



City of La Quinta

CITY / SA / HA / FA MEETING DATE: June 2, 2015

ITEM TITLE: ADOPT A RESOLUTION TO AMEND AND RESTATE THE RULES OF PROCEDURE FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 10

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Adopt Resolution No. 2015-___ approving the amended and restated Rules of Procedure for Council Meetings and related functions and activities.

EXECUTIVE SUMMARY:

- A thorough examination of the Council Rules of Procedure was undertaken in 2014 to incorporate changes in State law, improvements in technology, increased emphasis on transparency, and evolved Council practices.
- Three sections are being updated this year to: 1) allow for greater flexibility in the order of business taken up on the agenda; 2) update the conflict of interest section to conform to State law; and 3) clarify the manner for addressing Council.
- To avoid duplicating text common to all City boards and commissions, the Council Rules will be the master document to which all other entities will refer.

FISCAL IMPACT:

None.

BACKGROUND/ANALYSIS:

Recommended changes are in Sections 1.1, 4.7, and 5.1 as redlined on Attachment 1 and explained as follows:

There are two recommended changes to Section 1.1 ORDER OF BUSINESS - 1) Delete the requirement for the order of business to be predetermined for every meeting (agenda will generally follow the order of business but can be changed without formalities); and 2) change the order to have department reports heard after the study session (this will help to avoid staff overtime or enable staff to return to work earlier).

Section 4.7 CONFLICT OF INTEREST – the Political Reform Act spells out the steps public officials are to follow when declaring a conflict of interest. The Council has been following these steps since this portion of the law was enacted in 2002. As a clear tool for all who are governed by these Rules of Procedure, the exact steps required have replaced the general guideline previously covering this matter. The steps are to identify the conflict, recuse oneself from voting, and leave the dais unless the item is on the Consent Calendar. The new language also covers how the votes are to be recorded and how a disqualified Councilmember may speak on the matter as a member of the public.

Section 5.1 MANNER OF ADDRESSING THE COUNCIL - language added to indicate how the presiding officer and councilmembers are to be addressed based on Robert’s Rule of Order and other resources. Staff and residents addressing the Council at meetings are often unsure of the protocol. This addition, which explains the titles to use for a mayor and councilmembers, eliminates awkwardness and guesswork and encourages confident engagement on the part of those addressing the Council at a meeting.

ALTERNATIVES:

Council may add, delete, or amend any section of the Rules of Procedure.

Report prepared by: Susan Maysels, City Clerk

Report approved for submission by: Frank J. Spevacek, City Manager

Attachment: 1. Council Rules of Procedure – redlined sections

RESOLUTION NO. 2015 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

WHEREAS, Section 2.04.040 of the La Quinta Charter and Municipal Code and State Government Code Section 54954(a) requires that the City Council adopt Rules of Procedure to govern the conduct of its meetings and any of its other functions and activities, and regulations pertaining thereto; and

WHEREAS, due to changes in law, policy and/or practice, Council Rules of Procedure require examination and updating from time to time; and

WHEREAS, this resolution supersedes all previous City Council Resolutions adopting Rules of Procedure,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, that the Rules of Procedure for City Council Meetings and Related Functions and Activities attached hereto as Exhibit A are hereby adopted.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council held on this 2nd day of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

AMENDED AND RESTATED RULES OF PROCEDURE FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

PURPOSE

The purpose and intent of the City Council in adopting the within rules shall be to provide directory guidelines relating to the conduct of the public business by or on behalf of the City Council, and in the event of any noncompliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

The rules of procedure set herein shall be in addition to the provisions of the Ralph M. Brown Act and all other applicable state government codes. In the event of a conflict between the rules set by the City Council and California Code, the provisions of California State Code shall prevail.

APPLICABILITY

Unless otherwise provided by resolution of the City Council, a city authority, or city agency, the rules of procedure outlined below apply to all city-established entities including, but not limited to the following:

La Quinta City Council
La Quinta Housing Authority
La Quinta Financing Authority
Successor Agency to the La Quinta Redevelopment Agency
All City Boards, Commissions, and Committees

1. MEETINGS

1.1 REGULAR MEETINGS:

The City Council of the City of La Quinta shall hold regular meetings in the place specified in the Municipal Code, on the first and third Tuesdays of each month. The open session portion of regular meetings shall begin at 4:00 p.m. The closed session portion of regular meetings, if needed, may begin between 3:00 p.m. and 4:00 p.m., or may be scheduled any time before meeting adjournment in accordance with a duly noticed agenda. The public hearing portion of the meeting shall be the time set

forth in the published public hearing notice, or if none is required, the time set forth in the posted agenda.

