City Council

RULES AND PROCEDURES

July 2024

PREFACE

As provided by California Government Code Section 36813, the City Council of the City of Sonora establishes the Sonora City Council Rules and Procedures contained herein. This document shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended, or new rules are adopted in the manner provided herein.

SONORA CITY COUNCIL
RULES AND PROCEDURES

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CHAPTER I

GENERAL, POWERS and DUTIES

A. Legislative Body:

The governing legislative body of the City of Sonora is a City Council consisting of a Mayor and four Councilmembers. When reference to all the City Council members, including the Mayor and Councilmembers, is intended, the use of the term "City Council" is an appropriate substitute for the term "Mayor and Councilmembers." On June 17, 2024, the City Council passed Ordinance 899, which changed the date of the next general municipal election held in the City from March to November.

B. City Council Basic Power:

All powers of the City are and shall be vested in the City Council, subject to the provisions of the Sonora Municipal Code and to the Constitution and statutes of the State of California.

C. City Council:

1. **Appointed Mayor:**
   The Mayor shall hold office for a term of two years. The Mayor shall be sworn into office following the certification of the general municipal election and continue in office until a successor qualifies.

2. **Councilmembers:**
   Councilmembers shall hold office for a term of four years. Each Councilmember elected shall be sworn into office following the certification of the general municipal election and continue in office until a successor qualifies.

D. Appointed Mayor:

1. In addition to the powers and duties authorized by State law, the Mayor shall be recognized as the official head of the City of Sonora local government, and shall be the City's official representative for all ceremonial functions.

2. In the time of public danger or emergency, the Mayor may, with the consent of the City Council, cause order to be maintained and enforce laws.

3. The Mayor shall be the Presiding Officer at all the meetings of the City Council, and perform that duty in accordance with the rules and procedures set forth in Chapter IV.

4. The Mayor of the City is expected to exercise a leadership role with the other members of the City Council. To the extent that time permits, the Mayor generally works more closely with the Sonora City Administrator than other Councilmembers, being mindful that all information is shared equally with other Councilmembers. In this regard, the Mayor, working in conjunction with the City Council and the City Administrator, assumes a significant role in establishing the City's policy direction and priorities.

5. The Mayor, as well as other Councilmembers, may elect to become an active participant in the various League of California Cities groups and meetings for elected officials.

6. Under Government Code 40602 the Mayor is required to sign all warrants drawn on the City Treasury; all written contracts and conveyances; and all instruments requiring the City seal; unless the Council by ordinance authorizes signature by an officer other than the Mayor.

   In the City of Sonora, our ordinance provisions allow warrants and checks to be signed by at least two (2) of the following persons: City Administrator, Assistant City Administrator, City Clerk; City Treasurer; or Director of Finance.

   Contracts for supplies, equipment, and services may be signed by the City Administrator or his designee.

   Therefore, the Mayor still must sign the following documents:

   a) Contracts conveying, encumbering, or otherwise affecting City property (Deeds, Trust Deeds, etc…)
   b) All instruments requiring the City Seal, which would include:
      (1) Ordinances
      (2) Resolutions
      (3) Bond related documents
      (4) Contracts for the Construction of public works, depending on the value of the project.

7. The Mayor shall make all appointments to boards, commissions, and committees with the approval of the City Council. (Govt. Code 40605)

E. Vice Mayor:

In the absence of the Mayor, the Vice Mayor shall possess and perform the power and duties of the Mayor. In that capacity, the Vice Mayor shall sign ordinances and resolutions adopted in the Mayor's absence.

F. Vice Mayor Selection:

The Vice Mayor shall be appointed by the City Council for a two-year term at the first meeting in December. If, in any year in which an election for Mayor or Council takes place, and the first meeting in December occurs prior to the certification of the election results, then action under this section shall be delayed to the next meeting of the City Council, either regular or special.

G. Rules of Procedures:

The City Council shall determine its own rules of procedures and amend them from time to time, or adopt new rules as it deems necessary. Amendment to or adoption of new City Council Rules shall be accomplished by a majority vote of the entire Council membership.

H. Interference in Staff Functions:

The City Council shall deal with the administrative services of the City only through the City Administrator, except for the purpose of inquiry, and neither the City Council nor any member thereof, shall give orders to subordinates of the City Administrator. No member of the City Council shall publicly criticize or censure any staff member of the City and shall instead relay any criticism of a staff member privately through the City Administrator. The Council should notify the Administrator before speaking with a Director; the Director will then update the Administrator.

I. Council Position on Ballot Measure(s) or Legislative Proposals:

A majority vote of the entire Council membership will be required for support or opposition of legislative proposals or ballot measures.

CHAPTER II

CITY COUNCIL MEETINGS

A. Regular Meetings:

Regular meetings of the City Council shall be open to the public and held on the first and third Mondays of every month at the hour of 5:00 p.m.

Whenever the day fixed for any regular meeting of the City Council falls upon a day designated as a holiday, such meeting may be held at the same hour on the next succeeding day not a holiday.

