

CITY OF ROCKLIN

CITY COUNCIL

PROCEDURAL RULES

August 2024

CITY OF ROCKLIN
CITY COUNCIL PROCEDURAL RULES

TABLE OF CONTENTS

Authority and Administration 4

 1.1 General Authority and Applicability 4

 1.2 Rosenberg’s Rules of Order 4

City Council Powers 4

 2.1 Authority of City Council..... 4

 2.2 Acts as a Body..... 5

 2.3 Selection of Mayor and Vice Mayor 5

 2.4 Functions and Duties of Mayor..... 5

 2.5 City Council Committees 6

 2.6 Boards and Commissions..... 7

Form of Government 7

 3.1 City Council-City Manager Form of Government 7

 3.2 City Council Interaction with City Manager 8

 3.3 Communication with City Staff..... 8

 3.4 Request for Staff Resources..... 8

Legal and Ethical Standards 8

 4.1 Act in Public Interest 8

 4.2 Comply with Law 9

 4.3 Conduct of Members 9

 4.4 Respect for Process 9

 4.5 Communication 9

 4.6 Coordination with Staff 10

 4.7 Conflicts of Interest 11

 4.8 Ex Parte Contacts 11

City Council Meetings	12
5.1 Regular Meetings.....	12
5.2 Study Sessions.....	12
5.3 Closed Sessions.....	12
5.4 Special and Emergency Meetings	13
5.5 City Council Agenda Items	13
5.6 Order of Agenda	14
5.7 Communications from the Public.....	14
5.8 Procedure Matters	16
5.9 Procedure for Public Hearing	17
5.10 Non-Agenda Items	18
5.11 Decorum.....	18
5.12 Conduct of Business.....	19
5.13 Time of Adjournment.....	19
5.14 Agenda Packets.....	20
5.15 Preparation and Distribution of Minutes.....	20
5.16 Reading and Approval of Minutes	21
5.17 Validity of Actions	21

CITY OF ROCKLIN
CITY COUNCIL PROCEDURAL RULES

1. Authority and Administration

1.1 General Authority and Applicability

1.1.1 The City Council establishes these procedural rules (the Rules) in conformity with state law, including the Ralph M. Brown Act. These Rules shall be in effect upon adoption by resolution of the City Council, and shall govern the order and conduct of business of the City Council and other legislative bodies established by the City Council. These Rules may be amended from time-to-time by resolution of the City Council.

1.1.2 During City Council discussions, deliberations, and proceedings, the presiding officer has the primary responsibility to ensure that the City Council, staff and members of the public adhere to these Rules. Any councilmember who thinks the Rules are being violated may make a "point of order" to call for the presiding officer to enforce the Rules.

1.1.3 Any rule may be temporarily suspended by a majority vote of all council members present.

1.1.4 In the event these Rules are in conflict with state law, City ordinances or the Councilmember Handbook, the order of priority shall be as follows: (1) state law, (2) City ordinances, (3) the Rules, and (4) the Councilmember Handbook.

1.2 Rosenberg's Rules of Order

1.2.1 To the extent these Rules do not address a point of order or an issue of parliamentary procedure for legislative body meetings, Rosenberg's Rules of Order, Revised 2011, shall apply.

2. City Council Powers

2.1 Authority of the City Council

2.1.1 The City Council has the power, in the name of the City, to do and perform all acts appropriate to the governance of a municipal corporation, and the general welfare of its inhabitants, which are not specifically prohibited by state or federal laws.

2.2 Acts as a Body

2.2.1 The City Council shall act as a body.

2.2.2 No council member has extraordinary powers beyond those of other council members. All council members, including the Mayor, have equal powers.

2.3 Selection of Mayor and Vice Mayor

2.3.1 The selection of the Mayor and Vice Mayor shall occur during a regular scheduled meeting between November 15 and January 15 of each year. Unless removed from office by majority vote of the City Council, the Mayor and Vice Mayor shall serve a one-year term.

2.3.2 The City Clerk shall preside over the selection of the Mayor and the Mayor shall preside over the selection of the Vice Mayor.