When the day for a regular meeting of the Council falls on a legal holiday, no meeting shall be held on that day; rather, such meeting shall be held at the same hour on the next business day unless otherwise determined by the City Council.

1.2 ADJOURNED MEETINGS:

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.3 SPECIAL MEETINGS:

Special Meetings may be called by the Mayor or majority of Councilmembers on 24-hour notice, as set forth in Government Code Sections 3511.1(d), 36807 and 54956(b). Only matters contained in the notice may be considered and no ordinances (other than urgency ordinances) may be adopted, nor may matters concerning the salaries, salary schedules, stipend, bonus or compensation paid in the form of fringe benefits, of the City Manager, any Department head, or any employee whose position is held by an employment contract, be acted upon. Notice of special meetings shall be posted in accordance with Section 1.4.

1.4 NOTICE OF MEETINGS. POSTING OF AGENDAS:

The City Clerk, or designee, shall post a meeting agenda in the following locations at least 72 hours before each regular meeting of the City Council, to wit: (1) the public bulletin board located outside the Village Post Office at 51321 Avenida Bermudas, (2) the public bulletin board located outside Stater Brothers Supermarket at 78-630 Highway 111 and, (3) the City's internet web site. The City Council finds and determines that all locations are freely accessible to the public and the Council further finds and determines that the City is legally required to post an agenda in only one freely accessible location and on the City's web site. This direction to post in all locations is directory only and not mandatory. Other locations may be added as deemed appropriate. Following posting of said agenda, the City Clerk or designee, shall sign a declaration of the date and place of the posting of the said agenda and shall retain said declaration of posting as a public record as part of the Council meeting record to which the posting relates. The provisions of this section as to place of posting and declaration of posting shall also apply to the special meeting posting requirements of Government Code 54956. To the extent not required by State law, the provisions hereof are directory only.

1.5 QUORUM:

Unless otherwise provided for in the Municipal Code, a majority of the Council shall be sufficient to do business and motions may be passed 2-1 if only 3 attend. The

following matters, however, require three affirmative votes: (a) adoption of ordinances and resolutions, (b) orders for payment of money, and (c) adoption or amendment of a specific or general plan.

If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum.

1.6 MEETINGS TO BE PUBLIC:

Study Sessions and all regular, adjourned or special meetings of the City Council shall be open to the public, provided, however, the Council may hold closed sessions from which the public may be excluded, which closed sessions shall only be held in accordance with the provisions of the Brown Act (Government Code 54950 etc.).

1.7 MEETING ATTENDANCE VIA TELECONFERENCE:

(a) The use of teleconferencing for a Councilmember to attend a City Council meeting is permitted subject to compliance with the provisions of Government Code Section 54953, as amended.

(b) All provisions of the Ralph M. Brown Act shall apply to the teleconferenced meeting location including agenda posting, public accessibility, ADA compliance, opportunity for the public to address Council directly, and availability of agendas.

(c) All votes taken during a teleconferenced meeting shall be by roll call.

(d) So that the City Clerk may comply with the Ralph M. Brown Act, one week advance written notice to the City Clerk must be given by the Councilmember who wishes to attend via teleconference; the notice must include the location name and address, which must specifically include the room/suite number, at which the teleconferenced meeting will occur, who is to initiate the telephone call to establish the teleconference connection, and the telephone number of the teleconference location (the telephone number will not be made public).

(e) The Councilmember attending by teleconference shall (1) provide the City Clerk with a photograph showing the agenda posted at the teleconference location, or a written statement that the agenda has been posted, which the City Clerk shall retain with the original agenda packet materials, and (2) identify him/herself and acknowledge whether or not members of the public are in attendance at the teleconference location.

(f) Only one Councilmember per meeting may attend by teleconferencing.

(g) Each Councilmember may attend a regular City Council meeting via teleconference a maximum of twice per calendar year.

(h) Upon receipt of notification of intent to attend via teleconference from one Councilmember, the City Clerk shall forward the notice to all Councilmembers.