B. Special Meetings:

A special meeting may be ordered at any time by the Mayor whenever the public business may require it or upon the request of three members of the City Council. Only matters listed in the Notice of Special Meeting may be considered at the meeting. Whenever a special meeting shall be called, notice of such meeting shall be provided pursuant to State law. (Cal Govt. Code §54956)

C. Emergency Meetings:

Emergency meetings may be called in "emergency situations." An emergency exists when a majority of the members of the legislative body determines a "work stoppage, crippling activity or other activity" or a "crippling disaster, mass destruction, terrorist act, or threatened terrorist activity" has occurred that severely impairs or threatens to impair the public health or safety. Notice of an emergency meeting is required by may be waived in certain instances, (Cal Govt. Code §54956.5)

D. Study Sessions:

The City Council may meet in a "study session" called a special meeting or an adjoined regular meeting for the purpose of acquiring information on a particular subject(s). Study sessions shall be open to the public. Study sessions are not public hearings, however public input will be received. The City Council may not vote or take any final action at a study session. The City Council may by consensus give direction to City Staff regarding matters considered in a study session. Final action on all study session items shall be taken at regular or special meetings with an opportunity for public comment.

E. Adjournment of Meetings: (Govt. Code §54955)

1. The City Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the motion to adjourn.

2. Less than a quorum may adjourn any meeting.

3. If all members are absent, the City Clerk may adjourn the meeting to a stated time and place, and the notice required by Govt. Code §54956 must be given by the City Clerk.

4. When a Council meeting is adjourned to a specific time, date, and place, a notice of adjournment must be posted near the door where the meeting was held within 24-hours after the adjournment.

F. Continuance of Hearings: (Govt. Code §54955.1)

1. Any hearing being held by the City Council may by motion be continued or re-continued to any subsequent meeting of the City Council.

2. Notice of the continued hearing must be posted near the door where the meeting was held within 24-hours after the continuance.

3. If the hearing is continued to a time less than 24-hours the notice must be posted immediately following the meeting.

G. Voting Requirements:

1. Regular Motions or Resolutions. (Those for most all items of City business).
   A simple majority of a quorum (two votes if only three members are present) or a simple majority of the members present.

2. Resolutions or Motions Authorizing the Expenditure of Public Funds.
   A majority vote of the total Council membership is required (i.e. three votes).
   Govt. Code §36936

3. Regular Ordinances.
   A majority vote of the total Council membership is required (i.e. three votes).
   Govt. Code §36936

4. Urgency Ordinances. (Ordinances for the immediate preservation of the peace, health, or safety). A 4/5 vote of the total Council membership is required. Govt. Code §36937(b)

5. Interim Urgency Ordinances Regarding Land Use Matters.
   A 4/5 vote of the total Council membership is required. Govt. Code §65858

6. Motions to Add Items to Agenda.
   A 2/3 vote of members present is required, or a unanimous vote if less than 2/3 of members are present.

H. Cancellation of Meeting:

If the City Council considers and then decides to cancel a future regularly scheduled or special meeting it should take such action at the earliest prior meeting possible. If the action to cancel a meeting is taken more than one regular meeting prior to the date of the canceled meeting, the fact of any such cancellation shall also appear as an informative item on the agenda for the meeting immediately preceding the canceled meeting date.

I. Agenda:

In order to facilitate the orderly conduct of the business of the citizens of Sonora, the City Administrator shall arrange an agenda of such matters as may have been timely provided for inclusion in the agenda. In normal circumstances, the Council will be provided with a copy of the City Council agenda on the Wednesday prior to the City Council meeting. To meet this schedule the City Administrator shall establish deadlines for the submittal of staff reports for inclusion in agendas.

J. Agenda Format for Regular Meetings:

1. Order of Business**:**

   Promptly at the hour set for any meeting, the members of the City Council, City Administrator, City Attorney, and City Clerk shall take their regular stations in the Council Chambers and the business of the City Council shall be taken up for consideration and disposition in the following order:

   a. Preliminary:
      - Call to Order
      - Roll Call
      - Invocation
      - Pledge of Allegiance
      - Presentations/Ceremonial Items
      - Citizen Communications to Council on Non-Agenda Items
      - -
      - Declaration of Conflict of Interest
   b. Appointments to Boards, Commissions
   c. Consent Calendar (including the approval of the Minutes and Certification of Posting)
   d. Consideration of Item(s) Removed from the Consent Calendar
   e. Unfinished Business
   f. Public Hearings
   g. New Business
   h. Discussion Items
   i. Councilmember Referrals

j. Reports:
- Mayor
- City Council
- City Administrator
- City Attorney
- City Department Heads

K. Selective Components of a Regular Meeting:

The published agenda shall consist of an agenda and summary reports providing sufficient information needed for deliberation and action.

