

PROCEDURAL RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

RULES OF ORDER FOR CITY COUNCIL PROCEEDINGS

- A. Rules of Order. Except as provided in this Policy, the City Charter, other rules or practices followed by the City Council, or applicable provisions of State law, the procedures of the Council shall be guided by the latest revised edition of Robert's Rules of Order.
1. Failure to Observe Rules of Order. Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.
- B. Public Input. Members of the general public have the right to address the City Council on any item on the agenda, as well as any item under the subject jurisdiction of the body.
1. Agendized Matters and Consent Calendar. Speakers on agenda items, including, but not limited to, Consent Calendar items, shall limit their comments to three (3) minutes and shall step down from the lectern immediately after their time has elapsed unless the presiding officer has granted the speaker's request for additional time. The presiding officer may grant the speaker additional time if the speaker is addressing the Council on a complicated or complex matter or if the speaker represents a group of individuals whose individual testimony would exceed the total time allotted to the speaker. Speakers shall limit their comments to matters relevant to the item on the agenda.
2. Non-agendized Matters. The agenda shall contain a public comment section during which any member of the public may address the Council on any non-agenda item generally considered to be a municipal affair and within the subject matter jurisdiction of the Council. To ensure that all members of the public have an opportunity to address the Council during public comments, each speaker shall be limited to three (3) minutes and shall immediately step down from the lectern upon expiration of the allotted time unless the presiding officer has granted the speaker's request for additional time. Staff and/or members of the City Council may briefly respond to each speaker who testifies during public comments.

Responses shall be limited to the specific issue(s) raised by the speaker and shall generally be limited to information helpful to the public's understanding of the issue(s) raised by the speaker. The City Council shall not take action relative to any public comment unless an action would be authorized by Section 54954.2(b) of the Government Code.

3. Consent Calendar. A Consent Calendar item may be pulled by the Mayor or a member of the City Council. If a Consent Calendar item is pulled, members of the public may speak on each pulled item for up to three (3) minutes, unless the presiding officer has granted the speaker's request for additional time.

OFFICERS

- A. Presiding Officer. The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, or at the Mayor's request, the Mayor Pro Tempore shall preside. In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Council Members present to serve until the arrival of the Mayor or Mayor Pro Tempore.

1. Powers and Duties of Presiding Officer.

- a. Participation. The Presiding Officer may move, debate and vote from the Chair.
- b. Question to be Stated. The Presiding Officer shall state (or announce) the motion prior to opening any subject to debate (Refer to CONDUCT OF BUSINESS - Section A.2.c.). The Presiding Officer or such member of the City staff as he or she may designate shall verbally restate each question immediately prior to calling for the vote.
- c. Signing of Documents. The Presiding Officer shall sign all ordinances, resolutions, contracts and other documents necessitating his or her signature which were adopted in his or her presence, unless he or she is unavailable, in which case the signature of an alternate Presiding Officer may be used.

- d. Sworn Testimony. The Presiding Officer may require any person addressing the City Council to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require if directed to do so by a majority vote of the Council.
- B. Parliamentarian. The City Clerk shall be designated as Parliamentarian for the City Council proceedings to advise the Presiding Officer. Within the limitations imposed by Robert's Rules of Order, the Presiding Officer has the authority to determine proper parliamentary procedure.

CONDUCT OF BUSINESS

A. Rules of Debate.

- 1. Getting the Floor. Every Council Member desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine himself or herself to the question under debate, avoiding personalities and indecorous language.
- 2. Opening Debate. The following three steps are necessary prior to opening debate on any subject except as noted.
 - a. Motions. Before any subject is open to debate, a motion must be made. The motion is a proposal in that it sets forth something the person making the motion favors.
 - b. Motions - Second Required. A motion by any member of the Council, including the Presiding Officer, may not be open to debate without a second. Such action does not mean that the seconder endorses the motion, but only that he/she wishes to have the motion considered.
 - c. Stating of Motion. The motion must be stated (or announced) by the Presiding Officer prior to opening the subject to debate.

Exceptions:

- i. Oral Presentations. Oral presentations may be made by staff, or someone designated by staff, prior to a motion being made and debated upon.

