ITEM 9.E.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **Deborah S. Traffenstedt, Deputy City Manager** DST

DATE: **January 21, 2011 (CC Meeting of 2/16/11)**

SUBJECT: **Consider Resolution Adopting Revised Rules of Procedure for Council Meetings and Rescinding Resolution No. 2006-2476**

BACKGROUND/DISCUSSION

A draft resolution is attached that includes proposed revisions to the Rules of Procedure for Council meetings as shown through the use of legislative format. Some of the revisions were for editorial reasons. The more substantive edits were made for the reasons described below. (The following section references are for the corrected numbering shown with the legislative format in the attached draft resolution.)

Section 2.11 and **Section 2.12** - (Pages 5 and 8) At the request of Councilmember Mikos, language has been added under Public Hearings and Presentation/Action/Discussion Items to describe the procedure for disclosing ex parte communications at the public meeting for an agenda item.

Section 2.11 – (Page 6) Language provided by the City Attorney has been added under Public Hearings for rules for the length of time and the order in which the applicant and appellant may speak in the case of an Appeal of a Planning Commission decision.

Section 4.4 - (Page 11) Language has been added under Conflict of Interest to further clarify when announcement of a conflict of interest must be declared.

Section 11.2 - (Page 21) A new section, under Council Meetings has been added regarding meetings conducted through the use of teleconferencing and the need for prior City Council approval for the expense to conduct such a meeting.

The City Attorney has reviewed and approved the proposed revisions to Sections 2.11 and 2.12.

STAFF RECOMMENDATION

Adopt Resolution No. 2011-____, rescinding Resolution No. 2006-2476.

Attachment: Draft Resolution

ATTACHMENT

RESOLUTION NO. ~~2006-2476~~2011-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING REVISED RULES OF PROCEDURE FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES AND RESCINDING RESOLUTION NO. ~~2005-2301~~2006-2476

WHEREAS, Section 2.04.040 of the Moorpark Municipal Code 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

WHEREAS, the City Council has determined that revisions to the Rules of Procedure are necessary.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Revised Rules of Procedure for City Council Meetings and Related Functions and Activities are hereby adopted, to read as follows:

1. GENERAL PROVISIONS

1.1 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 the Council. In the event of any noncompliance with, or violation of, any provision herein, such shall not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

1.2 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.

2. ORDER OF BUSINESS

2.1 Agenda:

The Order of Business of each meeting shall be as contained in the Agenda prepared by the City Clerk. The Agenda shall be a listing by topic of the items of business which shall be transacted or discussed in the following order:

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Proclamations and Commendations

5. Public Comments*

6. Reordering of, and Additions to, the Agenda

   (Items to be pulled from the Consent Calendar shall be identified under this section)

7. Announcements, Future Agenda Items, and Reports on Meetings/Conferences Attended by Councilmembers and Mayor

8. Public Hearings

9. Presentations/Action/Discussion

10. Consent Calendar

11. Ordinances

12. Closed Session

    (If none are scheduled to be held prior to the Agenda deadline, then Agenda shall so indicate.)

13. Adjournment

2.2 Roll Call Vote and Priority Notation on Agenda:

Items, which require a roll call vote, shall be so noted on the agenda. Presentations/Action/Discussion items, which are judged by the City Manager to be of high priority, shall be indicated by an asterisk.

2.3 Special Meeting Agenda Format:

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* Following the Public Comments, the Council will recess to convene the Redevelopment Agency meeting.

The order of business of special meeting agendas shall generally be consistent with the order of business of regular meeting agendas, although not all regular items of business must be included. Public Comments shall be included on all special meeting agendas.

2.4 Delivery of Agenda:

Barring insurmountable difficulties, the Agenda for regular meetings shall be delivered ordinarily to Councilmembers each Friday preceding the meeting to which it pertains.

The Agenda shall also be available to the general public after it is posted. Agenda reports will not be available to the general public until after distribution to the Council.

