manager will 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. Members of the public attending City 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.
2. Members of the public may attend meetings at any teleconference locations set from time to time for Members' attendance in accordance with the Brown Act. Meetings held in the Chamber are generally telecast via local cable television and available via streaming video on the City's official website.
3. All speakers must approach the podium when recognized by the Mayor and speak only from the podium. Stamping of feet, whistles, yells or shouting, and/or similar demonstrations are unacceptable public behavior and will be prohibited by the Sergeant of Arms.
4. Lobbyists must identify themselves and the client(s), business or organization they represent before speaking to the Council. [5]
5. Members of the public wishing to provide documents to the Council shall comply with Chapter 7 Section D of these Rules.
6. Members of the public must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Council meetings.
7. 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 which they wish to address.
8. Members of the public with questions concerning Consent Calendar items may contact the staff person or the Council Member whose district is identified on the report prior to the meeting to reduce the need for discussion of Consent Calendar items.

# CHAPTER 6–MEETING TYPES AND SCHEDULES

## A. Regular Meetings

1. The City Council must meet after 5:00 p.m. not less than one evening each week, not including its 4 weeks of recess annually.[6]
2. The City Council shall meet each Tuesday generally beginning at 2:00 pm and reconvening at 6:00 pm in the City Hall Council Chamber, 915 I Street, First Floor, Sacramento, California, except as otherwise provided in the annually adopted meeting schedule or otherwise revised by the City Council.
3. Continuation of a meeting extending past 9:00 pm requires a majority vote of the Members.

## B. Adjourned Meetings

1. The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment as permitted by law.

## C. Special Meetings

1. The Mayor or a majority of the Members may call a special meeting by providing notice twenty-four (24) hours in advance of the meeting to the Mayor, to all Members, 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 City Council of the emergency meeting.
3. This notice shall be given by telephone and all telephone numbers provided in the most recent request for notification of special meetings shall be used.
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 fact of the holding 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 (2/3) vote of the Members present, 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, as prescribed 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 City 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 shall generally be conducted each week, or as needed, at the conclusion of the afternoon session of the regular Council mettings.
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 such closed sessions.
4. The City Attorney will 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[2].

## F. Public Hearings

1. The City Clerk will set City Council hearing dates and notify the City Council via the preliminary agenda on all matters that require a notice and public hearing before the City Council, such as matters received from the planning department, appeals to the City 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 City 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 may be obtained as follows.
   a. Any person (applicant, appellant or designated representative) scheduled for a public hearing before the City 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 any subsequent continuance by notifying the City Clerk as provided in this section F- 4a (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 Section F- 4a (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 as provided in Section F- 4a (i) or by personal appearance as provided in Section F- 4a (ii), may obtain a further continuance only by appearing before the Council at the scheduled hearing and satisfying the Council that extraordinary circumstances exist which 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 Council 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 City Council approve the continuance for good cause.

d. Disputes regarding the length of a continuance will be decided by the City Council at the scheduled hearing if City staff or the City Clerk cannot obtain mutual agreement between the parties beforehand.

# 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. Any request by a Member requiring a non-binding resolution or ordinance shall be referred to the Law and Leg Committee.
2. Charter Officers may submit staff reports or descriptions of oral reports to the City Clerk for placement on the agenda.
3. 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.
4. 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.
   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 which:
   a. does not affect the conduct of the business of the City of Sacramento or its corporate powers or duties as a municipal corporation, or
   b. supports or disapproves of any legislation in the legislature of the
      (i) State of California,
      (ii) the Congress of the United States; or
      (iii) before any officer or agency of the state or nation

      unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Sacramento or its officers or employees.
   c. Rule of Procedure Chapter 7 Section 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. An oral report does not require a written report; however, language describing the substance of the oral report must be submitted to the City Clerk for inclusion on the agenda.
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 must be submitted meeting all applicable requirements.