- ii. Questions to Staff. At any time during the proceedings, every Council Member desiring to question the City staff shall, after recognition by the Presiding Officer, address the questions to the City Manager, the City Clerk or the City Attorney, who shall be entitled either to answer the inquiry himself or herself or to designate a member of his/her staff for that purpose.
- iii. Public Hearings. For matters that are the subject of a public hearing, the procedures for opening debate are suspended until after the public hearing is closed.

3. Addressing the Council

- a. Manner of Addressing Council. Each person desiring to address the Council shall step up to the microphone, may state his/her name and address for the record, state the subject he/she wishes to discuss, may state whom he/she is representing if he/she represents an organization or other persons and, unless further time is granted by the Mayor, and shall limit his/her remarks to three (3) minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof or to the audience. No question shall be asked a Council Member or a member of the City staff without the permission of the Presiding Officer.

Exception:

The City Council may preside over administrative hearings or designate a hearing officer to take evidence and submit proposed findings and recommendations. In the event the City Council conducts any hearing that is quasi judicial or administrative in nature, the following procedure shall be followed:

- i. The presiding officer may ask the City Manager to summarize the nature of the hearing and the issues to be resolved by the City Council.
- ii. The presiding officer shall invite the person or entity that filed the application for permit, license or other entitlement

(applicant) to make a presentation. The applicant shall have a reasonable amount of time to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager or City Attorney may ask questions of the applicant or any witness presented by the applicant.

- iii. In the event the matter is pending before the City Council by virtue of an appeal, the presiding officer shall invite the appellant to make a presentation. The appellant shall have a reasonable amount of time to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager or City Attorney may ask questions of the appellant or any witness presented by the appellant.
- iv. Upon conclusion of the presentations by the applicant and the appellant, if any, the presiding officer shall invite testimony from members of the audience.
- v. Prior to closing the hearing, the presiding officer shall give the applicant the opportunity to comment on the evidence with the right to comment limited to no more than five (5) minutes.
- vi. The presiding officer shall have the discretion to require the applicant, the appellant and their respective witnesses, to present testimony under oath.
- vii. The presiding officer shall have the right to exclude testimony or evidence which is not relevant to any issue before the City Council.
- viii. Hearsay evidence shall be admissible but shall not be sufficient to sustain a decision or finding unless corroborated by testimony or evidence that would be admissible in a Court of law. The presiding officer may ask the City Attorney for guidance relative to evidentiary rulings unless the City Attorney is presenting evidence on behalf of a City department or City employee, or is otherwise representing any person or entity adverse to the applicant or appellant.

- b. Spokesman for Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesman be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council, subject to the right of all members of the public to speak on any item on the agenda pursuant to the Brown Act.
- 4. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the City Council.
- 5. Interruptions. A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined and, if determined to be in order, he or she may proceed. Members of the City staff after recognition by the Presiding Officer shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
- 6. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal to the Council. If an appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.
- 7. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character or motives are questioned or where the welfare of the Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor only if the Presiding Officer recognizes the privilege.

8. Privilege of Closing Debate. The Council Member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate.
9. Limitation of Debate. No Council Member shall be allowed to speak more than once upon any particular subject until every other Council Member desiring to do so shall have spoken.
10. Protest Against Council Action. Any Council Member shall have the right to have the reasons for his or her dissent from, or his or her protest against, any action of the Council entered in the minutes. Such dissent or protest to be entered into the minutes shall be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons....."
11. Remarks of Council Member and Synopsis of Debate. A Council Member may request through the Presiding Officer the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

B. Rules of Decorum.

1. Council Members. While the Council is in session, the members must preserve order and decorum. Each Council Member shall conduct himself or herself with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Council, nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer.
2. Decorum of Speakers. Speakers shall not engage in willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting. Any speaker engaging in such conduct shall be called to order by the presiding officer and, if the conduct continues, the presiding officer may order the speaker barred from speaking and/or attending the meeting. No person shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the speaker's position or view on any matter, because of the speaker's identity or because of any disagreement with the content of relevant testimony.