2.3.3 The Mayor and Vice Mayor serve at the pleasure of the City Council and can be replaced at any time by a majority vote of the City Council.

2.4 Functions and Duties of Mayor

2.4.1 The Mayor is the presiding officer of the City Council. In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor. In the absence of both Mayor and Vice Mayor, the senior Councilmember shall preside.

2.4.2 The Mayor shall preside and preserve order at all regular and special meetings of the City Council. The Mayor or other presiding officer may move or second from the chair, shall have the right to debate subject only to such limitations of debate as are imposed on all members, and shall be deprived of none of the rights or privileges of a councilmember by reason of his or her occupying the chair.

2.4.3 The Mayor shall decide all questions of order.

2.4.4 The Mayor shall appoint councilmembers to committees or other bodies, subject to confirmation by a majority vote of the City Council.

2.4.5 The Mayor is the official head of the City for all ceremonial purposes.

2.4.6 The Mayor may perform such other duties consistent with the mayoral office as may be authorized by the City Council.

2.4.7 Mayoral Proclamations shall be issued and signed by the Mayor and attested by the City Clerk.

2.4.8 The City Manager, in coordination with the Mayor, City Attorney and City Clerk, shall prepare agendas for meetings of the City Council, as set forth in more detail at Section 5.5 below.

2.5 City Council Committees

2.5.1 The Mayor shall appoint councilmembers to standing and ad hoc committees of the City Council to facilitate the business of the City, subject to confirmation by a majority vote of the City Council. A committee may only undertake those lawful tasks assigned to it by the City Council and has no ability to act independently from or bind the City Council.

2.5.2 Committees shall be formed by resolution of the City Council. Such resolutions shall establish the membership of the committee, the manner of appointment and removal of members, the work to be undertaken by the committee, the timeline for the performance of the committee functions, and other items as deemed appropriate by the City Council, such as the requirement for annual reports.

2.5.3 Committees shall only have advisory functions and shall not have any final decision-making or policy-making authority.

2.5.4 Each standing and ad hoc committee shall establish regular meeting dates for the purpose of conducting business, but may also hold special meetings, in accordance with the requirements of the Brown Act.

2.5.5 Annually, each standing committee shall elect one of its members to serve as the presiding officer or chair. The City Council shall appoint the presiding officer or chair of ad hoc committees.

2.5.6 The City Manager shall assign City staff, as he or she deems reasonable and appropriate, to assist each committee in the performance of its functions.

2.5.7 The conduct of committee meetings shall be governed by the same rules of policy and procedure as the City Council.

2.5.8 Committee members shall comply with all applicable open meeting and conflict-of-interest laws of the State.

2.5.9 To the extent allowed by applicable law, all persons are eligible to serve on committees, at the discretion of the City Council, regardless of citizenship, residency or voter registration status.

2.5.10 Committee members may resign at any time by submitting a written resignation to the City Clerk. Resignations are effective upon submittal.

2.6 Boards and Commissions

- 2.6.1 The City Council may establish decision-making or advisory boards and commissions to facilitate the business of the City or to assist the City Council in its policy decisions.
- 2.6.2 Each board or commission shall establish regular meeting dates, but may also hold special meetings, in accordance with the requirements of the Brown Act.
- 2.6.3 Boards and commissions shall be formed by ordinance or resolution of the City Council. Such ordinance or resolution shall establish the membership of the board or commission, the work to be undertaken by the board or committee, the timeline for the performance of the board or commission functions, the term of office of members, qualifications for serving as a member of the board or commission, and other items as deemed appropriate by the City Council.
- 2.6.4 Annually, each board and commission shall elect one of its members to serve as the presiding officer or chair.
- 2.6.5 The conduct of board and commission meetings shall be governed by the same rules of policy and procedure as the City Council.
- 2.6.6 Boards and commissions shall comply with all applicable open meeting and conflict-of-interest laws of the State.
- 2.6.7 The City Manager shall assign City staff, as he or she deems reasonable and appropriate, to assist each board or commission in the performance of its functions.
- 2.6.8 Board and commission members serve at the pleasure of the City Council and may be removed at any time by majority vote of the City Council. Board and commission members may resign at any time by submitting a written resignation to the City Clerk. Resignations are effective upon submittal.