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

1. The Clerk will manage communications to Members regarding meeting topics to ensure compliance with the Brown Act:
   a. Agendas or any other writings, except for records exempt from disclosure under the California Public Records Act[7] and otherwise by law, 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, prepared by the City or a Member 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.[8]
2. Interested parties or their authorized representatives may address the City Council by written communications in regard to agenda Items. Such written communications received by the City Clerk prior to close of business on the eighth day preceding the City 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 City Council. The documents will become part of the official record and 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 considered by the City 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 shall be available for review in the office of the City Clerk by the City Council and the public before adoption, 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 as may wish to 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 said 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 regularly scheduled meetings.
4. Agenda reports including attachments, exhibits, agreements and contracts will generally be published to the City's website by end of business on the Friday before regularly scheduled 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 under the following situations:
   a. at a meeting a majority of the Members determines in open session that the matter in question constitutes an "Emergency"[9]; or
   b. two-thirds (2/3) of the Members or if less than two-thirds is present by unanimous vote of the Members present, the Members determine 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 concise legislative history.
4. Consent Calendar--items which are routine in nature and not likely to be subject to debate or inquiry by the Members or the public; typically adopted in one motion.
   a. Members wishing to ask questions concerning Consent Calendar items are requested to contact the staff person identified on the report prior to the meeting so that the need for discussion of Consent Calendar items can be minimized whenever possible.
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 where staff is required by federal or state law or City code to inform Council of the occurrence of items where authority has been delegated to a person, position or board/commission.
8. Public Comment--oral communications from the audience regarding matters 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;[10]
    b. requests that City Manager/staff report back on various issues;
    c. requests to place items on a future Council meeting's 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/Non-Binding Resolutions**

1. Ordinance and non-binding resolution preparation shall be referred to Law and Legislation Committee before coming to Council as described in Chapter 13, Section A-2 of these Rules.
2. Ordinances may be placed on the agenda for City Council passage for publication or adoption in accordance with the procedures in City Charter.[11]

# 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 City Council to order.
2. In the absence of the Mayor and Vice Mayor, the Clerk will call the meeting to order and a temporary chairperson will be elected from amongst the Members present.
3. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair at the conclusion of the business presently before the City Council.

## B. Roll Call/Attendance

1. A majority of the members of the Council in office shall constitute a quorum.
2. Before the City Council proceeds with the business before it, the Clerk shall note the Members present for the minutes. The late arrival of Members shall be entered into the minutes.
3. A Member will be considered present at a meeting if the Member is either physically in the Council Chamber or is participating in the meeting through a telephone connection in accordance with the Brown Act. If not participating via telephone connection as described above, the Members must be present at the dais to vote.
4. Meeting attendance of Members through telephone connection will be permitted only in extraordinary circumstances such as a medical condition which physically disables the Member from attending in person.
5. Members attending a Council meeting through a telephone connection are not counted when determining a quorum.
6. Members must be physically present in the Council chamber or teleconference location to vote. Proxy or absentee voting is not permitted.

## C. Order of Discussion

1. The order of business is typically carried out as it falls 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.
2. Consent Calendar Items Removed for Discussion
   a. Members, the City Manager, other Charter Officers or Department Directors, may request that any matter be removed from the Consent Calendar.
   b. All matters remaining on the Consent Calendar and which have not been removed 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 a Consent Calendar item is removed, it will be discussed immediately after adoption of the balance of the Consent Calendar.
3. Public Hearings
   a. Staff comments, information and reports, followed by Member questions.
   b. Proponent, if applicable, speaks, followed by Member questions.
   c. Opponent, if applicable, speaks, followed by Member questions.
   d. 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).
   e. Public comments.
   f. If the public hearing is on a *de novo* review appeal, the applicant speaks in rebuttal, but if not a *de novo* review appeal, the appellant speaks in rebuttal.
   f. Closure of public hearing.
   g. Further Member discussion, motion and action.
   h. The presiding officer may direct speakers to avoid repetition in order to permit maximum information to be provided the City 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.

b. Member discussion, motion and action.

c. Once the item is placed before the legislative body for discussion, motion or action, no member of staff or the public shall be allowed to address the City 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 City Council meeting agenda shall provide an opportunity to members of the public to address the Council on any agendized item, including closed session, consent calendar items. Regular meeting agendas shall also provide for public comment on any item of interest that is within the subject matter jurisdiction of the City.