1.8 CLOSED SESSION MINUTES:

Pursuant to Section 54957.2 of the California Government Code, the City Clerk of the City of La Quinta may be required to attend closed session of the City Council, and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. Closed Session minutes, if produced, shall not be a public record subject to inspection pursuant to the California Public Records Act, and shall be kept confidential pursuant to the Government Code.

2. AGENDA

2.1 ORDER OF BUSINESS:

Except as otherwise provided by law, no action or discussion shall be undertaken on any item not appearing on the posted agenda, except that Councilmembers or staff may, on their own initiative or in response to public comments, briefly respond to statements made or questions posed during the public comment period, ask questions for clarification, make a brief announcement, make a brief report on his/her own activities, provide a reference to staff, request staff to report back to the Council at a subsequent meeting, or take action to direct staff to place a matter on a future agenda.

The order of business of each meeting shall be as contained in the Agenda prepared by the City Clerk and shall contain the following category headings:

CALL TO ORDER

ROLL CALL

*PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (place before Closed Session)

CLOSED SESSION (may be taken up before, after or during breaks in the open portion of the meeting)

*PLEDGE OF ALLEGIANCE

*PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

CONFIRMATION OF AGENDA

*ANNOUNCEMENTS, PRESENTATIONS, AND WRITTEN COMMUNICATIONS

CONSENT CALENDAR (will include Minutes)

BUSINESS SESSION

*STUDY SESSION

*DEPARTMENTAL REPORTS

*REPORTS AND INFORMATIONAL ITEMS

*MAYOR AND COUNCILMEMBERS ITEMS

*PUBLIC COMMENT (only needed if there is a Public Hearing(s) on the agenda)

*PRESENTATIONS (only needed if there is a late presentation item)

PUBLIC HEARINGS

ADJOURNMENT

The Presiding Officer may change the order of business to accommodate participants, councilmembers, staff, or consultants; expedite the meeting; or meet public hearing notice times.

*These portions of the agenda shall be used for discussion and direction to staff; no formal actions are to be taken.

2.2 DELIVERY OF AGENDA:

Barring insurmountable difficulties, the agenda packet shall ordinarily be delivered to Councilmembers each Thursday preceding the Tuesday meeting to which it pertains.

The agenda packet shall also be available to the public at the time it is delivered to the City Council.

2.3 ROLL CALL:

Before proceeding with the business of the Council, the City Clerk shall call the roll of the Councilmembers and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical with the Mayor called last.

2.4 APPROVAL OF MINUTES:

Action minutes shall be prepared after every meeting. Unless requested by a majority of the City Council, minutes of the previous meeting may be approved as a Consent Calendar item without public reading if the City Clerk has previously furnished each Councilmember with a copy thereof.

2.5 PUBLIC HEARINGS:

Generally, public hearings shall be conducted in the following order:

- Staff presentation
- Questions of Staff by Council
- Public hearing opened by Presiding Officer
- Public testimony
- Public hearing closed by Presiding Officer
- Questions by Council

- Discussion by Council
- Action by Council

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than 3 minutes per individual. Any person may speak for a longer period of time, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

2.6 PUBLIC COMMENT:

Pursuant to Government Code 54954.3, each agenda for a regular meeting shall provide an item entitled "Public Comment". The purpose of such item shall be to provide an opportunity for members of the public to directly address the City Council on items of interest to the public that are within the subject matter jurisdiction of the City Council. In order to assure that the intent of Government Code 54954.3 is carried out, three (3) minutes is the amount of time allocated for each individual speaker. At any time, before or after the oral communication is commenced, the Presiding Officer may, if s/he deems it preferable, direct that the communication be made instead either to the City Manager or other appropriate staff member during regular business hours, or in writing for subsequent submittal to Councilmembers.

On items of public comment or discussion, any matter raised by the public which does not specifically appear on the agenda may be added to a future agenda in accordance with Section 2.9. It is hereby determined that such requests or direction by a Councilmember shall not be considered action taken by the Council on said item raised by the public. Further, Council discussion of the matter shall not be considered action taken.

2.7 CONSENT AGENDA:

Items of routine nature, and non-controversial, shall be placed on the consent agenda. All items may be approved by one blanket motion upon unanimous consent. Any Councilmember may request that any item be withdrawn from the consent agenda for separate consideration.