2.5 Call to Order:

The meeting of the Council shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tempore who shall serve until the arrival of the Mayor. In the absence of both the Mayor and the Mayor Pro Tempore, the meeting shall be called to order by the City Clerk. The City Clerk shall immediately call for the selection of a temporary Presiding Officer who shall serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

2.6 Roll Call/Quorum:

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 the initial roll call shall be alphabetical with the Mayor or Presiding Officer called last. Unless otherwise provided for by law, a majority of the Council shall constitute a quorum sufficient to do business.

2.7 Proclamations and Commendations:

Proclamations and Commendations shall be limited to regular Council meetings.

2.8 Public Comments:

Any member of the public may address the Council on any item within the subject matter jurisdiction of the City Council which is not listed on the Agenda as a Public Hearing or Presentations/Action/Discussion item. Speakers will be heard in the order that their speaker cards are received by the City Clerk. All speaker cards for Public Comments must be received prior to the Mayor's call for speaker cards for the Public Comments agenda item. A limitation of three (3) minutes shall be imposed upon each speaker. Speaker cards must be presented in person by the person wishing to speak. The passing of time from one

speaker to another or speaking in place of another speaker is not allowed. No speaker will be allowed to speak after all speaker cards are called. By majority vote of the Councilmembers present and voting, the number of speakers and time permitted for comments may be limited at any single meeting. The speaker shall be governed by the rules of Sections 6.1, 6.2 and 6.3. Councilmembers shall reserve their comments and responses until the end of the Public Comments period.

Speakers may be heard at greater length at the end of the agenda by majority vote of the Councilmembers present and voting. The City Clerk shall hold over to the next adjourned ~~regular~~ or regular meeting, timely submitted speaker cards of speakers who were not heard during the Public Comments period, and those speakers shall be given priority in the order that their speaker cards were originally received during the Public Comments period of the next meeting.

Speakers at a regular meeting will not be allowed to address the same subject at an adjourned meeting of the regular meeting at which they spoke, except by a four-fifth's majority vote of the Council.

2.9 Reordering of, and Additions to, the Agenda:

Except with majority consent of the Councilmembers present and voting, items may not be taken out of order.

At this time, Councilmembers, the City Manager, City Attorney or City Clerk may request that any item on the Consent Calendar be withdrawn for separate consideration. Items withdrawn from the Consent Calendar shall be considered immediately after action on the balance of the Consent Calendar in the order that they were withdrawn.

Any Councilmember, the City Manager, the City Attorney or the City Clerk may bring to the attention of the Council new items of business for discussion and action in the event of an emergency situation or when the need to take immediate action comes to the attention of the City subsequent to the posting of the agenda, as specified in Government Code Section 54954.2. A two-thirds vote of the Council, or, if less than two-thirds are present, a unanimous vote of those who are present, is required to add an item to the agenda.

In addition to having the opportunity to reorder the agenda as order of business number 6, the Mayor shall suspend the item under discussion at 10:30 p.m. in order that the agenda may be reordered by majority vote of the Councilmembers present and voting. The City Clerk will notify the Mayor that the time for reordering the agenda has arrived.

2.10 Announcements, Future Agenda Items, and Reports on Meetings/Conferences Attended by Councilmembers and Mayor:

At this time, Councilmembers and the Mayor may make an announcement, request to have an item placed on a future agenda, and provide a brief report on meetings and conferences attended at City expense in compliance with Section 53232.3(d) of the Government Code.

2.11 Public Hearings:

Items shall be placed under this topic if: (i) a public hearing is required by law; (ii) the item is the consideration of an application or an appeal; or (iii) the item has been set for public hearing by the City Council.

Any member of the City Council who has an ex parte communication with an applicant, property owner, developer, or other person directly affiliated with a hearing on a permit, license, entitlement or appeal, outside of the public record, public hearing, or public meeting process, shall disclose the information learned in this communication during the open public hearing.

Public hearings shall be conducted in the following order:

Staff Report

Questions of Staff by Council

Hearing Opened by Mayor

Testimony by Applicant

Other Public Testimony

Rebuttal by Applicant

Questions by Council

Hearing Closed by Mayor

Discussion by Council

Action by Council

Any public hearing, which is continued from one meeting to another, shall be placed first on the Agenda under Public Hearings, and if more than one, shall appear in the same order as shown on the previous Agenda. The order of the Agenda under Public Hearings may not be changed, except with the unanimous consent of the Councilmembers present.