2. Each person wishing to speak should complete a speaker slip located in the chamber, provide the speaker slip to the City Clerk and wait to be called upon by the presiding officer.

   a. Each speaker shall limit his/her remarks to three (3) minutes.

   b. The Mayor shall consistently utilize the timing system which provides the speaker with notice of their remaining time to complete their comments. A three minute countdown display will be activated at the start of a speaker's comments.

   c. 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.

   d. Speakers shall not concede any part of their allotted time to another speaker.

   e. The Mayor may further limit the time allotted for public comments per speaker or in total for the orderly conduct of the meeting and such limits shall be fairly applied.

3. 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;

   d. request staff to report back to the City Council at a subsequent meeting on any matter; and

   e. direct staff to place a matter of business on a future agenda.

## E. Quorum Call

1. During the course of the meeting, should the Mayor note a City Council's quorum is lacking, the Mayor shall call this fact to the attention of the Clerk.
2. The presiding officer shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the Mayor may declare a recess for a reasonable period of time in order to reestablish a quorum 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 Mayor. The Mayor must recognize any Member who seeks the floor when appropriately entitled to do so.
2. With the concurrence of the Mayor, 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 City 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. Such a motion requires a second, is not debatable, is not amendable, and requires a <u>two-thirds</u> (2/3) vote for adoption.

   d. **Motion to Postpone to a Certain Time/Day--**A motion to postpone to a time certain is amendable, and debatable as to the propriety of postponement and as to time set in the motion. The purpose of the motion is to postpone the subject under discussion to 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; and if passed, the substitute motion will, by its own action, eliminate the necessity to vote on the motion being substituted. If the substitute motion fails to pass, debate will resume on the motion previously being considered.

f. **Motion to Reconsider**--A motion to reconsider any action taken by the City Council must be made not later than the second succeeding official regular meeting of the City Council and only if said motion is based upon a different state of facts giving rise to the motion. Such a motion can only be made by a Member who voted with the majority. It can be seconded by any Member, and is debatable. At the time such motion to reconsider is heard by the City Council, testimony shall be limited to the alleged different state of facts in support of the motion. No question shall be twice reconsidered, except by unanimous consent of the members. 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 Mayor or Clerk will state the motion before it is debated.

b. **Addressing the Council**--No person other than a Member shall address the City Council without first securing the permission of the Mayor or Members when a motion is pending before the City Council.

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 City 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 and priority of the Mayor, and upon recognition by the Mayor, 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 divisional propositions, each of which is capable of standing as a complete proposition if the others are removed, the Mayor 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. **Voting on a Motion**--The vote on a motion shall be taken either by unison vote, roll call vote, or electronic voting device and entered in full upon the record. The Mayor 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 time/date certain, 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 provisions of the City Charter, the City Code or otherwise by law, the affirmative votes of at least five Members of the City Council shall be required:

      (i) for the City 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 City Council approval.

   b. Any Ordinance declared by the City 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 one and the same meeting if passed by at least six affirmative votes.

2. Voting Disqualification

   a. Any 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. Any Member shall openly state that he/she is abstaining due to a conflict of interest or bias.

   c. The 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 such 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 must not vote on such matter except for Consent Calendar items. The Member may remain on the dais for Consent Calendar items if the Member states that he/she is abstaining 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. All Council requests dealing with policy issues and those requests which may be construed as direction shall be directed to the City Manager except for general inquiries or questions, in which case, the City 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, or other staff appointed by the City Council.
2. Any request from the City Council 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 shall be made in accordance with Chapter 13 Section A-2(a.)

# CHAPTER 10 – VACANCIES

**A. Procedures**

1. Per the City Charter:[12]
   a. Absence from five consecutive regular meetings of the City Council, unless excused by Resolution of the City Council, shall operate to vacate the seat of the Mayor or Member so absent; and
   b. City Council vacancies, other than the office of Mayor
      i. shall be filled by special election called by the City Council as provided in the City Charter[13]; unless
      ii. such vacancy occurs within one year of the next general election that office would normally be filled. The City Clerk will be directed to perform Council determined procedures and necessary actions to accomplish the recruitment and appointment of candidates.