3. Members of the Audience. No member of the audience shall willfully interrupt the orderly conduct at the meeting. The presiding officer shall direct the removal of any individual whose willful interruption renders infeasible the orderly conduct of the meeting. In the event the removal of the individual or individuals willfully interrupting the meeting does not restore order, the presiding officer may order the meeting room cleared and continue in session. Media representatives shall be allowed to remain at the meeting except those representatives of whose willful conduct interrupted the meeting.
4. Persons Authorized to be Within Rail. No person except members of the Council and the City staff shall be permitted within the rail without the consent of the Presiding Officer.
5. Enforcement of Decorum. The Chief of Police, or such member or members of the Police Department as he may designate, shall be Sergeant-at-Arms of the City Council and shall carry out all orders given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings. Any Council Member may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the Council.

VOTING PROCEDURES

- A. Voting Procedure. Any vote of the Council, including a roll call vote, may be registered by the members by answering "Yes" for an affirmative vote, "Abstain" for an abstention, or "No" for a negative vote upon the member's name being called by the City Clerk, or by pressing a switch to cause a green light to show for an affirmative vote, the yellow light to show an abstention, or a red light to show for a negative vote, upon a vote being called for by the Presiding Officer. Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the question carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his or her discretion may publicly explain the effect of a vote for the audience, or he or she may direct a member of the City Staff to do so, before proceeding to the next item of business.
- B. Disqualification for Conflict of Interest. Any Council Member who is disqualified from voting on a particular matter by reason of a conflict of interest

shall publicly state or have the Presiding Officer state the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Council Member affected, be decided by the other Council Members. A Council Member who is disqualified by reason of a conflict of interest in any matter shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission of the Presiding Officer to step down from the Council table. A Council Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

- C. Failure to Vote. Every Council Member should vote unless disqualified by reason of a conflict of interest. The vote of Council Member who abstains absent a disqualifying conflict of interest shall be counted with the majority vote of the quorum on the question voted upon.
- D. Tie Vote. Tie votes shall be lost motions and may be reconsidered.
- E. Changing Vote. A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.
- F. Reconsideration. A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Council Members who voted with the prevailing side.

MISCELLANEOUS

- A. Ordinances, Resolutions and Contracts.
 - 1. All ordinances, resolutions and contracts shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested by the Mayor, or City Manager, or prepared by the City Attorney on his own initiative. The Planning Commission may initiate zoning and planning ordinances.
 - 2. Prior Review by Administration Staff. All ordinances, resolutions and contract documents shall, before presentation to the City Council be reviewed by the City Manager.

3. Reading of Ordinances. If a motion to waive reading of all ordinances has been adopted at the beginning of the Council meeting, the City Clerk will read the ordinances by title only. If any Council Member so requests, the ordinance shall be read in full.
- B. Council Meeting Length. It is the intent of the City Council that no item will be introduced on a City Council agenda after the hour of 11:00 p.m. Furthermore, it is the City Council's intent that if the item introduced and being discussed by 11:00 p.m. is not concluded by 12:00 a.m., the Council should adjourn the meeting to another date. The intent and purpose of this policy is to encourage a reasonable hour in which the Council business is discussed and to protect against fatigue in discussing and deciding important City issues.
- C. Seating Arrangement for City Council. Following each councilmanic election, members of the City Council shall be seated at the Council table with senior Council Members having first choice of seats. The Mayor, however, shall be seated in the center of the Council table and the Mayor Pro Tempore shall always be seated immediately next to and to the right of the Mayor. In the event of equal seniority among members of the Council, selection of Council seats shall be made alphabetically.

Adopted - August 21, 1972
 Amended - November 24, 1975
 Amended - November 28, 1977
 Amended - July 24, 1978
 Amended - September 11, 1978
 Amended - November 27, 1978
 Amended - October 23, 1979
 Amended - February 9, 1981
 Amended - June 25, 1984
 Amended - October 22, 1984

Amended - March 24, 1986
 Amended- January 12, 1987
 Amended - May 26, 1987
 Amended - November 28, 1988
 Amended - August 13, 1990
 Amended - October 22, 1990
 Amended - June 28, 1993
 Amended - March 28, 1994
 Amended - October 9, 1995
 Amended - February 26, 1996
 Amended - August 28, 2001
 Amended - February 22, 2011
 Amended - January 8, 2013