1. Citizen Communications:

   Subject to the time limits described in this document, any member of the public or their authorized representative, may address the City Council on any matter concerning the City's business, or any matter over which the City Council has control, whether on its posted agenda or not. Comments on items included on the agenda shall be reserved until the Council considers those items. However, the City Council is prohibited from extensively discussing, or taking action, on an item not appearing on its posted agenda under the provisions of the Brown Act. Any issue raised under "Citizen Communications" will therefore be limited to a determination whether it should be placed on a future agenda for discussion, action, or report. The City Council can, however, allow its members or staff to briefly respond to statements made and to ask questions for clarification.

2. Minutes**:**

   a. Description:

      The minutes of a City Council meeting shall be "action minutes" which include the motions made, actions taken, and a brief summary of public comments and City Council comments germane to the outcome of the item.

   b. Reading of Minutes:

      If each Councilmember has been furnished with a copy of the minutes prior to the meeting, the minutes may be approved without reading. If a Councilmember raises a point of correction to the minutes of a City Council meeting, that correction may be approved at that meeting.

   c. Voting on Approval of Minutes:

      City Council minutes may be approved by a majority vote of a quorum of the Council membership. Councilmembers who were not present at the meeting for which the minutes were prepared should abstain from voting. If a quorum of Councilmembers who were present at the meeting for which the minutes were prepared is not present, action on the minutes shall be continued to a future meeting.

d. Including Reasons for Dissent or Protest:
The Mayor and any Councilmember shall have the right to have the reasons for his or her dissent from or protest against, any action of the City Council entered into the minutes. In such case, the member dissenting or protesting shall deliver to the City Clerk within five (5) days of the meeting at which action was taken a written statement of the reasons for dissent or protest. The City Clerk shall include such statement in the minutes of the meeting. Failure to submit the written statement within the time required shall be deemed a waiver of the right to have the statement included in the minutes.

3. Approval of Agenda as Posted (or Amended) / Adding Matters to the Agenda**:**

a. The Brown Act requires that the agenda for regular City Council meetings must be posted at least 72 hours prior to the meeting. (Govt. Code, Section 54954.2(a)) Except in very limited circumstances, the City Council may not discuss or take action on any item not appearing on the posted agenda.

The posted agenda may be amended at the meeting to include statutorily defined emergency items or matters which require immediate action subject to certain required findings.

b. An emergency item is defined as a work stoppage, crippling activity that severely impairs public health, safety, or both, as determined by a majority vote of the entire membership of the Council (Govt. Code §54956.5)

c. Matters requiring immediate action by the City Council may be added to the agenda by a 2/3 vote of the Council members present at the meeting if the Council finds: (i) that there is a need to take action immediately; and (ii) that the need to take action came to the attention of the City after the agenda was posted. (Govt. Code §54954.2(b)(2))

4. Declaration of Conflict of Interest**:**

If a Councilmember has a conflict of interest with regard to any item on the agenda as posted (or amended) and certified, the Councilmember must declare that conflict publicly prior to consideration of the item. The circumstances creating the conflict must be stated and the Councilmember must leave the room when the matter is under consideration and not return until after the decision is made. However, should a Councilmember have a conflict of interest on a matter which appears on the consent calendar, the Councilmember is not required to leave the room when the item is considered, but public disclosure of the conflict is still required.

5. Consent Calendar:

Items of a routine, non-controversial nature may be placed on the consent calendar at the City Administrator's discretion. Consent calendar items may include the second reading and adoption of City ordinances. When such ordinance matters are placed on the consent calendar they shall be listed in the following manner:

> *"Waive the Second Reading and Adopt Ordinance No. _____ (complete title of ordinance)."*

All items may be approved by one motion and one vote. Any Councilmember, the City Administrator, the City Attorney, or member of the public or their representative may request any item be withdrawn from the consent calendar for separate consideration in its regular order of business. Prior to consideration of the Consent Calendar, the Mayor shall advise the public that they may request the removal of a matter from the Consent Calendar for separate consideration by the Council. Prior to the approval of the Consent Calendar, corrections to item(s) on the Consent Calendar may be stated and corrected. Councilmembers may register a "No" vote on a specific item(s) without removal from the Consent Calendar. As part of the roll call voting, the Council member wishing to vote "No" on a particular item shall indicate it as part of their roll call vote and the Clerk shall cause all items for which "no votes" have been registered to be reflected in the minutes of the meeting.

6. Unfinished Business:

   Matters continued by the City Council for further consideration by the City Council. Such matters may include formal public hearings that are continued by the City Council to a specific date or other matters where the Council desires further information or materials from City Staff prior to making a decision on the matter.

7. City Council Referrals/Determination of Items for Agenda:

   a. Any Councilmember may, prior to the posting of the agenda for a regular City Council meeting, bring any matter to the attention of the City Council which is not otherwise scheduled on a City Council agenda. The matter will be placed on the agenda in the Council Referral section. The sponsoring Councilmember shall give the City Administrator a brief description of the subject to be printed in the agenda, sufficient to inform the City Council and the public of the nature of the referral.

   b. The City Council, after considering the referral, may do any of the following:

      (1) Reject the request.