3. Form of Government

3.1 City Council-City Manager Form of Government

- 3.1.1 The City of Rocklin shall operate as a City Council-City Manager form of municipal government.
- 3.1.2 The City Council shall provide legislative direction, set City policy and monitor its execution by City staff. The City Manager serves as the City's chief administrative officer and is responsible for directing the day-to-day operations of the City.

3.2 City Council Interaction with City Manager

- 3.2.1 The City Council shall only act in a manner that is consistent with the execution by the City Manager of the City Manager's powers and duties.
- 3.2.2 Except for the City Clerk, City Treasurer, and City Attorney, all employees shall be appointed by the City Manager and the City Manager shall have sole authority to hire, promote, discipline or terminate City employees.
- 3.2.3 The City Council should consider having any employment contracts between the City and either the City Manager or City Attorney reviewed by outside special counsel.

3.3 Communication with City staff

- 3.3.1 Except for the purpose of inquiry, the City Council, and each councilmember shall communicate with City staff solely through the City Manager.
- 3.3.2 The City Council or councilmembers shall not give orders to any subordinate of the City Manager, nor shall the City Council or councilmembers give orders to any subordinate of the City Attorney.

3.4 Requests for Staff Resources

- 3.4.1 City Councilmember requests for research or other staff work shall be directed to the City Manager, or the City Attorney regarding legal matters.
- 3.4.2 If more than two hours of staff time will be required to complete the task/project, requested by a councilmember, the item will be placed on the next agenda to ask the City Council if time should be spent on the task or item.
- 3.4.3 Staff memos prepared in response to councilmember inquiries shall be distributed to all City Councilmembers, the City Manager and the City Attorney.

4. Legal and Ethical Standards

4.1 Act in Public Interest

- 4.1.1 Recognizing that stewardship of the public interest must be their primary concern, councilmembers shall work for the common good of the people and not for any private or personal interest.
- 4.1.2 Councilmembers shall endeavor to treat all members of the public and issues before them in a fair and equitable manner.

4.2 Comply with Law

4.2.1 Councilmembers shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open and public meetings.

4.3 Conduct of Members

4.3.1 Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

4.4 Respect for Process

4.4.1 Councilmembers shall respect and adhere to the City Council-City Manager form of government.

4.4.2 Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council.

4.5 Communication

4.5.1 Councilmembers shall share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other councilmembers and the public prior to the City Council taking action on the matter.

4.5.2 Written communications addressed to the City Council are to be referred to the City Clerk for:

- Forwarding to the City Council with their agenda packet, or
- Placement on an agenda with or without a staff report, or
- Direct response to the citizen with a copy of the communication and staff letter to the City Council.

4.5.3 All written materials and verbal information provided to councilmembers on matters that are confidential under State law shall be kept in complete confidence. No disclosure or mention of any confidential information may be made to anyone other than other councilmembers, the City Attorney, the City Clerk or the City Manager.

4.5.4 Councilmembers may choose to post or comment on various social media sites using their personal accounts, but must keep their social media presence separate from that of the City and from that of other councilmembers and officials. Councilmembers will not post or speak on a social media website or other online

forums on behalf of the City unless specifically authorized by the City Council. Councilmembers' personal social media sites and posts should include one or more of the following disclaimers to prevent confusion and false public expectations: "this is the personal page" (of the individual); or, "the views expressed are strictly my own"; or, "This page is not operated by the City of Rocklin and is not a reflection of the City's policies or opinions or those of the City Council."