2.8 MAYOR AND COUNCILMEMBER ITEMS:

The Mayor and Councilmembers shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the Council.

2.9 ADDING ITEMS TO A FUTURE AGENDA:

An item may be placed on a future agenda by any of the following methods:

- (a) Items for discussion only, no action, no staff report – a Councilmember may request that a matter requiring significant discussion be placed on a future agenda under the MAYOR AND COUNCILMEMBER ITEMS section either during a Council meeting or by contacting the City Manager with the item title and desired meeting date. At the requesting Councilmember’s option, s/he may prepare a short report to be included in the agenda packet provided s/he meets the agenda production deadlines.
- (b) Items for discussion and/or vote requiring a staff report - a Councilmember who wishes to place a matter on a future agenda that requires staff research, analysis and/or report(s) or a vote to commit City resources shall first bring the matter to Council as noted in (a) above and obtain Council consensus to direct staff to move forward and place the item on a future agenda. Council shall not take action on the matter itself.
- (c) By the Mayor, City Manager or City Attorney

3. PRESIDING OFFICER

3.1 PRESIDING OFFICER:

The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of both the Mayor and the Mayor Pro Tempore, the senior Councilmember shall preside. If there are two Councilmembers with equal seniority, then the one who received the highest number of votes in the election shall be the Presiding Officer.

3.2 MAYOR PRO TEMPORE:

In accordance with Government Code Section 36801, the Council shall choose one of its members as Mayor Pro Tempore at the meeting at which the declaration of the election results for a general municipal election is made. During odd numbered years, the Council shall choose one of its members as Mayor Pro Tempore during a regular meeting in the last calendar quarter of the year. Each selection shall be by three or more affirmative votes, and a failure to achieve such total of affirmative votes, shall be deemed a selection of the incumbent to remain in office. Each person so selected shall serve until a successor is chosen (at any time) by three or more affirmative votes.

3.3 CALL TO ORDER:

The meeting of the City Council shall be called to order by the Presiding Officer.

3.4 PARTICIPATION OF PRESIDING OFFICER:

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers, and s/he shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If s/he desires to personally engage in extended debate on questions before the Council, s/he should consider turning the Chair over to the Mayor Pro Tempore.

3.5 QUESTION TO BE STATED:

The Presiding Officer shall verbally restate each question immediately prior to calling for the vote. Following the vote, either the Presiding Officer or the City Clerk shall verbally announce the result in accordance with Section 7.1. The Presiding Officer may publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

3.6 SIGNING OF ORDINANCES AND RESOLUTIONS:

The Presiding Officer shall sign ordinances and resolutions adopted by the City Council. The City Clerk, or Deputy City Clerk, shall attest to the signature of the Presiding Officer.

3.7 MAINTENANCE OF ORDER:

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

3.8 CITY CLERK POSITION:

In accordance with Government Code Section 36804, if the City Clerk is absent, the Deputy City Clerk shall act. If there is none, the Presiding Officer shall appoint one of the Councilmembers as City Clerk Pro Tempore.

4. RULES, DECORUM, AND ORDER

4.1 POINTS OF ORDER:

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

4.2 DECORUM AND ORDER - COUNCIL MEMBERS:

(a) Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine him/herself to the question under debate.

(b) A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Councilmember; or unless the speaker chooses to yield to questions from another Councilmember.

(c) Any Councilmember called to order while s/he is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, s/he shall be permitted to proceed. If ruled to be not in order, s/he shall remain silent or shall alter his/her remarks so as to comply with rules of the Council.

(d) Councilmembers shall accord the utmost courtesy to each other, to city employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

(e) Any Councilmember may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Council shall require the Presiding Officer to so act.

(f) Except where specifically authorized by City Council action or for purely ceremonial purposes, no Councilmember attending a City commission or committee meeting shall make any statement or give the appearance or indicate in any way that s/he is representing the City. When making a comment at such a meeting, the Councilmember should make it clear that s/he is speaking solely as an individual. Unless officially appointed to participate on a committee, Councilmembers should make an effort not to insert themselves into or take positions on matters which will or are likely to be the subject of public hearings or will be decided upon by the City Council after considering the entire issue.

4.3 DECORUM AND ORDER - EMPLOYEES:

City Employees and Contractors shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall ensure that all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Councilmember or member of the public.