Questions or comments from the public shall be limited to the item under consideration and the speaker shall be governed by the provisions of Sections 6.1 and 6.2. A limitation of five (5) minutes shall be imposed upon each speaker at the initial public hearing. Depending upon the extent of the Agenda and the number of persons desiring to speak on an item, the Mayor may at the beginning of a continued public hearing limit testimony, but in no event to less than three (3) minutes per individual. All speaker cards for a public hearing must be presented to the City Clerk by the person wishing to speak prior to the opening of the public hearing by the Mayor or beginning of public testimony at a continued open public hearing. The passing of time from one speaker to another or speaking in place of another speaker is not allowed.

An applicant's initial presentation shall be limited to twenty (20) minutes, including consultant participation. Subsequent presentations by an applicant shall be limited to ten (10) minutes. Quasijudicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard of any modification of, or addition to, the conduct of the hearing set forth in this subsection.

In the case of an Appeal of a Planning Commission decision the Applicant's and the Appellant's presentations shall be limited to twenty (20) minutes each, including consultant participation.

The Public Hearing shall be conducted in the following order:

Staff Report

Questions of Staff by Council

Testimony by Original Applicant

Testimony by Appellant

Other Public Testimony

Appellant Rebuttal to Public Testimony

Original Applicant Rebuttal to Appellant and Other Public Testimony

Questions by Council

Hearing Closed by Mayor

Discussion by Council

Action by Council

The Appellant has the same ability to present and to rebut as the original Applicant, but the original Applicant has the first and last word to the Council (including review of all of the Appellant's and public's arguments prior to his final rebuttal). The proceeding is a de novo review of the Application.

Written statement cards may be submitted in lieu of addressing the Council. The number of cards received in favor of or in opposition to a public hearing item under consideration will be verbally reported to the Council by the City Clerk along with a brief summary of specific concerns/comments listed on each card. The verbal report will be given following the last public speaker for the public hearing and prior to the rebuttal by the applicant. The total number of written statement cards received in favor of or in opposition to an item will be recorded in the minutes of the meeting, and the written statement cards will become a part of the official record.

2.12 Presentations/Action/Discussion Items:

Items that involve the establishment of City policy and items of a non-routine nature shall be placed under this topic.

Presentations to the City Council by other public agencies or groups and appointments will be listed first under the Presentations/Action/Discussion heading. Continued Presentations/ Action/Discussion items will appear in the order they previously appeared, following presentations and appointments.

Discussion/Action items shall be conducted in the following order:

Staff Report

Questions of Staff by Council

Testimony by Applicant

Public Comment

Discussion by Council

Action by Council

Questions or comments from the public shall be limited to the item under consideration and the speaker shall be governed by the provisions of Sections 6.1 and 6.2. Speakers will be heard in the order that their speaker cards are received by the City Clerk for the item during which the speaker wishes to address the Council. However, a proponent/applicant may be heard first during the public comment for a Presentations/Action/Discussion item, if so determined by the Mayor, but no rebuttal by the proponent/applicant shall be allowed. All speaker cards for each agenda item must be received prior to the Mayor's announcement of the public comment for each

Presentation/Action/Discussion item and call for speaker cards. A limitation of three (3) minutes shall be imposed upon each speaker. Speaker cards must be presented to the City Clerk by the person wishing to speak. The passing of time from one speaker to another or speaking in place of another speaker is not allowed.

Written statement cards may be submitted in lieu of addressing the Council. The number of cards received in favor of or in opposition to an item being considered will be verbally reported to the Council by the City Clerk following the last public speaker for an item. The total number of written statement cards received in favor of or in opposition to an item will be recorded in the minutes of the meeting, and the written statement cards will become a part of the official record.

Any member of the City Council who has an ex parte communication with an applicant, property owner, developer, or other person directly affiliated with a public meeting required for a permit, license, entitlement or appeal, outside of the public record or public meeting process, shall disclose the information learned in this communication during the City Council discussion at the public meeting for the agenda item.