# CHAPTER 11– FACILITIES

## A. Council Chamber Capacity

1. Council chamber attendance shall be limited to the posted seating capacity. Entrance to the Council chamber will be appropriately regulated by the City Manager on occasions when the Council chamber capacity is likely to be exceeded and enforced by the Sergeant of Arms. While 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.

## CHAPTER 12 - CITY COUNCIL COMMITTEES/REGIONAL ORGANIZATIONS

### A. General

1. The Mayor will make all appointments to Council Standing Committees, subject to the approval of the City Council. The Mayor will make all appointments to Council Ad Hoc Committees.
2. A Standing Committee is a permanent committee of the City 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 City Council established for a special purpose and of limited duration.
4. Standing and Ad Hoc Committees will have fact-finding, informative and recommendatory powers only, and such other powers delegated by the City Council.
5. It is the intention of the City Council 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 will 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

1. General Guidelines
   a. Standing Committee appointments will be made by the Mayor each January.
   b. Standing Committees are subject to the Brown Act. Standing Committee agendas will be prepared, posted and distributed in accordance with the Brown Act stating the time and place of the meeting and the subject matter to be discussed.
   c. A City Council Member, who is not a member of the Standing Committee, may attend a Standing Committee meeting, provided he/she attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.
   d. Generally, all items on an Agenda for a Standing Committees must first be referred by the City Council for review and a recommendation returned to the City Council within 120 days, subject to the exceptions set forth below or as otherwise modified by the City Council.
   e. As of the date of adoption of these Rules there are two existing Standing Committees: the Law and Legislation Committee (Chapter 13) and the Personnel and Public Employees Committee (Chapter 14).
   f. With approval of the City Manager, an item may be sent directly to a Standing Committee without City Council referral. If a matter is so referred to a Standing Committee, the committee agenda will note such fact on the face of the agenda. Such referrals are not required to be forwarded to the City Council unless Council action is recommended by the Standing Committee.

## 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/department director together with the City Attorney will work with the appropriate supporting department(s) and will determine the scope and approximate length of time the ad hoc committee will be needed.

   b. The department director will submit a request to the Mayor, with a copy to the City Clerk, requesting the creation of and appointment of up to four (4) members to an Ad Hoc committee.

   c. Council Members who are not Ad Hoc Committee Members shall not attend the Ad Hoc committee meetings.

   d. Once the Ad Hoc committee has completed its task, the supporting department will submit a report to the Mayor, with a copy to the City Clerk, stating completion of the Ad Hoc committee tasks and dissolving the Ad Hoc committee.

2. Scheduling

   a. Once an Ad Hoc committee has been established by the Mayor, all meeting requests will be directed to Mayor and Council operations manager, for coordination with member's calendars and to locate a meeting location. Once confirmed, the operations manager will notify the Members, Mayor's office, City Clerk, City Manager (or designee) and the City Attorney (or designee) of the details of the committee meeting.

## D. Regional Organizations

1. The Mayor will appoint Council representatives to the regional organizations and joint powers agencies listed in the documents maintained by the City Clerk, subject to the approval of the City Council.

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

### A. Authority-Purpose

1. The Law and Leg Committee has the authority to take positions on behalf of the City on state and federal legislation.
2. 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.
3. The purpose of the Law and Leg Committee is to consider, evaluate, conduct fact-finding and to recommend to Council positions on proposed City ordinances and non-binding resolutions.