4.6 Coordination with Staff

- 4.6.1 Except when representing the City on standing committees (i.e., SACOG), appropriate City staff should be involved when councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.
- 4.6.2 As a courtesy, councilmembers shall provide advance notice to the City Manager before attending internal staff meetings or meetings between City staff and third parties.
- 4.6.3 City staff serves the City Council as a whole, therefore, an individual councilmember shall not direct staff to initiate any action, change a course of action or recommendation, or prepare any report, nor shall a councilmember initiate any project or study without the approval of the majority of the City Council.
- 4.6.4 When preparing for City Council meetings, councilmembers should endeavor to notify the City Manager of questions or issues in advance of the meeting, so that City staff can be prepared to provide the desired information at the City Council meeting.
- 4.6.5 Any concerns by a member of the City Council regarding the behavior or work of a City employee shall be directed to the City Manager privately so that the matter may be addressed; however, members of the City Council may always seek advice from the City Attorney at any time. Councilmembers shall not reprimand employees directly nor should they communicate their concerns to anyone other than the City Manager.
- 4.6.6 Councilmembers may direct routine inquiries to either the City Manager or appropriate department director with a copy to the City Manager.
- 4.6.7 Councilmembers serving on City Council committees or as the City's representative to an outside agency may interact directly with City staff assigned to that effort as the City Manager's designee. The City staff member so designated and assigned will keep the City Manager appropriately informed.
- 4.6.8 Councilmembers shall not solicit political activities or support from staff (e.g., financial contributions, display of posters or signs, name on support list, etc.). City staff may, as private citizens with constitutional rights, engage in political activities to support political candidates, but all such activities must be conducted away from

the workplace and may not be conducted during working hours, on City premises, while in uniform, or while representing the City.

4.7 Conflicts of Interest

- 4.7.1 In order to assure their independence and impartiality on behalf of the public good, councilmembers are prohibited from using their official positions to influence government decisions in which they have a financial interest that would present a conflict of interest under applicable State law.
- 4.7.2 Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that is not available to the public in general.
- 4.7.3 Councilmembers shall endeavor to avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of City stationary or email or other City resources to obtain or promote personal business.
- 4.7.4 Public resources not available to the general public, such as staff time, equipment, supplies or facilities, shall not be used by councilmembers for private gain or personal purposes.
- 4.7.5 Councilmembers shall not appear on behalf of a third party, or advocate for the private interests of a third party, before the City Council or any board, commission or committee of the City.
- 4.7.6 To the best of their ability, councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions publicly, councilmembers shall explicitly state they do not represent the City Council or the City.
- 4.7.7 The City Council shall not enter into a contract if one of its members is financially interested in the contract, unless otherwise allowed by state law.

4.8 Ex Parte Contacts

- 4.8.1 City Councilmembers are encouraged to consider the due process implications before receiving information and evidence on any quasi-judicial matter (i.e., appeal, permits, licenses and use applications) while such matter is pending before the City Council or any agency, board or commission thereof, outside of the public hearing process.
- 4.8.2 If any councilmember is exposed to information or evidence about a pending quasi-judicial matter outside of a public hearing, through contacts by constituents or the applicant, through site visits, or in any other manner, the councilmember is encouraged to disclose all such information and/or evidence acquired which is not otherwise included in the written or oral staff report, during the public hearing and before the public comments period is opened.

- 4.8.3 Councilmembers may discuss legislative matters freely with constituents and members of the public, and no disclosure of those contacts is necessary. Due process requirements do not apply to legislative matters (i.e., lawmaking and policy functions).

5. City Council Meetings

5.1 Regular Meetings

- 5.1.1 Regular meetings of the City Council are held on the second and fourth Tuesday of each month at 6:00 p.m. in the City Administration building located at 3970 Rocklin Road in Rocklin, California, or at such other place as the City Council may deem appropriate, subject to the requirements of State law. Regular meetings may be convened earlier than 6:00 p.m. in order to accommodate closed sessions of the City Council.
- 5.1.2 If a regular meeting day falls on a legal holiday, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at 6:00 p.m., unless otherwise directed by the City Council.

5.2 Study Sessions

- 5.2.1 Study sessions are conducted as part of a public meeting, which the City Manager or City Council may set from time to time to allow for detailed review of important matters.
- 5.2.2 Study sessions may be conducted jointly with another City board, commission or committee or another governmental agency.
- 5.2.3 Formal action is typically not taken at a study session, unless the agenda indicates that action may be taken.