2.13 Consent Calendar:

Minutes of previous City Council meetings, items of a routine nature and items recommended to be received and filed shall be placed on the Consent Calendar. All items may be approved by one blanket motion by unanimous vote of those present and voting.

Prior to a motion on the Consent Calendar, any Councilmember may request that any item be withdrawn from the Consent Calendar for individual consideration. Items withdrawn from the Consent Calendar shall be considered immediately after action on the Consent Calendar in the order that they were withdrawn, including any items requested to be withdrawn under Section 2.9 (Reordering of, and Additions to, the Agenda).

2.14 Closed Session:

A Closed Session to be held at the conclusion of a meeting shall typically begin no later than 12:00 midnight. If it is determined by the Mayor and City Manager that a Special meeting for Closed Session is required prior to a Regular meeting to help control the length of the Regular meeting, it shall begin at 6:30 p.m., unless more or less time is anticipated to be needed.

Section 54963 of the Government Code, and any statutes amendatory or supplementary thereto, prohibiting disclosure of closed session information to any person not entitled to receive such information unless the City Council authorizes disclosure of that information, are hereby incorporated by reference.

2.15 Adjournment:

It is the policy of the City Council that upon reaching 12:00 midnight, the City Council will not address any new agenda items, with the exception of closed session items. Should the City Council decide to continue to address an in-progress non-closed session agenda item past 12:00 midnight, the following motion is in order:

> Move that the City Council meeting tonight may extend beyond the 12:00 midnight deadline to conclude the item in progress.

3. PRESIDING OFFICER

3.1 Selection and Term:

The Mayor shall be the Presiding Officer at all meetings of the Council, except as otherwise provided in Section 2.5 (Call to Order). The office of Mayor is an elective office with a two-year term.

In accordance with Government Code Section 36801, for even numbered years, the City Council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its number as Mayor Pro Tempore. For each odd numbered year, the City Council shall meet at the last regular meeting in November to choose one of its number as Mayor Pro Tempore. Each selection shall be by three (3) 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 (3) or more affirmative votes.

In the case of a vacancy in the office of the Mayor for any reason, said vacancy shall be filled in compliance with State law.

3.2 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. He or she shall be accorded all of the rights and privileges of a councilmember.

3.3 Maintenance of Order:

The Presiding Officer is responsible for the maintenance of order and decorum at all times. The head of the City's police agency or his or her designee shall be ex-officio sergeant-at-arms of the Council. He or she shall carry out all orders and instructions given him or her by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers.

3.4 Rulings Final Unless Overruled:

The Presiding Officer shall decide all questions of interpretation of these rules, points of order, maintenance of order or other questions of procedure requiring rulings. Any such decision shall be final and shall be binding and legally effective (even if clearly erroneous) for purposes of the item under consideration, unless overridden by a majority vote of the Councilmembers present and voting. Any Councilmember may seek to have the Presiding Officer's decision overridden by moving the question "Shall the decision of the Presiding Officer be sustained?"

4. CONDUCT OF COUNCILMEMBERS

4.1 Decorum and Order:

(a) Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine himself or herself to the item under debate.

(b) A Councilmember desiring to question the staff shall address his or her question to the City Manager, City Attorney or Department head, as appropriate, who shall be entitled either to answer the inquiry or to designate some member of his or her staff for that purpose.

(c) A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, a point of order is raised by another Councilmember pursuant to Section 3.4 or the speaker chooses to yield to questions from another Councilmember.

(d) Any Councilmember called to order while he or she is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order he or she shall be permitted to proceed. If ruled out of order he or she shall remain silent or shall alter his or her remarks so as to comply with the rules.

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

(f) The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned or impugned.

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

4.2 Limitation of Debate:

A Councilmember should not speak more than once upon any one item until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five (5) minutes each time he or she has the floor, without the approval of a majority vote of the Council present and voting.

4.3 Dissents and Protests:

Any Councilmember shall have the right to express dissent from, or protest to, any action of the Council and to 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 reasons. . . ."