### B. Procedures

1. Ordinances/Non-Binding Resolutions.
   a. Generally, all requests to prepare, amend, draft and/or process ordinances and non-binding resolutions must be made by one or more Council Members during a Council meeting in public session or by City staff, and will be referred directly to the Law and Leg Committee.
   b. Ordinances not requiring Law and Leg Committee review prior to City 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 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 review; or
      (iv) zoning code amendments for specific development projects.
   c. Ordinances and non-binding resolutions referred by City staff or Members under Comments, Ideas and Questions will be placed on the municipal legislation log, with new items placed at the end of the log to establish a priority order; 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 interested 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 will note the request for removal on the log and remove the item after the log has been approved by the committee.
   g. The log will be brought to the City Council quarterly to confirm Council's continued interest in the items and the priority status or the items.

h. A vote of a majority of members present is required to forward a Law and Legislative item with or without a recommendation to Council.

i. If a Law and Leg item fails to receive the votes required under Chapter 13 Section B-h, 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. At that future Council meeting such item must receive not less than six votes to be approved.

## CHAPTER 14--Personnel and Public Employees Committee

**A. Purpose**

1. The purpose of the Personnel and Public Employees Committee is to:
   a. review applications received for membership to various City Boards, Commissions and Committees;
   b. conduct interviews for such membership appointment; and
   c. make recommendations to the Mayor concerning such appointments.

**B. Procedures**

1. Applications for citywide Boards, Commissions, and Committees are reviewed by the Personnel and Public Employees Committee.
2. Recommendations by the Personnel and Public Employees Committee and other Members are submitted to the City Clerk for distribution to the Mayor.
3. The Mayor announces appointments at the Council meeting during Council Ideas, Comments and Questions.
4. After the Mayor's appointments, the City Clerk submits a report for the Council agenda requesting confirmation of such appointments by the Members.
5. A vote of a majority of Members present is required to forward appointment recommendations by the Personnel and Public Employees Committee in accordance with Chapter 15 to City Council.

# CHAPTER 15– BOARDS AND COMMISSIONS

## A. Vacancies and Appointments

1. When any vacancy occurs on a board or commission, the City Clerk will provide an announcement of that vacancy on the regular Council agenda. For routine vacancies, the announcement is placed on the agenda approximately sixty days prior to the date on which the vacancy is to occur. For non-routine vacancies, the announcement is placed on the agenda as soon as possible in order to maintain viable memberships on the various boards and commissions. The City Clerk's staff 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 nomination 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 recommendation.
3. Following the review, the Member or Personnel and Public Employees Chair will send the board and commission nomination(s) to the City Clerk. The Clerk places nominations on the Council agenda for Member and public review and comment.
4. After reviewing the submitted nomination(s) made by the Member or Personnel and Public Employees Committee, the Mayor makes an appointment to fill the vacancy at a regular Council meeting.
5. At the next regular Council meeting (but not sooner than 6 days) following the meeting at which the Mayor made the appointment, the City Council confirms the appointment by vote.
6. If the Council does not approve the appointment, then the Mayor makes another appointment, and at the next regular meeting following the meeting at which the subsequent appointment was made, the City Council confirms by vote.
7. This procedure is 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 City Council.
8. At the direction of the City Council, all vacancies, application periods, and close of application periods for boards and commissions are 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 consider people from various ethnic groups, ages, genders, education, and occupational experience as reflected in the general population of the City from all districts of the City.

## END NOTES

1 City Charter-Article III § 30 Rules, Quorum and Voting

2 The Brown Act-California Government Code Section 54950 et seq

3 Roberts Rules of Order-Newly Revised 10th Edition

4 Ethics Training-California Government Code Section 53234 et seq.

5 City Code Section 2.15.160 Lobbyist Identification

6 City Charter –Article III § 31 Meetings

7 California Public Records Act -Government Code Section 6250 et seq

8 California Government Code Section 54957.5(b) Written Communication

9 California Government Code Section 54956.5

10 AB 1234 codified at California Government Code Section 53232.3

11 City Charter –Article III § 32 Ordinances

12 City Charter -§ 28 Vacancies

13 City Charter § 154 Special Elections to Fill Vacant Offices

14 The Maddy Act-California Government Code Section 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 City Council declares its position and opinions on an issue, policy or other matter, which the Council lacks legal authority to establish or regulate, but which 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 which implicates constitutionally protected property and liberty interests, such as issuance or denial of discretionary land use permits, subdivision map, 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.

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