4.4 DECORUM AND ORDER - PUBLIC:

Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the sergeant-of-arms is so directed by the Presiding Officer, and such person may be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

4.5 ENFORCEMENT OF DECORUM:

The head of the City's police agency or designee shall be ex-officio sergeant-of-arms of the Council. S/he shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-of-arms or his/her representative to eject any person from the Council Chambers or place him/her under arrest or both.

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

4.6 PERSONAL PRIVILEGE:

The right of a member to interrupt a meeting and address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned, or impugned.

4.7 CONFLICT OF INTEREST:

All Councilmembers are subject to the provisions of California Law, such as Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest, and to conflicts of interest codes adopted by the Council. Any Councilmember disqualified

from voting because of a conflict of interest shall do all of the following: (1) publicly identify the financial interest in detail sufficient to be understood by the public, (2) recuse him/herself from discussing and voting on the matter, and (3) leave the dais until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar. Any Councilmember disqualified from voting due to a conflict of interest may speak on the issue from the public podium during the time that the general public speaks on the issue. The Councilmember disqualified from voting due to a conflict of interest shall be marked absent from the vote for the item on the minutes, unless the item is on the Consent Calendar, in which case, the Councilmember will be marked as having abstained.

4.8 LIMITATION OF DEBATE:

Councilmembers should speak only once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five minutes each time s/he has the floor, without approval of a majority vote of the Council.

4.9 DISSENTS AND PROTESTS:

Any member shall have the right to express dissent from or protest to any action of the Council and have the reason entered in the minutes. If such dissent or protest is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reason . . ."

4.10 PROCEDURES IN ABSENCE OF RULES:

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

4.11 RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED:

In presiding over Council meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Councilmembers present and voting.

5. ADDRESSING THE COUNCIL

5.1 MANNER OF ADDRESSING THE COUNCIL:

Any member of the public desiring to address the Council shall proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, s/he shall state his/her name and/or the party s/he is representing (unless otherwise determined by the city attorney to be unnecessary), the subject s/he wishes to discuss, and city of residence.

All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilmember, staff member or other person. The Presiding Officer shall be addressed at all times as Madam/Mister [title], e.g. Madam Mayor, Mr. Mayor Pro Tem. Councilmembers shall be addressed as Councilmember [last name]. The Council as a body shall be addressed: Madam/Mister Mayor and Members of the City Council.

The Presiding Officer shall not permit any communication, oral or written, to be made or read where it is not within the subject matter jurisdiction of the City Council. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

5.2 TIME LIMITATION:

For time limitation applicable to public hearings and public comment, see Sections 2.5 and 2.6.

5.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE:

After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission by a majority vote of the Council.

5.4 PERSONS AUTHORIZED TO BE WITHIN PLATFORM:

No person except City Officials shall be permitted behind the City Council dais without permission or consent of the Presiding Officer.

6. MOTIONS

6.1 PROCESSING OF MOTIONS:

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

6.2 MOTIONS OUT OF ORDER:

The Presiding Officer may at any time, by majority consent of the Council, permit a Councilmember to introduce an ordinance, resolution, or motion out of the regular agenda order.

6.3 DIVISION OF QUESTION:

If the question contains two or more divisional propositions, the Presiding Officer may, and upon request of a member shall (unless appealed), divide the same.

6.4 PROCEDURE OF MOTIONS:

When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- (a) Adjourn
- (b) Fix hour of adjournment
- (c) Table
- (d) Limit or terminate discussion
- (e) Amend
- (f) Postpone

6.5 MOTION TO ADJOURN: (not debatable)

A motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion.
- (b) When made as an interruption of a member while speaking.
- (c) When discussion has been ended, and vote on motion is pending, and
- (d) While a vote is being taken.

6.6 MOTION TO FIX HOUR OF ADJOURNMENT:

Such a motion shall be to set a definite time at which to adjourn and shall be debatable and shall be amendable by unanimous vote.

6.7 MOTION TO TABLE:

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

6.8 MOTION TO LIMIT OR TERMINATE DISCUSSION:

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

6.9 MOTION TO AMEND:

A motion to amend shall be discussed only as to the amendment. A motion to amend an amendment is possible but no additional motions to further amendments may be made. Any amendment shall relate to the original motion and not introduce a different matter. Amendments shall be voted first, then the main motion as amended. Alternatively, the original maker of the main motion may agree to revise the original motion and if the second agrees to second the revised motion, the Council

may vote on the main motion as revised.