4.4 Conflict of Interest:

Section 87105 of the Government Code describes the procedure to be followed if an official has a conflict of interest on a matter and cannot participate in a decision. Section 87105 shall apply to the City Council, the City Manager, City Attorney, and Planning Commission. The official must publicly identify the financial interest (not including the address of a personal residence), recuse himself or herself from voting, and leave the room until after the discussion, vote and other disposition of the matter is concluded. If the matter is on the consent calendar, the official need not leave the room, but must still make the required disclosure on the record and abstain from voting. The official also may speak on the issue as a member of the general public, during the public comment period on that matter, solely to represent himself or herself on a matter related to his or her personal interest. The announcement of the conflict of interest must be declared prior to the initiation of Council consideration of the agenda item for which the conflict of interest exists. Section 87105 of the Government Code, any statutes amendatory or supplementary thereto, and any applicable regulations of the California Fair Political Practices Commission are hereby incorporated by reference.

5. CONDUCT OF EMPLOYEES

5.1 Decorum and Order:

(a) Members of the staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council.

(b) The City Manager shall insure that all staff members and employees observe such decorum.

(c) Any staff member or employee, 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.

6. CONDUCT OF THE PUBLIC

6.1 Decorum and Order:

(a) Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council pursuant to Section 4.1.

(b) Willful conduct that is disruptive, including but not limited to, unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall be prohibited by the Presiding Officer. Any person who becomes willfully disruptive while addressing the Council or while attending the Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the Presiding Officer. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

6.2 Manner of Addressing the Council:

No person shall address the Council without being recognized by the Presiding Officer. After being recognized by the Presiding Officer, any member of the public desiring to address the Council shall proceed to the podium. The speaker shall state his or her name for the record. All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilmember, staff member or other person.

6.3 Limitations on Addressing the Council:

The making of oral communications to the Council by any member of the public during the "Public Comments" portion of the Agenda shall be subject to the following limitations:

(a) No speaker shall be permitted to address the Council under "Public Comments" on a Public Hearing item, which is on the agenda, or which is not on the Agenda but which has been scheduled or is under submission for a public hearing before the Council.

(b) No speaker shall be permitted to address the Council under "Public Comments" on a Presentations/Action/Discussion item, which is on the agenda.

(c) No speaker shall be permitted to address the Council on an item which is currently before or is under submission for consideration by a City commission, board, committee or officer before which the speaker should make his or her presentation, until that body has completed its deliberations and taken its final action. In case the speaker

should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communication to the Council outside that procedure.

(d) The Chair or other member of the City's Planning Commission and Park and Recreation Commission may submit written comments or verbally address the Council on any item for which that body has completed its deliberations and taken its final action, for the purpose of explaining the Commission's recommendation. The speaker shall be governed by the provisions of Sections 2.8, 2.11, 2.12, 6.1, 6.2, and 6.3. Written comments from Commissioners shall be governed by the provisions of Section 10.3.

(e) A speaker that verbally complains about an employee of the City, or any employee of a private firm or public agency providing a contract service to the City, will be directed to contact the City's Human Resources/Risk Management Division for assistance in documenting and resolving their complaint.

(f) If it appears that several speakers desire to speak regarding any item on the Agenda, the Presiding Officer may reasonably limit the number of speakers on each side of the issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

6.4 Video, Audiotape, PowerPoint, Slide or Similar Presentation:

Video, audiotape, PowerPoint, slide or similar presentation will be disallowed unless relative to an item on the agenda, and the City Clerk has been provided with no less than 24 hours notice of the video, audiotape, PowerPoint, slide or similar presentation, and has determined the City has the appropriate equipment to view and broadcast the presentation. The video, audiotape, PowerPoint, slide or similar presentation must be made by the person or agency making the presentation. The Council may limit the total amount of time allocated for presentations on particular issues and for each speaker. The same limitations that govern speakers under Sections 2.8, 2.11 and 2.12 shall apply. Presentations shall be limited to the subject matter jurisdiction of the Council. Those items not germane to the agenda will be disallowed.

7. MOTIONS

7.1 Processing of Motions:

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

7.2 Division of Motion:

If the motion contains two or more divisible propositions, the Presiding Officer may, and upon request of any Councilmember shall, divide the same, unless a majority of the Councilmembers present and voting votes not to do so.