5.3 Closed Sessions

- 5.3.1 All written materials and verbal information regarding closed session items must remain confidential. No member of the City Council, employee of the City or anyone else present should disclose to any other person the intent or substance of any discussion that takes place in a closed session unless authorized by a majority of the City Council.
- 5.3.2 Closed sessions are regulated by the Brown Act. Permissible topics for a closed session discussion include but are not limited to: labor negotiations, pending litigation, personnel actions, real estate negotiations and certain licensing and public security issues. Closed sessions are closed to the public and media.

- 5.3.3 Prior to holding a closed session, the City Council shall convene in open session and announce the item or items to be discussed and/or acted upon in closed session by referencing the item or items by their number on the agenda. The presiding officer shall allow the public the opportunity to comment upon the closed session matter before the item is discussed in closed session. The City Council shall publicly report any final action taken in closed session for which the Brown Act requires an announcement and the vote or abstention on that action of every councilmember present.
- 5.3.4 All public statements, information and press releases relating to closed session items should be handled by the City Attorney or as otherwise directed by the City Council majority.
- 5.3.5 Any suspected violation of the confidentiality of a closed session discussion shall be reported to the City Attorney.
- 5.3.6 Copies of contracts, settlement agreements, or other documents that are finally approved or adopted in closed session shall be provided to any person who has submitted a request for such to the City Council within twenty-four hours of the posting of the agenda listing the closed session, or to any person who has made a standard request for all documentation as part of a request for notice of meetings, if the requester is present at the time the closed session ends. If the action taken results in substantial revisions to the documents, the documents shall not be released until retyping is completed. Upon request, the presiding officer shall orally summarize the substance of the amendments if requested at the end of the closed session. The closed session documents shall be made available to any person on the next business day following the closed session or, where substantial revisions are necessary, when the necessary revisions are made.

5.4 Special and Emergency Meetings

- 5.4.1 The Mayor may call special or emergency meetings pursuant to the provisions of the Brown Act.

5.5 City Council Agenda Items

- 5.5.1 The City Manager, in coordination with the Mayor, City Clerk and City Attorney, shall cause to be prepared an agenda setting forth the time and place of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. Items to be included must be submitted to the City Manager no later than the date established by the City Manager.
- 5.5.2 The City Manager shall cause to be prepared a memorandum giving pertinent facts and background information on each item which requires City Council action.

- 5.5.3 City Councilmembers may request that items be placed on a future agenda at any public meeting of the City Council by orally making the request under Future Agenda Items. City Council action on the request is not required in order for the item to be placed on a future agenda.
- 5.5.4 Any non-hearing item may be placed on a consent calendar and enacted by one motion. There will be no separate discussion of these items unless a member of the City Council or a citizen so requests. If such a request is made, the item may be removed from the consent calendar and considered in the normal sequence on the agenda.
- 5.5.5 The Mayor may add items to the agenda that were not requested at a public meeting, if he or she deems it necessary to bring the matter to the City Council without following the process set forth in Section 5.5.3 above.

5.6 Order of Agenda

- 5.6.1 The order of items on the City Council agenda shall be as follows, unless changed at any time by the Mayor or by a majority vote of the City Council:
 - Call to Order
 - Pledge of Allegiance
 - Roll Call
 - Agenda Review
 - Citizens Addressing the City Council
 - Reports from City Council and City Manager
 - Consent Calendar
 - Presentations
 - Public Hearings
 - Discussion Items
 - Future Agenda Items
 - Future Strategic Planning Items
 - Future Study Session Items
 - Public Financing Authority
 - City Council Acting as Successor Agency
 - Adjournment

Closed Session items authorized by the provisions of the Brown Act may be included on any agenda in the location as deemed appropriate by the City Manager.