7. VOTING PROCEDURE

7.1 VOTING PROCEDURE:

In acting upon every motion, the vote shall be taken by electronic voting and the Presiding Officer or the City Clerk shall verbally announce (1) whether the question carried or was defeated, (2) the vote tally, and (3) the vote of each Councilmember. In the event the electronic voting machine is not functioning, the vote shall be taken by roll call. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical with the Mayor voting last. The City Clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond 'aye', 'no' or 'abstain'.

Every ordinance and resolution, orders for franchises or payments of money, or adoption or amendment of a specific or general plan require three affirmative votes. Any member may change his/her vote before the next order of business.

7.2 ABSTENTIONS AND FAILURE TO VOTE:

A Councilmember who abstains due to reasons of conflict shall, for purpose of the item under consideration, be considered as if absent. A Councilmember abstaining for reasons other than conflict shall be counted as present for purposes of a quorum and such abstentions are counted with the majority. A Councilmember who leaves the dais solely to avoid participating in a specific item shall, in absence of a conflict, be counted as if they were present but abstaining and such abstentions are also counted with the majority.

7.3 RECONSIDERATION:

Any Councilmember who voted with the majority may move a reconsideration of any action at the same meeting or, within seven (7) calendar days, request in writing to the City Manager or City Clerk that it be agendized for consideration at the following meeting. If the seventh calendar day falls on a holiday, then the deadline shall be the next business day. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Councilmember who voted against the earlier motion may move for reconsideration within the same seven (7) calendar day period. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting that meets any applicable noticing requirements. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Council.

7.4 TIE VOTES:

Tie votes shall be lost motions unless an additional motion is made which obtains a majority vote to break the tie. When all Councilmembers are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council. Notwithstanding the above, if a tie vote results at a time when one or more Councilmember(s) are abstaining for reasons other than conflict of interest then, in that instance, the abstention vote shall be counted in favor of the motion thereby breaking the tie vote.

8. RESOLUTIONS

8.1 DEFINITIONS:

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions". The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance. As used in this City, however, two terms are in general use to denote such (non-ordinance) actions: "resolution" and "motion" (thereafter recorded by minute entry). Technically, both are equally as legally effective and binding; they just vary in the formality of respective memorialization. The most formal is referred to locally as a "resolution". This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence, and preserved in a separate set of books. Such "resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "motion" as used locally denotes a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it unless it is a motion to adopt an ordinance or resolution.

8.2 RESOLUTIONS PREPARED IN ADVANCE:

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result

declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

8.3 RESOLUTIONS NOT PREPARED IN ADVANCE:

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Council meeting.

8.4 URGENCY RESOLUTIONS:

In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in 8.2 above shall be followed.

9. ORDINANCES

9.1 INTRODUCTION AND ADOPTION OF ORDINANCES:

Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

9.2 EFFECTIVE DATE:

Except as provided otherwise by law, all ordinances shall take effect 30 days after their final passage but may be made operative at such later date as may be designated in the ordinance.

9.3 PUBLISHING:

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within 15 days after adoption.

10. POLITICAL ACTIVITIES

(A) Councilmembers shall not use, or attempt to use, their position, office or authority to influence, aid or obstruct any City employee from securing any position, nomination, confirmation or promotion, or change in compensation or position in the City upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. This prohibition shall apply to urging or discouraging the individual employee's action.

(B) A Councilmember or candidate shall not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of the local agency or from persons on an employment list of the City, with the knowledge that the person from whom the contribution is solicited is an officer or employee of the City. This section shall not prohibit the Councilmember from requesting political contributions from officers or employees of the City if the solicitation is part of a solicitation made to a significant segment of the public, which may include officers or employees of the City.

(C) No Councilmember or candidate shall engage in political activity during working hours in City offices or work areas where such activity would disrupt the workplace. For purposes of this section, City offices, or work areas includes the areas behind the public counters, but excludes the Council Chambers and Councilmember offices.