7.3 Precedence 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.

The ordinary motions rank as follows, and any of them (except to amend) can be made while one of a lower order is pending, but none can supersede one of a higher order. Motions to limit discussion, to call the question and to suspend the rules require a two-thirds vote; all other motions require only a majority vote:

Not Debatable:

To Fix the Time of Adjournment)	
To Adjourn (when unqualified))	Cannot
To Table)	be
To Limit Discussion (2/3 vote))	Amended
To Call the Question (2/3 vote))	
To Suspend the Rules (2/3 vote))	

Debatable:

To Postpone to a Certain Time)	
To Commit or Refer to Committee)	Can be
To Amend)	Amended
To Postpone Indefinitely)	

The Motion to Reconsider: the motion can be made when any other motion is before the assembly, but cannot be acted upon until the business then before the assembly is disposed of; when called up, it takes precedence over all other motions, except to adjourn, and to fix the time to which to adjourn.

Motions incidental to those before the assembly take precedence over them and must be acted upon first.

7.4 Motion to Fix Hour of Adjournment:

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

7.5 Motion to Adjourn:

Such a motion 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 another Councilmember while speaking;

(c) When discussion has been ended and a vote on the motion is pending; or

(d) While a vote is being taken.

A motion to adjourn "to another time" shall be debatable, but only as to the time to which the meeting is adjourned.

7.6 Motion to Table:

Such a motion shall be used to temporarily bypass the subject and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the item may be taken from the table at any time prior to the end of the next regular meeting.

7.7 Motion to Limit Discussion:

Such a motion shall be used to limit the time allowed each Councilmember to speak to, or to appoint a time at which discussion shall close on, the question of the main motion and any previously made amendment to the main motion. If a motion to limit the time allowed each member to speak passes, no member shall thereafter speak more than two times to the question nor longer than the time allowed at either time and no member shall speak the second time until every member choosing to speak has spoken.

7.8 Motion to Call the Question:

Such a motion shall be used to close debate on, and further amendment to, the main motion. If the motion fails, debate shall be reopened; if the motion passes, a vote shall next be taken on any previously made amendments to the main motion and finally on the main motion.

7.9 Motion to Suspend the Rules:

Such a motion shall be used to suspend these rules of procedure and shall include a statement of the purpose of the suspension. If the motion fails, the motion shall not be renewed for the same purpose at the same meeting, but it may be renewed for the same purpose at an adjourned meeting of that meeting.

7.10 Motion to Postpone to a Certain Time:

Such a motion shall be amendable and debatable only as to propriety of postponement and time set.

7.11 Motion to Amend:

Such a motion shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

7.12 Motion for Reconsideration:

Any Councilmember who voted with the majority may move a reconsideration of any vote at the same meeting or request an agenda item on the next regular meeting or request a special meeting called to be held prior to the next regular meeting to consider reconsideration of any vote. The agenda item shall appear on Presentation/Action/Discussion as a two-part item, e.g.,

Consider Reconsideration of _____.

Reconsideration of vote on _____.

After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the Council.

8. VOTING

8.1 Restatement of the Motion:

Upon the request of any Councilmember, the Presiding Officer shall verbally restate each motion immediately prior to calling for the vote.

8.2 Voting Procedure:

In acting upon every motion, the vote shall be taken by voice, roll call or any other method by which the vote of each Councilmember present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be the maker of the motion, the second and, in rotating order, the remaining Councilmembers seated, with the Mayor or Presiding Officer called last for each item on the agenda requiring a roll call vote. The 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', provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Councilmember not audibly and clearly responding

'no' or 'abstain' or otherwise registering an objection shall have his or her vote recorded as 'aye'.

Following the vote, the Presiding Officer shall verbally announce whether the motion carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

Any member may change his or her vote before the next item of business is called.

8.3 Voting:

Pursuant to Government Code 36936, resolutions, orders for the payment of money and all ordinances require a recorded majority vote of the total membership of the city council.

A roll call vote shall be used for all ordinances, and shall also be used for all resolutions adopting or amending the budget, a fee, a franchise agreement, a property tax assessment, and otherwise ordering the payment of money. All other resolutions may be adopted by roll call vote or any other voting method by which the vote of each Councilmember present can be clearly ascertained, so as to confirm a recorded majority vote of the total membership of the city council (three affirmative votes). A roll call vote shall not be used for any other item before the Council unless demanded by any Councilmember. It shall not be in order for members to explain their vote during roll call.