5.7 Communications from the Public

- 5.7.1 The public comment portion of the City Council meeting is intended for oral presentations to the City Council by members of the public. During this time, a speaker may address the City Council on any issue which is in the subject matter jurisdiction of the City Council and does not appear on the printed agenda for that meeting.

- 5.7.2 The Mayor or presiding officer shall request that each person addressing the City Council give his or her name and city of residence in an audible tone of voice for the record before making comments, although a person is not required to identify themselves before addressing the City Council. The use of Speaker Cards is encouraged. All remarks shall be addressed to the City Council as a body and not to any member thereof, or to staff, or to the public. No person, other than a member of the City Council, the City Manager or the City Attorney and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.
- 5.7.3 For items not on the agenda, and for non-hearing items on the agenda, the person addressing the City Council shall be limited to three minutes, unless the presiding officer, with consent of the majority of the City Council, determines that all speakers will be allowed a shorter or longer period of time..
- 5.7.4 For hearing items on the agenda, the presiding officer may impose reasonable time limits on any citizen addressing the City Council, including applicants, proponents and opponents, when the presiding officer determines the limits are necessary for the orderly conduct of the hearing, and the limits are fairly applied. The presiding officer may also impose reasonable limitations on the total amount time allocated for public testimony on a particular issue.
- 5.7.5 Whenever any group of persons wishes to address the City Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the City Council and, in case additional matters are to be presented at the time by any member of the group, to limit the number of persons so addressing the City Council, so as to avoid unnecessary repetition. A person shall not yield or allot any amount of their public comment time to another person.
- 5.7.6 Members of the City Council shall not engage in debate with members of the public offering public comment, but may briefly respond to statements made or questions posed during this portion of the meeting. City staff shall briefly respond to statements made or questions posed by members of the public, when asked to do so by a City Councilmember.
- 5.7.7 Members of the City Council shall discourage any behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the City Council meeting.
- 5.7.8 Nothing in this section shall prohibit or discourage orderly criticism of any City Council decision or City policy, procedure, program or service.
- 5.7.9 Members of the public may submit, and are encouraged to submit, comments in writing to the City Council relating to City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to members of the

City Council and considered and acted upon, as the City Council in its judgment may deem appropriate.

5.8 Procedural Matters

- 5.8.1 Except for actions that require a higher vote threshold by law, a majority vote of the full City Council (three affirmative votes) shall be the minimum required to act on any matter, including but not limited to, ordinances, resolutions and City policies.
- 5.8.2 If any City Council member cannot attend a meeting, he or she should notify the City Clerk as soon as possible, but in no event later than noon on the meeting day.
- 5.8.3 Three City Council members shall constitute a quorum for the transaction of business at any regular, special or emergency meeting of the City Council. When there is no quorum, the presiding officer or City Clerk may adjourn the meeting, provided that 15 minutes shall have elapsed after the hour set for such meeting.
- 5.8.4 For the purpose of considering any item subject to vote of the City Council, when a councilmember disqualifies himself/herself due to a conflict of interest, that councilmember's abstention shall not be considered in determining the presence of a quorum. Consideration on such item thereof shall be deferred until a quorum of non-interested councilmembers are present to discuss and vote on the item.
- 5.8.5 At the time the presiding officer calls an item from which a councilmember is disqualified from participation due to a conflict of interest, the disqualified councilmember shall announce the fact and the reason he or she is disqualified for the record and shall thereafter refrain from any participation as a councilmember in the discussion and action on the item. Further, except when the matter is on the consent calendar, the disqualified councilmember shall leave the City Council chambers while the matter is being discussed. A councilmember disqualified from participation shall not be considered present at the meeting for the item(s) of business on which such member is disqualified.
- 5.8.6 Items may only be added to the City Council agenda pursuant to the requirements of the Brown Act.
- 5.8.7 The making and handling of motions shall be governed by the presiding officer. The presiding officer may recess and adjourn City Council meetings without the necessity of a motion.
- 5.8.8 Any City Councilmember present at a meeting when a question comes up for a vote must vote for or against the measure or abstain, unless he or she is disqualified from voting. When necessary, the Mayor may request votes by roll call vote. Members that refuse to vote, are silent, or state "abstain" shall be considered as having abstained. The results reflecting all "ayes" and "noes" and "abstentions" must be clearly set forth for the record.

- 5.8.9 An abstention does not count as a vote for or against a matter. If a Councilmember abstains, he or she is counted for quorum purposes, but is not deemed to be voting for purposes of determining whether there has been a majority vote.
- 5.8.10 A tie vote shall result in a lost motion if all five members are present. In such an instance, any councilmember may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken. A tie vote when only four members are present shall result in an automatic continuance to the next regular meeting of the City Council, in the absence of an affirmative vote.
- 5.8.11 Remote participation.
 - 5.8.11.1 Councilmember participation in City Council meetings by teleconference or videoconference shall comply with the requirements of the Brown Act.
 - 5.8.11.2 Less than a quorum of the City Council may participate in a City Council meeting by video-conference if there is just cause for the member(s) not attending the meeting in person or the member(s) experience an emergency circumstance, as defined by the Brown Act. The member intending to participate in a City Council meeting by video-conference shall advise the Mayor and the City Clerk not less than six hours before the meeting, of the just cause for remote participation. The meeting shall provide for either two-way audiovisual system or a two-way phone service in addition to live webcasting. The member participating by video-conference shall announce if there is anyone present with them over the age of 18 and if so, their relationship to the member. The member must participate by both audio and video. The agenda must identify a call-in or internet-based access option for public participation in addition to the in-person meeting location. If there is a disruption to the video-conference meeting, the City Council shall take no further option until public access is restored. The number of occasions a member may utilize this process shall be as set forth in the Brown Act.

5.9 Procedure for Public Hearing

The order of conducting a public hearing by the City Council shall be as follows:

- a. Presiding officer announces the item and opens the public hearing;
- b. Staff presentation;
- c. Questions of staff for clarification by Councilmembers;
- d. Disclosure of any ex parte communications by Councilmembers
- e. Statement by proponents;
- f. Questions of proponents or staff by Councilmembers;
- g. Public comments;

- h. As necessary, questions of public or staff by Councilmembers;
- i. Response by proponent;
- j. Response by staff;
- k. Final questions by Councilmembers to staff or proponent;
- l. Presiding officer closes public hearing;
- m. City Council discussion;
- n. City Council action on item.

5.10 Non-Agenda Items

5.10.1 No action or discussion shall be taken on any item not appearing on the posted agenda, except as provided below:

- a. Councilmembers may, on their own initiative or in response to questions posed by a member of the public, ask a question for clarification, provide a reference to staff or other resources for factual information, or request that any matter be placed on a future agenda.
- b. The City Council may take action to direct staff to report back to the City Council at a subsequent meeting on any matter.

5.10.2 The City Council may add to the posted agenda, and take action on any item of business under the conditions stated below:

- a. Upon a determination by a majority vote of the City Council that an emergency situation exists. "Emergency situation" means a crippling disaster; a work stoppage; other activity which severely impairs public health, safety or both; or local, State, or Federally-declared emergency or disaster.
- b. Upon a determination by a two-thirds vote of the City Council, or, if less than two-thirds of the members are present, by a unanimous vote of those present, that there is a need to take immediate and urgent action and that the need for action came to the attention of the City after the agenda was posted.
- c. The item was on the agenda for a prior meeting of the City Council occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

5.11 Decorum

5.11.1 The Mayor shall be responsible for preserving order at all City Council meetings.

5.11.2 While the City Council is in session, all persons shall conduct themselves with reasonable decorum.

- 5.11.3 While the City Council is in session, the councilmembers shall preserve order and decorum, and no member shall, either by conversation or otherwise, delay or interrupt the proceedings or the peace of the City Council or disturb any member while speaking, or refuse to obey the orders of the City Council or its presiding officer. Councilmembers shall be courteous at all times in their dealings with the public, staff and each other.
- 5.11.4 When a member of the public is disruptive to a City Council meeting, the presiding officer shall warn the person that their behavior is disruptive and if they do not stop their behavior, they may be removed from the meeting. If the member of the public does not promptly cease their behavior, the presiding member or their designee may order their removal. As used herein, "disruptive" means behavior during the meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including but not limited to: (1) failing to comply with reasonable and lawful regulations adopted by the City Council pertaining to conduct of open meetings; or (2) engaging in behavior that constitutes use of force or conduct that a reasonable observer would perceive to be an actual threat to use force.
- 5.11.5 The Police Chief or his or her authorized representative shall be sergeant at arms of the City Council meeting. The sergeant at arms shall carry out all lawful orders and all instructions of the presiding officer for the purpose of maintaining order and decorum at City Council meetings.

5.12 Conduct of Business

- 5.12.1 The Mayor or other presiding officer shall take the chair precisely at the hour appointed for the meeting and shall immediately call the meeting to order.
- 5.12.2 Before proceeding with the business of the City Council, the roll of the members shall be called by the City Clerk, and the names of those present shall be entered into the minutes.

5.13 Time of Adjournment

- 5.13.1 It is the policy of the City that all evening meetings of the City Council, including study sessions, be adjourned no later than 11:00 p.m., which time is referred to as the normal time of adjournment. If a hearing is in progress at 11:00 p.m., the presiding officer shall adjourn the meeting, unless the City Council, by motion, waives the normal time of adjournment. No new item of business shall be taken up by the City Council after the normal time unless the City Council has determined by a majority vote to set aside this policy. All agenda items not considered at the meeting shall be on the agenda of the next regular meeting unless the City Council directs otherwise.

5.14 Agenda Packets

- 5.14.1 Agenda packets are to be made available for the public at the City Clerk's Office, the City's website and at the City Council meeting. City Council meeting agendas, minutes and staff reports shall normally be available for public review on the Tuesday prior to City Council meetings.
- 5.14.2 Agenda packets shall normally be available to City Councilmembers on the Tuesday prior to City Council meetings.
- 5.14.3 Writings distributed by staff to a majority of councilmembers after the agenda has been distributed, but before the City Council meeting, shall be made available for public inspection at the time the writing is distributed to all, or a majority of all the members of the City Council. Such materials shall be immediately posted on the City's website in a position and manner that indicates the writing relates to an agenda item for an upcoming meeting, and physical copies shall be available for public inspection in the City Clerk's Office, beginning the next regular business hours. Written public comment must be received by 3 p.m. the day of the City Council meeting.
- 5.14.4 Writings distributed during a City Council meeting by staff, a councilmember, or a member of the public, shall be made available for inspection by the public at or after the City Council meeting.
- 5.14.5 The City Clerk shall keep copies of all writings submitted as part of the record to the City Councilmembers before and during a City Council meeting with the official record of the City Council meeting and shall make a copy available for inspection and copying as required by law.

5.15 Preparation and Distribution of Minutes

- 5.15.1 The minutes of City Council meetings shall be kept by the City Clerk and shall be neatly typewritten and shall contain the following:
 - a. A record of each particular type of business as was actually passed upon by a vote of the City Council, set off in paragraphs; and
 - b. A record shall be made of the names and cities of residence of persons addressing the City Council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.
- 5.15.2 Audio recordings of the City Council meetings shall be made and shall be maintained by the City Clerk for a period of no less than two years. Video recordings shall be maintained by the City Clerk permanently.
- 5.15.3 As soon as possible after every City Council meeting, the City Clerk shall cause a copy of the minutes thereof to be prepared and distributed in the agenda packet.

5.16 Reading and Approval of Minutes

5.16.1 Unless the reading of the minutes of a City Council meeting is requested by a member of the City Council, such minutes may be approved without reading it if the City Clerk has previously furnished each member with a copy thereof.

5.16.2 The minutes shall be approved by the City Council under the consent calendar.

5.17 Validity of Actions

5.17.1 No action taken by the City Council which is otherwise legally valid shall be voided or nullified by reason of a failure to follow these Rules or Rosenberg's Rules of Order.