11. AUTHORITY TO BIND THE CITY

No Councilmember, officer, official, employee, agent or consultant of the City, without the majority vote of the Council, or unless otherwise provided in these Rules of Procedure or by resolution of the Council, shall have any power or authority to bind the City by any contract, to pledge its credits, or to render it liable for any purpose in any amount.

12. EXECUTION OF CONTRACTS, DEEDS, AND OTHER DOCUMENTS

Except as otherwise authorized by resolution of the City Council, either the Mayor or City Manager, or in the absence of both, such person as the City Manager may designate in writing pursuant to Municipal Code section 2.08.050 and 2.08.060, shall sign all contracts, deeds and other written instruments on behalf of the City when such have been approved by the City Council. The City Clerk shall attest to the signature of the signer, unless attestation is not required.

13. RULES DIRECTORY

To the extent not required by State laws, these rules of procedure shall be considered directory only; and compliance herewith shall not be considered mandatory or jurisdictional.

1.1 ORDER OF BUSINESS:

Except as otherwise provided by law, no action or discussion shall be undertaken on any item not appearing on the posted agenda, except that Councilmembers or staff may, on their own initiative or in response to public comments, briefly respond to statements made or questions posed during the public comment period, ask questions for clarification, make a brief announcement, make a brief report on his/her own activities, provide a reference to staff, request staff to report back to the Council at a subsequent meeting, or take action to direct staff to place a matter on a future agenda.

The Order of Business of each meeting shall be as contained in the Agenda prepared by the City Clerk and shall contain the following category headings; which shall be taken up for consideration in the following order:

CALL TO ORDER

ROLL CALL

*PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (place before Closed Session)

CLOSED SESSION (may be taken up before, after or during breaks in the open portion of the meeting)

*PLEDGE OF ALLEGIANCE

*PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

CONFIRMATION OF AGENDA

*ANNOUNCEMENTS, PRESENTATIONS, AND WRITTEN COMMUNICATIONS

CONSENT CALENDAR (will include Minutes)

BUSINESS SESSION

*STUDY SESSION

*DEPARTMENTAL REPORTS

*REPORTS AND INFORMATIONAL ITEMS

*DEPARTMENTAL REPORTS

*MAYOR AND COUNCILMEMBERS ITEMS

*PUBLIC COMMENT (only needed if there is a Public Hearing(s) on the agenda)

*PRESENTATIONS (only needed if there is a late presentation item)

PUBLIC HEARINGS

ADJOURNMENT

The Presiding Officer may change the order of business to accommodate participants, councilmembers, staff, or consultants; expedite the meeting; or meet public hearing notice times.

*These portions of the agenda shall be used for discussion and direction to staff; no formal actions are to be taken.

4.7 CONFLICT OF INTEREST:

All Councilmembers are subject to the provisions of California Law, such as Chapter 7, Title 9, of the California Government Code ([Political Reform Act of 1974](#)), relative to conflicts of interest, and to conflicts of interest codes adopted by the Council. Any Councilmember ~~disqualified prevented~~ from voting because of a conflict of interest shall do all of the following: (1) publicly identify the financial interest in detail sufficient to be understood by the public, (2) recuse him/herself from discussing and voting on the matter, and (3) leave the dais until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar. Any Councilmember disqualified from voting due to a conflict of interest may speak on the issue from the public podium during the time that the general public speaks on the issue. The Councilmember shall be marked absent from the vote for the item on the minutes, unless the item is on the Consent Calendar, in which case, the Councilmember will be marked as having abstained due to a conflict. ~~refrain from debate and voting and will be considered absent. Such Councilmember may choose to leave the Council Chamber during debate and voting on the issue.~~

5.1 MANNER OF ADDRESSING THE COUNCIL:

Any member of the public desiring to address the Council shall proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, s/he shall state his/her name and/or the party s/he is representing (unless otherwise determined by the city attorney to be unnecessary), the subject s/he wishes to discuss, and city of residence.

All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilmember, staff member or other person. The Presiding Officer shall be addressed at all times as Madam/Mister [title], e.g. Madam Mayor, Mr. Mayor Pro Tem. Councilmembers shall be addressed as Councilmember [last name]. The Council as a body shall be addressed: Madam/Mister Mayor and Members of the City Council.

The Presiding Officer shall not permit any communication, oral or written, to be made or read where it is not within the subject matter jurisdiction of the City Council. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.