8.4 Failure to Vote:

Every Councilmember should vote unless disqualified for cause. A Councilmember who abstains from voting on an item because of being disqualified shall be considered as if absent.

8.5 Tie Votes:

When no Councilmember abstains from voting, the motion shall be lost on a tie vote. Any member who abstains and is not considered absent shall be deemed to have acquiesced to the motion and the motion shall be passed on a tie vote, except as described below.

When all Councilmembers are present, a tie vote on whether to grant an appeal from official action or on a quasi-judicial matter shall be considered a denial of such appeal or matter, unless the Council takes other action to further consider the appeal or matter. 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.

9. ORDINANCES AND RESOLUTIONS

9.1 Definition:

The legislative acts of the Council (rules of public conduct for long-term application) are taken by ordinance.

Routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolution," "minute order" or "motion" (thereafter recorded by minute entry). Technically, all three are equally as legally effective and binding; they just vary in the formality of respective memorialization. The most formal is referred to as a "resolution," which will be recorded by a separate document, numbered in sequence and preserved in a separate set of books, in addition to being referenced in the minutes. Such "resolutions" are used 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. The "motion" or "minute order" is 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. The City Clerk is empowered by State law to furnish certified excerpts of the minutes in order to facilitate the administrative process to which a particular action pertains.

9.2 When Prepared in Advance:

All ordinances shall be read in full either at the time of introduction or passage, unless, after reading the title, further reading is waived by a majority vote of the Councilmembers present and voting.

When a resolution has been prepared in advance, it need not be read in full or by title, except to identify it. A majority vote of the Councilmembers present and voting will require that the resolution be read in full.

9.3 When Not Prepared in Advance:

When an ordinance or resolution has not been prepared in advance, the Council, by majority vote of the members present and voting, shall instruct the City Manager or the City Attorney to prepare it for presentation at a specified later time in the same meeting or at a future Council meeting.

9.4 Urgency Resolutions:

A resolution may be presented verbally in motion form, together with instructions for written preparation for later execution, in an emergency situation or when the need to take immediate action came to the attention of the City subsequent to the posting of the agenda, as specified in Government Code Section 54954.2. A two-thirds vote of the Council, or, if less than two-thirds are present, a unanimous vote of those who are present,

is required to add a resolution to the agenda. Such resolutions shall not be presented when resolutions are required by law, in improvement acts, zoning matters, or force account work on public projects.

10. WRITTEN COMMUNICATIONS

10.1 Addressed to Council as a Whole:

The City Manager or designee is authorized to receive and open all written communications addressed to the Council as a whole and give it immediate attention to the end that all administrative business referred to in said communications, and not necessarily requiring Council action, may be disposed of between Council meetings. The City Manager shall cause a copy of such communication to be sent to each Councilmember.

10.2 All Other Written Communications:

Any written communication received at City Hall addressed to the Mayor and/or an individual Councilmember shall be opened by the City Manager, City Clerk, or other City Manager designee. A copy of such communication shall be provided to each of the other Councilmembers, unless such communication is personal and/or confidential and not related to the business of the City.

Any Councilmember, who receives any written communication on any subject related to the business of the City, whether or not received at City Hall, shall cause a copy to be provided to the City Clerk, who shall cause a copy of such communication to be sent to each of the other members.

All outgoing Councilmember correspondence will be copied to the Council reading file unless the Council is listed as receiving a copy, in which case each Councilmember will be provided an individual copy. Any Councilmember who generates any written communication related to the business of the City, other than at City Hall, shall cause a copy to be provided to the City Clerk for distribution. Letters produced by City staff for Councilmembers will be created on official City letterhead, only.