      (2) Refer the matter to staff to schedule as a future City Council agenda item.

   c. The Councilmember who requested the referral has the privilege of speaking first on the item.

   d. No matter which has previously been brought before the Council under Council referral, and which a majority of the Council has declined to schedule as a future City Council agenda matter, shall be again brought before the Council under Council referral unless it is brought by a Councilmember other than the Councilmember who originally brought it.

   e. The City Administrator shall have the responsibility for determining all other matters which are placed on the agenda for the City Council meetings, including regular meetings or special meetings. In the exercise of his discretion, the City Administrator shall place on the Agenda: (i) those matters which are necessary, in the judgment of the City Administrator, to implement the stated policies, goals, priorities or objectives of the City Council; (ii) those matters which are

necessary to implement the orderly day to day functioning of City affairs; (iii) those matters which are required by law to be considered or determined by the City Council.

8. Appointments:

   Appointments to the City Boards, Committees, and Commissions shall be made as described in Chapter V of this document.

9. Reports:

   On the Reports section of the agenda the Mayor, Councilmembers, City Administrator, City Attorney, and City Staff shall report on all committee meetings which they have attended as the official City representative and all conferences they have attended. They may also report on various community events and activities they have attended and other matters related to the operations of the City and the general well-being of the community.

   Reports should be brief summaries of activities and concerns and generally should not exceed three minutes in length. Since these matters are not on the posted agenda, the Brown Act prohibits the City Council from making any formal decision or reaching a consensus regarding any issue that might be raised. There should be no significant discussion regarding such matters. If the City Council believes that the matter deserves the attention of the Council, it should direct the City Administrator to place the matter on a future City Council agenda.

10. Closed Session:

    On this portion of the agenda the City Council may discuss and decide certain types of matters which are authorized by the Brown Act to be considered in closed session. The Brown Act prescribes specific descriptions of the various types of closed-session matters which must appear on the posted agenda. The Mayor should adjourn the public meeting to closed session to consider such matters. In doing so, it is not necessary to read the agenda description. It is sufficient to simply refer to the numbered agenda item. The Brown Act requires that when certain decisions are made in closed session those decisions must be reported to the public. Some decisions must be reported in public session immediately after the conclusion of the closed session. The City Attorney will advise the City Council regarding the time and manner of publicly reporting their closed-session decisions.

    Information provided and discussions held in closed session are confidential and must not be disclosed to the public by any persons attending the closed session unless specifically authorized by a majority vote of the City Council. Violations of this rule of confidentiality may be punished by public censure, and may also be subject to prosecution by the District Attorney as a misdemeanor criminal violation.

CHAPTER III

DECORUM

A. Enforcement of Decorum:

The City Administrator shall assign a sergeant-at-arms when necessary to attend City Council meetings for the purpose of maintaining order and decorum in the City Council Chambers and in the lobby. Upon instructions from the Mayor, the sergeant-at-arms shall eject any member of the public present at the meeting from the City Council Chambers, whose conduct is in violation of any of the following adopted rules of order and decorum (see Govt. Code, §36813):

1. Persons attending meetings of the City Council shall at all times conduct themselves in a courteous manner with regard to other members of the public attending the meeting and to Councilmembers and City Staff.

2. Persons attending the meeting shall refrain from the use of profanity and rude or derogatory remarks.

3. No person attending the meeting shall engage in disorderly conduct which disturbs the peace and good order of the meeting. Continuation of such conduct after an admonition from the Mayor will result in removal from the Council chambers.

4. Any person who willfully disturbs or breaks up any assembly or meeting is guilty of a misdemeanor and will be subject to arrest. (Cal. Penal Code, §403.)

5. Nothing in these rules prohibits the right of the public to criticize the policies, procedures, programs or services of the City or of the acts or omissions of members of the City Council or City staff (Cal Govt. Code §54954.3(c))

B. Courtesy:

1. *Councilmembers:*
   Councilmembers shall accord the utmost courtesy to each other, City employees and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statements as to motives and personalities.

2. *City Employees:*
   Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

3. *Appointed Members of Boards, Commissions and Committees:*
   Appointed members of Boards, Commissions and Committees of the City shall observe the same rules of order and decorum applicable to the City Council.

4. *Cell Phone Usage:*
   Cell phone usage is prohibited in the Council Chambers while a meeting is in session.

C. Noise in the Lobby:

Noise emanating from the lobby outside the City Council Chambers which disrupts City Council meetings shall not be permitted.

D. Crowd Control in Council Chambers:

If the City Administrator, or the City Administrator's designee, anticipates in advance a large number of attendees in the City Council Chambers, he or she shall provide for appropriate crowd control.

If a crowd larger than the maximum number of attendees is anticipated, the meeting shall be relocated to a more appropriate venue.

E. Smoking:

It is unlawful for any person to smoke in the City Council Chambers.

F. Letters of Support Approval

All letters of support issued by the City Council must receive formal approval from the Council before being sent out. The process for approval involves:

1. Submission for Review: Council members wishing to issue a letter of support must submit a draft of the letter to the City Administrator at least 10 days before a scheduled Council meeting.

2. Review and Discussion: Council members will review the content of the letter, discuss its implications, and suggest any necessary revisions.

3. Approval: Following the discussion, the Council will vote to approve the letter of support. A majority vote is required for approval. If the letter is not approved, it may be revised and resubmitted at a future meeting.

   This process ensures that all letters of support accurately reflect the Council's position and adhere to official city policies.

G. Flag Display Policy

At City Hall and during Council meetings, only the United States and State flags are permitted to be flown. This policy ensures that the display of flags remains consistent and respectful, adhering to national and state standards. The guidelines are as follows:

1. Flag Placement: The United States flag and the State flag should be prominently displayed in designated areas of City Hall and at Council meetings. These flags must be maintained in good condition and follow proper flag etiquette.

2. Prohibition of Other Flags: The display of any other flags, banners, or symbols is not permitted inside City Hall or during Council meetings. This policy is in place to maintain a neutral and official atmosphere.

H. Signage Policy

Signs are permitted outside of the Council chambers but are restricted from being displayed inside. This policy is implemented to maintain decorum and ensure that the focus remains on the proceedings within the Council chambers. The guidelines are as follows:

1. External Signs: Signs may be displayed in designated areas outside of the Council chambers. These signs must not obstruct pathways or cause safety hazards.

2. Internal Signage Restrictions: No signs, posters, or banners are allowed inside the Council chambers during meetings. This restriction helps to preserve the formality and focus of Council discussions.

I. Agenda Item Request Procedure

Councilmembers who wish to have an item added to the agenda must follow the procedure outlined below:

1. Consent Calendar Submission: Requests for new agenda items must be submitted through the Consent Calendar at a prior meeting. Council members should provide a brief description of the item and its relevance.

2. Review by Council: The item will be reviewed and discussed during the Consent Calendar section of the subsequent Council meeting. If there are no objections or further questions, the item will be added to the agenda for the next meeting.

3. Agenda Confirmation: The item will be included in the official agenda if approved by the Council. Council members will be notified of its inclusion and prepared for discussion at the scheduled meeting. This procedure ensures that all agenda items are reviewed and approved in an orderly and timely manner.

CHAPTER IV

PROCEDURAL RULES FOR CONDUCTING MEETINGS OF THE CITY COUNCIL

A. Adoption of Procedural Rules:

These procedural rules are adopted by the City Council to assist the Council in conducting its meetings in an orderly and efficient manner. The rules are intended to facilitate and expedite a full and adequate consideration and debate, by elected officials and the public, of all matters that come before the City Council for decision. Except with respect to matters that are mandated by State law, any failure of the City Council to confirm to these rules shall not, in any instance, be deemed to invalidate the action taken.

B. Call to Order:

The meetings of the City Council shall be called to order by the Mayor, or in the Mayor's absence, by the Mayor Pro-Tempore. In the absence of the Mayor and the Mayor Pro-Tempore, the meeting shall be called to order by the most senior Councilmember present. This person shall serve as the Council's presiding officer until the arrival of the Mayor or Mayor Pro-Tempore, or until the adjournment of the meeting.

C. Roll Call:

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the City Council and the names of those present and those absent shall be entered into the minutes of the meeting. The Presiding Officer shall announce that a late Councilmember has arrived for the benefit of the television audience.

D. Quorum:

Three members of the City Council shall constitute a quorum for the transaction of business. A majority of a quorum shall be sufficient to pass any action taken by the City Council except on such matters, which, by law or ordinance, require a greater majority. All ordinances and all orders for the payment of money require at least three (3) affirmative votes.

E. Lack of Quorum:

If a majority of the City Council are absent from any meeting, the remaining members of the City Council may declare the meeting adjourned to a stated time and place and the City Clerk shall cause to be prepared a written notice of the adjournment and conspicuously post it at the entrance to the Council Chambers within 24 hours of adjournment. If all members of the City Council are absent from a regular or adjourned regular meeting, the City Clerk may adjourn the meeting to a stated time and place, and cause a notice to be posted in the same manner as above.

F. Format for Processing Public Hearings/Appeals:

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

1. Regular Public Hearings: (no specific applicant or City is applicant)
   - Staff presentation
   - Questions of staff by Councilmembers
   - Hearing opened by Mayor
   - Public Comments
   - Hearing closed by Mayor
   - Questions by Councilmembers
   - Discussion by Councilmembers
   - Action by City Council

2. Appeals:
   - Staff presentation
   - Questions of staff by Councilmembers
   - Hearing opened by Mayor
     - Appellant's comments
     - Public comments
     - Rebuttal by Appellant (limited to addressing public comments)
   - Questions by Councilmembers of appellant or other public participants
   - Hearing closed by Mayor
   - Discussion by Councilmembers
   - Action by City Council

3. Public Hearing Involving a Specific Applicant
   (i.e. land use matters and other matters proposed by a specific applicant)
   - Staff presentation & recommendations
   - Questions of Staff by Councilmembers
   - Hearing opened by Mayor
     - Applicant's presentation
     - Comments from members of the public supportive of the matter
     - Comments from members of the public opposed to the matter
     - Rebuttal by Applicant (limited to comment or arguments made in opposition)
   - Questions by Councilmembers of Applicant or other public participants
   - Hearing closed by Mayor
   - Discussion by Councilmembers
   - Action by City Council

G. Mayor as Presiding Officer:

The Mayor shall be the Presiding Officer at all the meetings of the City Council. The Presiding Officer may move, second, and debate from the Chair, subject to such limitations of debate as are imposed on all Councilmembers by these rules, and shall not be deprived of any of the rights and privileges of a Councilmember as such Presiding Officer. The Presiding Officer shall possess no veto power.

The Presiding Officer shall preserve strict order and decorum at all times. The Presiding Officer may announce special rules for the consideration of a particular item on the agenda, such as, but not limited to: the length of time persons may speak; require that, if desirable, a spokesperson address the Council on behalf of a group of persons; and, in the event of a hearing, provide time for arguments and rebuttals from proponents and opponents.

The Presiding Officer shall decide all questions of order, subject, however, to an appeal to the City Council, in which event a majority vote of the City Council shall govern and conclusively determine such question of order. The Presiding Officer is eligible to vote on all matters coming before the Council for decision, and shall direct the order of participation of Councilmembers. The Presiding Officer shall, in all instances, have the last chance to speak. The Presiding Officer shall sign all ordinances and resolutions adopted by the City Council during the Presiding Officer's presence.

H. Recognition to Speak, Councilmember:

Every Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine his or her remarks to the question under debate.

1. Interruptions:

   A Councilmember, once recognized, shall not be interrupted while speaking unless called to order; unless a motion to raise a point of order is raised by another Councilmember, or unless the Councilmember speaking chooses to yield to questions from another Councilmember.

2. Challenged While Speaking:

   A Councilmember, challenged while speaking, shall cease speaking until the point of order is determined. The Councilmember shall be permitted to proceed if ruled to be in order. Conversely, the Councilmember shall remain silent or alter any remarks to comply with the rules of the City Council if found not to be in order.

3. Public Hearings:

   Councilmembers should not speak to the merits of an issue, other than to ask questions, until the public hearing has been closed.

I. Addressing the City Council:

1. Speaker Card and Speaker Time:

   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 the time for individual comments. When deemed necessary, the Presiding Officer may allocate a longer speaker time without objection from the City Council. The following time limits apply unless modified by the Presiding Officer.

   Applicant/appellant - 10 minutes
   Individual speakers - 3 minutes

Rebuttal by applicant/appellant - 5 minutes
Person speaking on non-agenda items – 3 minutes

Each person shall stand at the podium, if one is available, and is requested to give his or her name and address for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the City Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember or a member of City staff except through the Presiding Officer.

2. One Speaker at a Time:

   No person, other than the person having the floor, shall be permitted to enter into any discussion without the permission of the Presiding Officer. All discussions shall be through the Presiding Officer, and no question shall be asked of a Councilmember except through the Presiding Officer.

3. Questions and Comments from the Public:

   Questions and comments from the public shall be limited to the subject under consideration, except for Citizen's Communication on non-agenda items.

4. Addressing the City Council after a Motion is Made:

   No person in the audience may address the City Council after a motion is made without first securing permission to do so. Upon recognition by the Presiding Officer and permission being granted by the City Council, the person so recognized shall confine him or herself to the question under discussion.

J. Continued Agenda Item:

It is City Council practice and policy that matters scheduled on an agenda will be heard at the meeting scheduled. When unforeseen circumstances mandate a request for continuance of an agenda item by an applicant, appellant, or other interested parties, the request must be made to the City Council at the outset of the consideration of the item. In addition, any person intending to make a request for a continuance shall inform the City Clerk, in writing; as soon as possible prior to the meeting that such a request for continuance will be made. The City Clerk shall inform the Mayor. The City Council will consider the request for continuance prior to discussing the substance or merits of the agenda item. The interested parties may speak to the issue of a continuance without forfeiting the right to speak later to the merits of the issue if a majority of the Council so rules. Comments may be presented by persons not able to attend the meeting for which the item is finally scheduled if the City Council agrees to continue the item.

K. Public Hearing Closed:

Once a hearing is closed it is inappropriate for the public to speak except to answer an inquiry of a Councilmember addressed through the Presiding Officer. However, a public hearing may be re-opened by the Presiding Officer to hear new information.

L. Division of Question:

If the question contains two or more propositions, each of which is capable of standing as a complete proposition if the others are removed, the Presiding Officer may, and upon request of a Councilmember shall, divide the question.

M. Withdrawal of Motion:

A motion may not be withdrawn by the maker of the motion without the consent of the Councilmember who seconded the motion.

N. Voting:

All votes of the City Council be made by roll call and the results shall be announced and recorded in the minutes by the City Clerk.

O. Failure to Vote:

Absent a disqualification under State law, including conflict of interest provisions and prohibitions on participating when personal bias would prohibit a fair decision, it is the responsibility of every Councilmember to vote. Failure to vote that is not compelled by a legal disqualification shall constitute an affirmative vote. A Councilmember who fails to vote shall nonetheless be counted towards making up a quorum, unless the failure to vote is compelled by a legal disqualification.

P. Abstention/Recuse: Conflict of Interest:

Councilmembers shall disqualify themselves and abstain from voting if they have a financial conflict of interest or any other disqualification prescribed by law in a matter before the City Council. In such event, they may not participate in the discussion or the vote. Councilmembers shall state the specific reason for such disqualification. Unless the matter is on the consent calendar, the abstaining Councilmember shall leave the Council dais until the conclusion of the agenda item. The matter will then proceed as though the member is not present, and the member shall not be counted toward making up a quorum.

Q. Tie Votes:

All tie votes shall be deemed to be a denial of the matter that is before the Council for decision, unless the Council by a majority vote of the members present elects to continue the matter to the next Council meeting when it is reasonably known that all Council members will be present.

R. Appeal from the Presiding Officer's Decision:

When the rules are silent, the Presiding Officer shall decide all questions of order, subject to appeal by any Councilmember. When in doubt, the Presiding Officer may submit the question to the City Council. Any decision or ruling of the Presiding Officer may be appealed by request of any Councilmember. The Presiding Officer shall immediately call for a vote to determine if the Presiding Officer's ruling shall stand.

S. Parliamentary Motions and Procedures for the Processing of Council Business:

The City Council adopts Rosenberg's Rules of Order, as modified by the provisions stated in these rules, as the parliamentary procedures and motions to be used as a guide for conducting the City's business at meetings of the City Council. A copy of Rosenberg's Rules of Order is attached hereto as EXHIBIT A. Strict adherence to these suggested parliamentary procedures and motions is not required, but their use is encouraged to the extent that such use helps to promote an orderly and efficient public meeting of the City's elected officials. No provisions in these administrative processing procedures are intended to override State law or local ordinance provisions.

T. Summary of Rosenberg's Basic Format for Agenda Item Discussion and Decision:

1. Announcement of Agenda Item.
   The Presiding Officer (P/O) should announce the agenda item number and read the agenda description of the item under consideration.

2. Reports Concerning the Agenda Item.
   The P/O should request report(s) on the item from City staff or other person(s) who have submitted a report to the Council on the agenda item.

3. Questions by Council.
   The P/O should invite questions by the Council of those person(s) who have presented reports(s).

4. Public Comment.
   The P/O should invite public comment on the agenda item, and upon the conclusion of public comment, announce that public comment has concluded. In the case of public hearings and appeals, the format in Chapter IV, F shall be followed.

5. Motion by City Council.
   The P/O should invite a motion from any member of the Council. In most circumstances, this will be a motion to approve or deny the proposed agenda item.

6. Seconding of Motion.
   The P/O should determine if any member of the Council wishes to second the motion. If there is no second to the motion, the P/O shall have the discretion to proceed with the motion in the absence of a second.

7. Repeat the Motion.
   The P/O, for clarity, should repeat the motion (i.e. "A motion has been made and seconded to….")

8. Discussion of Motion.
   The P/O should invite discussion of the motion by the City Council.
   - If there is no discussion the matter should proceed to a vote.
   - If the discussion is lengthy P/O should repeat the motion.

9. Council Vote.
   After discussion of the Council is concluded (and no motion to amend or substitute the motion has been made) the P/O should call for the roll call vote.

10. Announcement of Vote.
    City Clerk should announce the result of the vote.

U. Summary of Rosenberg's Common Motions:

1. Motion to Amend.

Used to change or modify a motion that is before the Council.
- Retains the basic motion on the floor but modifies it in some way.
- Requires a second.
- Debatable.
- Simple majority.

2. Substitute Motion.
Completely discards the motion on the floor and puts a new motion before the Council.
- Requires a second.
- Debatable.
- Simple majority.

3. Motion to Adjourn.
Requires immediate adjournment to the next regularly scheduled meeting.
- Requires a second.
- Not debatable.
- Simple majority.

4. Motion to Recess.
Requires an immediate recess with length determined by P/O.
- Requires a second.
- Not debatable.
- Simple majority.

5. Motion to Fix Time to Adjourn.
Requires adjournment at a specific time stated in motion.
- Requires a second.
- Not debatable.
- Simple majority.

6. Motion to Table or Continue.
Requires discussion of item to be halted.
- May contain a specific time at which item can come back to Council.
- Requires a second.
- Debatable.
- Simple majority.

7. Motion to Limit Debate.
Stops debate on the item and in effect calls for a vote.
- Requires a second.
- Not debatable.
- Should include a time limit.
- Requires a 2/3 vote.

8. Motion to Object to Consideration of Item.
Requires removal of item from the agenda.

- Requires a second.
- Not debatable.
- Requires a 2/3 vote.

9. Motion to Suspend the Rules.
   Allows Council's existing rules to be suspended for a particular purpose.
   - Requires a second.
   - Debatable.
   - Requires a 2/3 vote.

10. Motion to Reconsider.
    Allows a matter voted upon to be reopened for further debate.
    - Applies only to extent existing law or ordinance provision does not prohibit reconsideration (i.e. an ordinance states that Council action on a particular type of item is final.)
    - Requires a second.
    - Debatable
    - Requires a 2/3 vote.
    - Must be made at meeting where item was voted upon or at very next meeting of Council.
    - Must be made by a member who voted with the majority.

V. Processing of Multiple Motions:

1. Only three (3) motions may be on the floor simultaneously.
2. A fourth motion is out of order and would not be permitted.
3. The Council should first consider and vote on the last motion made.

CHAPTER V

BOARDS, COMMISSIONS & COMMITTEES
CITY REPRESENTATIVES & STANDING COMMITTEE

A. Boards, Commissions, and Committees – City Representatives – Standing Committee:

1. Definitions:

   a. Boards, Commission, and Committees:

   The City Council may establish by ordinance or resolution all boards and commissions, including ad hoc committees, which shall advise the City Council and perform such other functions and duties as prescribed by the City Council.

   b. City Representatives:

   Councilmembers and citizens may be appointed by the Mayor to serve on County, regional or multi-purpose agencies, committees and commissions to represent the City, with confirmation by the City Council.

   c. Standing Committees:

   Standing committees are those created by ordinance or resolution of the City Council which have a continuing subject matter jurisdiction, or a meeting schedule fixed by formal action of the City Council. Membership of such committees may consist of Council members and/or citizens who shall be appointed by the Mayor with confirmation of the Council. All standing committees are subject to the requirements of the Brown Act.

   d. Ad Hoc Committees:

   Ad hoc committees are those committees created by ordinance, resolution, or motion of the City Council which are formed for a limited time and purpose and without any continuing subject matter jurisdiction. Such committees are not subject to the requirements of the Brown Act unless their membership includes a quorum of the City Council.

2. Application and Appointment Process:

   All members of boards, commissions, and committees, except Council members, shall be appointed by the Mayor with the confirmation of the City Council, in accordance with the following procedure:

   a. Vacancy, Announcement, Interview and Applicant Pool:

   The City Clerk shall maintain records of membership status of boards, commissions, and committees. The Clerk shall notify the Mayor of each vacancy.

   When a vacancy occurs, the vacancy shall be announced at a Council meeting and invite the public to apply for the position or positions. The notice of vacancy shall be

posted in the Union Democrat and on the City's website with notice of the closing date. The final date for receipt of applications and the final date for receiving applications shall be at least one week following the Mayor's announcement. At the meeting scheduled where the Mayor makes appointments, the City Clerk shall provide a copy of all applications received to the City Council.

b. Application Required*:*

No person shall be appointed to a board, commission, or committee without filing a written application for appointment with the City Clerk prior to 4:00 p.m. on the date of the deadline for receipt of applications.

c. Scheduling of Appointment:

The City Clerk will schedule, on the regular City Council meeting agenda, as designated by the Mayor, a notice of the Mayor's intention to make an appointment to a board, commission, or committee.

d. All Applications Provided to All Councilmembers:

The City Clerk shall include in the City Council's agenda packet for the Council meeting at which the Mayor's appointment is scheduled, all current applications filed for appointment to the board, commission, or committee designated in the Appointments section of the Agenda. In the event there are multiple vacancies on the same board, commission, or committee the Mayor shall schedule the appointment and name the appointees of all vacant positions of any one board, commission, or committee on the same Council meeting.

e. Applications: Current List:

A current list of applicants is established each year. Applications may be submitted to the City Clerk at any time between January 1 and December 31. These applications may be considered for various vacancies throughout the year; however, on December 31, any remaining applications of these persons not appointed will be void. In order to be considered in the following year, new applications will need to be submitted starting January 1.

3. Councilmember Appointment:

   The Mayor shall, instead of nominating, simply announce the appointment of the designated Councilmember as a member of a City, County, regional, multi-public agency, or other outside agency, committee or board at the time the matter is considered at the City Council meeting. If no motion is made by a Councilmember, immediately following the Mayor's announcement, to submit the Mayor's intended appointment to a formal vote of the City Council, the Mayor's announced appointment is deemed approved.

B. Inability to Attend/Notification of Alternate:

If circumstances arise which prevent a member of a board, commission, or committee from attending a meeting of said body, and an alternate representative has been designated by the City, the member who will be unable to attend the meeting shall, to the extent reasonably possible, advise the alternate representative of his or her absence.

C. Removal of Member of Board or Commission or Committee or City Representative:

Any member of a board, commission, or committee and any City representative or liaison to an outside agency, serve at the pleasure of the City Council, and may be removed, without cause, by a vote of not less than three (3) Councilmembers, initiated by either the Mayor or a Councilmember. Any proposed removal shall be scheduled as a Council Referral on the agenda of a regular Council meeting, with the name of the person proposed to be removed printed on the agenda.