10.3 Agenda Item Communications:

Any such communication, which relates to an item pending or to be brought before the Council and has been received prior to agenda distribution, shall be included in the agenda packet for the meeting at which such item is to be considered. If a Councilmember generates an agenda item, the Councilmember will prepare a brief, written explanation including action/recommendation to the full Council or provide direction to the City Clerk for preparation of an agenda report. All agenda staff reports will be provided to the full Council with the distribution of the agenda. Agenda item communications (including e-mails) received from the public after agenda distribution will be forwarded to the Council by the

City Clerk's staff by e-mail or regular mail delivery up until the close of the business day prior to the City Council meeting.

The City Council will be informed during the staff presentation at the Council meeting of agenda item communications received from the public, including a project applicant, on the day of the meeting. Regardless of the source, it will take a four-fifth's majority vote (four affirmative votes) of the Council to accept additional agenda material on the day of the Council meeting at which the item is to be considered.

All materials distributed by any person during a public meeting related to the subject matter being discussed or considered will be made available for public inspection at the meeting if prepared by City staff or a member of the Council, or after the meeting, if the materials were prepared by some other person in accordance with Section 54957.5 (b) of the Ralph M. Brown Act. To avoid a Brown Act violation, City Councilmembers should not read or send electronic messages, including, but not limited to, e-mail, cellular telephone text messages, or instant messages, during a Council meeting.

Written communication for a non-public hearing agenda item presented at the meeting for reading will be acknowledged by the Mayor but not read. The Mayor will note general content, and whether the content of the communication is in opposition or support of an agenda item.

Written communication relative to a public hearing item, if presented prior to the close of the business day prior to the Council meeting, will be copied for the Council, applicant, and the public agenda binder.

The public shall tender a written request to the City Manager and/or the Mayor regarding the placement on the agenda of any items. The City Manager and Mayor will then discuss and determine the appropriateness of the requested item being placed on a future agenda.

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the Municipal Code or other ordinance.

10.4 Research:

Any research requested by an individual Councilmember that results in a written response from staff will be copied to all Councilmembers. This is not meant to include copies of documents on file.

11. COUNCIL MEETINGS

11.1 Meeting Time and Schedule:

The regular meetings of the City Council shall begin at the hour of 7:00 p.m. on the first and third Wednesday of each month. In addition to regularly scheduled meetings as set forth in Section 2.04.010 of the Municipal Code, an adjourned meeting will be held on the second Wednesday of the month as needed. The fourth Wednesday will only be scheduled when required for meetings with special purposes or for a study session on a complex issue as determined by the Mayor and the City Manager.

11.2 Teleconferencing:

Pursuant to the Ralph M. Brown Act, meetings may be conducted by teleconferencing under the conditions specified in Section 54953(b) of the California Government Code. Because of the additional costs that may be incurred to implement the teleconferencing technology and the requirements of Section 54953(b), including but not limited to providing public accessibility at each teleconference location and the opportunity for the public to speak, prior City Council approval is required for the teleconference expense.

12. MINUTES

12.1 Action Minutes:

The City Clerk shall be responsible for preparing action minutes to record all the actions of the City Council (motions, votes, and consensus decisions)at regular and special meetings, consistent with Municipal Section 2.16.030, and shall schedule the completed minutes on the Consent Calendar consistent with Section 2.13 of this resolution. City Council meeting action minutes shall include documentation for each agenda item, including but not limited to the following:

Date, hour, and place of meeting;
Identification of regular, adjourned regular, or special meeting (and special meeting notice language);
Names of City Councilmembers and staff in attendance;
City Council announcements, requested future agenda items, and reports on meetings/conferences attended by Councilmembers;
Agenda titles, staff recommendations, and record of action taken (motions, votes, and consensus decisions);
Name(s) of staff providing the verbal staff report and documentation of verbal and written corrections to the agenda report;
Public hearing compliance documentation;
Public speaker names, identification of support or opposition, and/or other brief summary of comments as determined necessary by the City Clerk;
Written statement card documentation, consistent with Sections 2.11 and 2.12 of this resolution;
Closed session documentation;
Adjournment time; and

City Clerk and Mayor signatures.

13. ANNUAL REVIEW
The City Clerk will annually review the Rules of Procedure with the Mayor and City Manager.

SECTION 2. Resolution No. ~~2005-2301~~2006-2476 is hereby rescinded in its entirety.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 16th day of February 2011.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk