



*Mayor Antonio Lopez • Mayor Pro Tem Sylvia Ballin
Councilmember Jesse H. Avila • Councilmember Joel Fajardo • Councilmember Robert C. Gonzales
Interim City Manager Don Penman*

SAN FERNANDO CITY COUNCIL
SPECIAL MEETING NOTICE & AGENDA
NOVEMBER 18, 2013 – 5:00 PM
COMMUNITY MEETING ROOM
117 MACNEIL STREET
SAN FERNANDO, CA 91340

NOTICE IS HEREBY GIVEN that the San Fernando City Council will hold a Special Meeting on **Monday, November 18, 2013, at 5:00 p.m.**, in the Community Meeting Room, located at 117 Macneil Street,, San Fernando, California.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

Mayor Antonio Lopez

APPROVAL OF AGENDA

PUBLIC STATEMENTS – WRITTEN/ORAL

There will be a three (3) minute limitation per each member of the audience who wishes to make comments in order to provide a full opportunity to every person who desires to address the City Council. Only matters contained in this notice may be considered.

STUDY SESSION

1) CITY COUNCIL PROCEDURAL MANUAL– REVIEW

Recommend that the City Council review, discuss, and provide staff with direction concerning revisions to the City Council Procedural Manual.



SAN FERNANDO CITY COUNCIL
SPECIAL MEETING NOTICE & AGENDA – NOVEMBER 18, 2013
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RECESS TO CLOSED SESSION

- A) PUBLIC EMPLOYMENT (EMPLOYEE RECRUITMENT) G.C. §54957(b)(1)
Title of Position Under Consideration: City Manager
- B) CONFERENCE WITH LABOR NEGOTIATOR REGARDING UNREPRESENTED EMPLOYEE
§G.C. 54957.6(a)
City's Designated Representatives: Bob Murray and Mayor Antonio Lopez
Title of Position Subject to Negotiation: City Manager
- C) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
§G.C. 54956.9(d)(1)
City of San Fernando et al. v. Wendy L. Watanabe, in her official capacity as the Auditor-Controller of the County of Los Angeles et al., Superior Court of Sacramento
Case No. 34-2013-80001550

RECONVENE/REPORT OUT FROM CLOSED SESSION

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting.

Elena G. Chávez, City Clerk

Signed and Posted: November 14, 2013 (2:00 p.m.)

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site (www.sfcity.org). These are also available for public reviewing prior to a meeting in the City Clerk's Office. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk's Office at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at www.sfcity.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk's Office at (818) 898-1204 at least 48 hours prior to the meeting.

San Fernando City Council Special Meeting

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ADMINISTRATION DEPARTMENT

MEMORANDUM

TO: Mayor Antonio Lopez and Councilmembers

FROM: Don Penman, Interim City Administrator

DATE: November 18, 2013

SUBJECT: City Council Procedural Manual - Review

RECOMMENDATION:

It is recommended that the City Council review, discuss, and provide staff with direction concerning revisions to the City Council Procedural Manual.

BACKGROUND:

On July 3, 1995, the City Council adopted Resolution No. 6434 approving a Procedural Manual for the Conduct of City Council Meetings.

Subsequently, the City Council Procedural Manual has been amended, via Resolutions and Ordinances, on several occasions.

On February 4, 2013, the City Council met to discuss various changes to the Procedural Manual and directed staff to re-agendize with the recommended changes/revisions for final approval by the City Council (Attachment "A" includes the changes for your consideration).

ATTACHMENT:

A. City Council Procedural Manual (with proposed changes of February 4, 2013)

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PROCEDURAL MANUAL

City Council of the City of San Fernando

Adopted by Resolution No. 6434 on July 3, 1995
Amended by Resolution No. 6604 on March 16, 1998
Amended by Resolution No. 6743 on August 7, 2000
Amended by Ordinance No. 1543 on July 21, 2003
Amended by Resolution No. 7328 on July 20, 2009
Amended by Resolution No. 7346 on Dec. 7, 2009
Amended by Resolution No. 7376 on May 3, 2010
Amended by Resolution No. 7454 on September 19, 2011
Amended by Ordinance No. 1617 on June 4, 2012

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PREAMBLE

These rules are enacted pursuant to Government Code Section 36813 to provide decorum and order at City Council meetings and to promote the efficient conduct of those meetings. The rules govern the procedures of the City Council itself and the conduct of individual Councilmembers. It is also intended that the rules govern the conduct of City staff and members of the public who attend City Council meetings. In the event of a conflict between these rules of procedures and any provision of State or Federal Law, including but not limited to the Ralph M. Brown Act codified at Section 54950 et seq. of the California Government Code, the state or Federal Law controls.

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The source for many guidelines is set forth beneath the text of the section.

Because circumstances may differ from one meeting to the next, these rules are intended as guidelines, and are not inflexible rules. Accordingly, they may be waived at any meeting, by Motion, in accordance with Robert's Rules of Order.

1. MEETINGS

1.1 REGULAR MEETINGS:

Regular Meetings of the City Council of the City of San Fernando are held in the City Council Chambers of the City Hall, 117 Macneil Street, San Fernando, California, on the first and third Mondays of each month at 6:00 p.m. When the day of a regular City Council meeting falls on a legal holiday, the meeting will be held at the same hour on the next succeeding day that is not a holiday. The City Council will not convene for the last regularly scheduled meeting in December or the first regularly scheduled meeting in January, unless the City Council, by majority vote of the body, determines that either or both meetings shall be held.

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1.2 ADJOURNED MEETINGS:

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

1.3 SPECIAL MEETINGS:

Special Meetings may be called at any time by the Mayor or three members of the City Council by a written notice as outlined in Section 1.4 below. Only matters contained in the notice may be considered.

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1.4 NOTICE OF MEETINGS:

Notice of regular meetings are to be posted with the Agenda in the manner provided for in Section 2.3 and in accordance with State Law. Mailed or hand delivered notice is required for all special meetings and for all meetings adjourned by the City Clerk, and are delivered personally, by mail or email, at least 24 hours before the time of the meeting to each member of the City Council, and to each local newspaper of general circulation, radio or television station requesting notice in writing. Notice of all adjourned meetings shall be posted. (Government Code Section 54954.1, 54952.2 and 54956.)

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1.5 MEETINGS TO BE PUBLIC:

All regular, adjourned and special meetings of the City Council shall be open to the public; provided, however, the City Council may hold closed sessions for purposes outlined in the following section. (Government Code Section 54953.)

1.6 CLOSED SESSIONS - MATTERS OF DISCUSSION:

The City Council may hold closed sessions, from which the public may be excluded, for consideration of any item for which closed sessions are permitted by State Law. The following subjects are typically conducted in closed session:

- a. LICENSE/PERMIT DETERMINATION (Government Code Section 54956.7)
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)
- c. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Government Code Section 54956.9, Subdivision (a) of Section 54956.9)
- d. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Subdivision (b) of Section 54956.9)
- e. LIABILITY CLAIMS (Government Code Section 54956.95)
- f. THREAT TO PUBLIC SERVICE OR FACILITIES (Government Code Section 54957)
- g. PUBLIC EMPLOYEE APPOINTMENT (Government Code Sections 54957 and 54957.6)

“City Employees” include the positions of City Manager, City Attorney and Department Heads. (Government Code Section 54957.6(b).)

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1. PUBLIC EMPLOYMENT
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
3. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
4. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)

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- h. CASE REVIEW/PLANNING (Government Code Section 54957.8)
- i. REPORT INVOLVING TRADE SECRET (Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code)
- j. Any other purpose specifically authorized by law.

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The City Council shall publicly report at the public meeting during which the closed session is held any action taken and the roll call vote thereon, unless a late time is permitted for such report. In no case, shall the report be delayed later than the next regular meeting of the City Council.

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1.7 CLOSED SESSIONS MINUTES:

The City Council may, by motion, designate the City Clerk or any officer or employee, to attend any closed session of the City Council and to keep and enter in a minute a record of topics discussed and decisions made at the meeting.

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1.8 CLOSED SESSIONS CONFIDENTIALITY:

All matters discussed during closed sessions shall be private and confidential and the disclosure by any person of the topics or details of such matters is prohibited, except the City Attorney will be designated to make any disclosures required by State Law.

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1.9 QUORUM:

A majority of the City Council shall be sufficient to do business and motions may be passed 2 - 1 if only three attend. However, the following matters require three affirmative votes:

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- a. Adoption of Ordinance (with the exception of urgency ordinance, which require four affirmative votes);
- b. Adoption of Resolutions or orders for the payment of money (with the exemption of specific types of Resolutions that require four affirmative votes as mandated by State Law).

1.10 ATTENDANCE:

If a Councilmember is absent from all regular meetings of the City Council for a period of 60 days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become immediately vacant and shall be so declared by the City Council. Government Code Section 36513.

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2. AGENDA PROCEDURES AND ORDER OF BUSINESS

2.1 AGENDA:

The order of business of each City Council meeting shall be as contained in the Agenda prepared by the City Manager. The City Council shall follow the order of business as outlined in the prepared Agenda. Items may be taken out of order by the Mayor or by a majority consent of the City Council.

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The Agenda for all regular meetings, with all background staff reports, shall be available to the public at the meeting and 72 hours in advance of the meeting (usually on Thursday of the prior week) at the City Clerk's office.

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The Agenda may be amended in accordance with State Law, prior to any meeting.

2.2 AGENDA DEADLINE:

- a. ~~Any citizen requesting to place an item on the City Council agenda shall advise the City Clerk or the City Manager in writing no later than 5:00 p.m. on the Monday preceding the meeting at which he/she wishes the item to be considered. The City Manager shall make copies of such requests for City Councilmembers prior to the next City Council meeting. If the City Manager concludes that the matter is appropriate for Council consideration, it shall be placed on either of the next two regular City Council agendas.~~

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- a. A citizen requesting to place an item on a City Council agenda, may submit a written request at any time to the City Council (or any member of the City Council). The request may also be made during the public comment portion of a City Council meeting.

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Items raised by the public during public comment, may be referred to staff (by majority consent of the City Council), for follow up and possible placement on a future agenda for formal action.

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- b. When a member of the City Council wishes to have an item placed on an agenda of an upcoming City Council meeting, the following procedures shall be followed:

1. The member wishing to have an item placed on an agenda for an upcoming meeting shall provide the City Clerk with an agenda report that provides a general description of the item, the desired action and includes any other relevant written materials or information which the member would like to have considered at the meeting. The agenda report and any other supplementary material must be submitted to the City Clerk by 12:00 p.m. the Wednesday preceding the City Council meeting. Except as provided in paragraph b.2. of this Section 2.2, all items requested to be placed on an agenda by a Councilmember shall appear on the agenda for discussion and action. No items, however, shall be placed on the agenda without an agenda report.

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2. Items that have been previously agendized, discussed and determined by action of the City Council are discouraged from being placed on the agenda for an upcoming meeting by a Councilmember unless the Councilmember can demonstrate a change of circumstances pertaining to the item or present new information of substantial importance that was not known at the time previous City Council action occurred. In such case, the Councilmember must follow the procedures set forth in paragraph b.1 above and include in the agenda report the reason for reconsideration of the item, i.e., changed circumstances, new information etc., with supporting information. The item shall be tentatively placed on the agenda as a repeat item under the heading "City Council Items." The repeat item, however, shall not be discussed nor acted upon by the City Council unless the repeat item is first approved for discussion as set forth in Section 2.5.

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2.3 POSTING OF NOTICE AND AGENDA:

Copies of the Notice and Agenda shall be delivered and posted in accordance with State Law.

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a. Location of Posting

Notices and Agendas shall be posted at the following locations:

1. Bulletin board at City Hall, 117 Macneil Street, San Fernando, California 91340

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2.4 ROLL CALL:

A roll call of Councilmembers shall be held at the beginning of each City Council meeting by the City Clerk, who shall enter the names of those present in the minutes.

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2.5 APPROVAL OF AGENDA:

The agenda shall include an item entitled "Approval of Agenda" to occur immediately after "roll call." During the "Approval of Agenda" portion of the meeting, the City Council shall determine whether to consider repeat items submitted by Councilmembers pursuant to paragraph b.2. of Section 2.2. A Councilmember may make a motion to approve the agenda as presented or make a motion to approve the agenda with the elimination of the repeat item(s) tentatively placed on the agenda under the heading "City Council Items". If the agenda is approved as presented, the request to consider a repeat item is deemed approved and discussion and action on that item may occur during City Council Items.

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2.6 APPROVAL OF MINUTES:

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

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2.7 PUBLIC HEARINGS:

The following procedure for conducting public hearings should be followed:

- a. Precede the hearing by a statement from the Mayor setting forth the nature of the public hearing and the rules for addressing the City Council as set forth in Section 5.

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- b. Open the public hearing.
- c. At the direction of the City Manager, the appropriate staff member presents the staff report and recommendations.
- d. The Mayor requests the participation first of those members of the public in favor of the subject item, and then of those opposing the item.
- e. Councilmembers should refrain from asking questions or in any way interfering with the “audience participation” portion of the public hearing.
- f. After the Mayor has declared that the “audience participation” portion of the hearing has been concluded, Councilmembers may ask questions and the audience will be precluded from participation other than to answer questions asked or to rebut new evidence introduced.
- g. The Mayor shall then declare the public hearing closed.
- h. The City Council shall discuss the matter.
- i. Following City Council discussions on the motion or any amendments, the Mayor shall ask for a motion for or against the subject at hand.

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2.8 PUBLIC HEARING ITEMS:

The following are typical items which require the holding of a public hearing by the City Council prior to formal action:

- a. Abandonment of streets
(amendments to fees and areas of benefit)
- b. Amendments to the Zoning and Ordinances which are site specific
- c. Budget Adoption
- d. Conditional Use Permit Appeals
- e. Franchises, Granting of
- f. General Plan Amendments
- g. Grant/Fund Applications When Federal/State Regulations so mandate.
- h. Housing and Community Development Act Funds
- i. Moratorium Extensions
- j. Thoroughfare Improvements

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- k. Underground Utility Districts, Establishment of
- l. Vehicle Code Enforcement on Private Streets
- m. Zoning Map Changes
- n. Zone Variance Appeals

Other typical items may come before the City Council from time to time, for which State or Federal Laws require the holding of a public hearing. In addition, the City Council may call for a public hearing for other items.

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2.9 PUBLIC DISCUSSION:

For all Agenda items which are not already the subject of a public hearing, the City Council may permit public discussion at the time the Agenda item is discussed. Any such public discussion will be in compliance with Section 5 hereof.

2.10 NON-AGENDA ITEMS:

No matters other than those appearing on the posted agenda shall be acted upon by the City Council except in accordance with the procedures set forth in the Ralph M. Brown Act, codified at Section 54950 et seq. of the California Government Code. Any request to place a matter of business on a future agenda must be made in accordance with paragraph b of Section 2.2.

2.11 ADJOURNMENT:

To allow clarification of the record, a motion to adjourn a meeting to the next regular meeting should specify this. A motion to adjourn to an adjourned meeting shall specify the date, time and place of said adjourned meeting.

3. PRESIDING OFFICER

3.1 PRESIDING OFFICER:

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and Mayor Pro Tem, the City Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Mayor Pro Tem or until adjournment.

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3.2 CALL TO ORDER:

The meeting of the City Council shall be called to order by the Mayor or if the Mayor is absent, the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer. In the absence of a quorum of three (3) Councilmembers, the City Clerk shall call the meeting to order and declare the same adjourned to a stated day and hour.

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3.3 PARTICIPATION OF PRESIDING OFFICER:

The Presiding Officer may move, second and debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of being the Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

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3.4 QUESTION OR MOTION TO BE STATED:

The Presiding Officer shall verbally restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer (or City Clerk) shall announce whether the question was carried or defeated, and may summarize the action taken by the City Council before proceeding to the next item of business.

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3.5 SIGNING OF DOCUMENTS:

The Mayor shall sign ordinances, resolutions and contracts approved by the City Council. In the absence of the Mayor, the Mayor Pro Tem shall sign all such documents as have been adopted and approved by the City Council. In the absence of the Mayor and Mayor Pro Tem, the temporary Presiding Officer shall sign all such documents.

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3.6 MAINTENANCE OF ORDER:

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

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~~4. RULES, DECORUM, AND ORDER~~

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~~4.1 POINTS OF ORDER:~~

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

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~~4.2 DECORUM AND ORDER COUNCILMEMBER:~~

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

~~b. Every Councilmember desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine discussion to the question under debate.~~

~~c. Every Councilmember desiring to question the administrative staff shall address questions to the City Manager or City Attorney who shall be entitled to either answer the inquiry directly or to designate some member of the staff for that purpose.~~

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

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~~e. If a Councilmember is called to order while speaking, he/she shall cease speaking immediately until the question of order is determined; and if ruled out of order shall remain silent or shall alter his remarks so as to comply with rules of the City Council.~~

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~~f. Any Councilmember may move to require the Presiding Officer to enforce the rules. A majority of the City Council shall require enforcement of the rules if the Presiding Officer has refused.~~

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~~4.3 DECORUM AND ORDER EMPLOYEES:~~

~~Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the City Council. The City Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Councilmember or public member.~~

~~4.4 DECORUM AND ORDER PUBLIC:~~

~~The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Public members attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. Any person making impertinent derogatory and slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the Presiding Officer so directs the sergeant at arms and such person may be barred from further audience before the City Council.~~

~~Unrecognized remarks from the audience, clapping, stamping of feet, whistles, yells and similar demonstrations which do not permit the meeting to proceed in an orderly manner shall not be permitted by the Presiding Officer, who shall direct the sergeant at arms to remove such offenders from the room if they do not cease upon request by the Presiding Officer. Aggravated cases shall be prosecuted by appropriate complaint signed by the Presiding Officer.~~

~~4.5 ENFORCEMENT OF DECORUM:~~

~~The Chief of Police shall be ex-officio sergeant at arms of the City Council. He/she shall carry out all orders and instructions given him by the Presiding Officer for the purpose of maintaining decorum in the City Council Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the Chief of Police or his representative to eject any person from the City Council Chambers or place such person under arrest or both. (Robert's Rules of Order)~~

~~4.6 PERSONAL INTEREST:~~

~~No Councilmember disqualified from participation under State Law or the City's Conflict of Interest Code shall remain at the Council dais during the debate or vote on any such matter. The Councilmember shall publicly state the grounds for disqualification on the record and upon acceptance by the Presiding Officer shall leave the Council dais during the debate or vote on the issue.~~

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~~4.7 LIMITATIONS OF DEBATE:~~

~~No Councilmember shall be allowed to speak more than once upon any one subject until every other Councilmember choosing to speak thereon shall have spoken. Merely asking a question, or making a suggestion, is not considered as speaking. (Robert's Rules of Order)~~

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~~4.8 DISSENTS AND PROTESTS:~~

~~Any Councilmember shall have the right to express dissent from, or protest to, any action of the Council and request that the reason be entered into the minutes. (Robert's Rules of Order)~~

~~4.9 PROCEDURES IN ABSENCE OF RULES:~~

~~In the absence of a rule to govern a point or procedure, Robert's Rules of Order shall govern. (Suggested League of California Cities Procedure)~~

5. ADDRESSING THE CITY COUNCIL

5.1 MANNER OF ADDRESSING THE CITY COUNCIL:

~~Any person desiring to address the City Council shall present the City Clerk with a speaker's card, stating his/her name. For purpose of staff follow up, the speaker may also provide his/her address. Each speaker shall comment only upon subjects appropriate under the agenda for that point in the meeting. All remarks and questions shall be addressed to the Chair and not to individual persons. No person shall enter into any discussion without first being recognized by the Presiding Officer. (Robert's Rules of Order).~~

During the public oral communications portion of a regular meeting, members of the public may address the City Council on agenda items before consideration or on any subject matter within the City Council's jurisdiction.

No person shall enter into any discussion without first being recognized by the Presiding Officer. (Robert's Rules of Order). All remarks and questions shall be addressed to the Chair and not to any individual Councilmember, staff member or other person.

Any person desiring to address the City Council shall present the City Clerk with a speaker's card, stating his/her name. For purpose of staff follow up, the speaker may also provide his/her address.

During a public hearing, all remarks shall be limited to the subject under consideration. For a special meeting, members of the public may address the City Council concerning any item listed on the agenda before or during consideration. Unlike regular meetings, the City Council does not have to allow public comment on non-agenda matters.

5.2 TIME LIMITATION:

Any public member addressing the City Council shall limit his address to three (3) minutes unless further time is granted by the Presiding Officer or majority of the City Council.

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5.3 ADDRESSING THE CITY COUNCIL AFTER MOTION IS MADE:

After a motion has been made, no person shall address the City Council without securing permission by a majority vote of the City Council. (Suggested League of California Cities Procedure).

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5.4 WRITTEN CORRESPONDENCE:

The City Manager is authorized to receive and open all mail addressed to the City Council as a whole, and give it immediate attention to the end that all administrative business, not necessarily requiring City Council action, may be disposed of between City Council meetings. Any communication requiring City Council action will be reported to the City Council at its next regular meeting together with a report and recommendation of the City Manager. The City Manager is authorized to open mail addressed to individual Councilmembers, unless specifically requested otherwise from an individual member.

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6. MOTIONS

6.1 PROCESSING OF MOTIONS:

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion shall not be withdrawn by the mover without the consent of the Councilmember seconding it. (Robert's Rules of Order).

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6.2 MOTIONS OUT OF ORDER:

The Presiding Officer, or a majority of the City Council, may at any time permit a member to introduce an ordinance, resolution or motion presently on the agenda

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out of the regular agenda order. (Reference Sections 2.1 and 2.7) (~~Robert's~~ Rules of Order)

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6.3 DIVISION OF MOTION:

If a motion contains two or more divisible propositions, the Presiding Officer may, and upon request of a ~~Councilmember~~ shall (unless appealed by another ~~Councilmember~~), divide the same. (~~Robert's~~ Rules of Order.)

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6.4 PRECEDENCE OF MOTIONS:

When a motion is before the ~~City Council~~, no other motion shall be entertained except the following:

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- a. Adjourn
- b. Fix Hour of Adjournment
- c. Table
- d. Previous Question
- e. Amend
- f. Postpone
(~~Robert's~~ Rules of Order).

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6.5 MOTION TO ADJOURN (Not Debatable):

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

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- a. When repeated without intervening business or discussion;
- b. When made as an interruption of a ~~Councilmember~~ while speaking;
- c. When the previous question has been ordered;
- d. While a vote is being taken.

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A motion to adjourn "to another time" (i.e., to an adjourned meeting) shall be undebatable and unamendable, except as to the time set. (~~Robert's~~ Rules of Order)

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6.6 MOTION TO FIX HOUR OF ADJOURNMENT:

A motion to specify a definite hour to which the subject meeting shall be adjourned is undebatable and unamendable, except as to the time set. (~~Robert's~~ Rules of Order)

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6.7 MOTION TO TABLE:

A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next meeting. (~~Robert's~~ Rules of Order)

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6.8 MOTION TO CALL FOR THE PREVIOUS QUESTION:

Such a motion shall be used to close debate on the main motion and shall be undebatable. If the motion fails, debate shall be reopened if the motion passes, a vote shall be taken on the main motion. (~~Robert's~~ Rules of Order)

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6.9 MOTION TO AMEND:

A motion to amend shall be debatable only as to the amendment. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and voted first, then the main motion as amended. (~~Robert's~~ Rules of Order)

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6.10 MOTION TO CONTINUE:

Motions to continue to a definite time shall be amendable and debatable as to suitability of postponement and time set for postponement. (~~Robert's~~ Rules of Order)

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6.11 GENERAL CONSENT:

Unless otherwise required as noted in Section 7.2, the City Council may by general, unanimous or silent consent do business with less regard for formal motions. Where there appears to be no objection, the formality of voting can be avoided by the Presiding Officer asking if there is any objection by any Councilmember to the proposed action, and, if there is none, the Presiding Officer

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shall announce the result. The action thus taken is by general consent of the City Council. (Robert's Rules of Order)

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7. VOTING

7.1 VOTING PROCEDURE:

Motions shall be adopted by voice vote, roll call vote or by the general consent/"no objection" method, as described in Section 6. 11. The results of the vote shall be entered in full in the minutes.

The order of a roll call vote shall be designated by the Mayor, with the Mayor voting last.

Except as otherwise provided herein, the "no objection" method for expediting lengthy agendas may be used unless any Councilmember requests a voice or roll call vote. The approval of the motion in the minutes shall be reflected as a "no objection" vote or that the motion "carried unanimously". (Robert's Rules of Order)

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Roll call votes shall be taken on all ordinances, resolutions, or orders for the payment of money unless the vote is unanimous.

7.2 VOTING:

Every ordinance, resolution or order for the payment of money requires three affirmative votes (with the exception of urgency ordinances, which require four affirmative votes). Any member may change his vote on any item before the next order of business. The votes shall be lost motions and may be reconsidered. (Robert's Rules of Order)

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7.3 FAILURE TO VOTE:

Every Councilmember should vote unless disqualified for cause. Abstentions shall not be counted as a vote.

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7.4 RECONSIDERATION:

Any member who voted with the majority may move a reconsideration of any action at the same meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council. (Robert's Rules of Order)

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8. RESOLUTIONS

8.1 RESOLUTIONS PREPARED IN ADVANCE:

Where a resolution has been prepared in advance, the procedure shall be: reading of the title by the City Clerk, motion, second, discussion, voice vote (if other than for the payment of money), and result declared. All resolutions shall be read in full, unless the full reading is waived by unanimous consent of the City Council. Items of the Consent Calendar are automatically deemed to have the full reading waived by common consent. (Suggested League of California Cities Procedure)

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8.2 RESOLUTIONS NOT PREPARED IN ADVANCE:

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Attorney to prepare a resolution for presentation at the next City Council meeting. (Suggested League of California Cities Procedure)

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8.3 URGENCY RESOLUTIONS:

In matters of urgency, a resolution may be presented verbally in motion form together with specific instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure for resolutions prepared in advance as stated in Section 8.1 shall be followed. Urgency resolutions shall be avoided except when absolutely necessary; and shall be avoided entirely when resolutions are required by law or in improvements acts, zoning matters and force account work on public project. (Suggested League of California Cities Procedure)

9. ORDINANCES

9.1 INTRODUCTION (FIRST READING):

At the time of introduction, an ordinance shall be read in full, unless, after reading the title, reading is waived by unanimous consent of the City Council. The procedure for introduction of an ordinance shall be: reading of title by the City Clerk, motion to introduce first reading, second, discussion, roll call vote, and result declared. (Suggested League of California Cities Procedure)

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9.2 ADOPTION (SECOND READING):

With the sole exception of ordinances which take effect immediately (as outlined in the following sections), no ordinance shall be adopted by the City Council on the day of introduction, nor within five days thereafter, nor at any time other than a regular or adjourned meeting.

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At the time of adoption an ordinance shall be read in full unless, after reading the title, the full reading is waived by unanimous consent of City Council. The procedure for adoption of an ordinance shall be: reading of the title by the City Clerk, motion to pass, second reading and adoption of ordinance second, discussion, vote and result declared. (Suggested League of California Cities Procedure)

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9.3 AMENDMENT FOLLOWING INTRODUCTION:

In the event that an ordinance is altered after its introduction, a motion for an amended introduction shall be required. The ordinance shall not be considered for adoption until five days thereafter and not at any meeting other than a regular or adjourned meeting. The correction of typographical or clerical errors shall not constitute making an alteration within the meaning of this Section.

9.4 EFFECTIVE DATE:

All ordinances, except as listed below, shall become effective 30 days after adoption, or upon such later date as may be designated in the ordinance. The following ordinances shall become effective immediately upon adoption:

- a. Urgency Ordinances.
- b. Ordinances calling, or otherwise relating to, an election.
- c. Ordinances relating to street improvement proceedings.
- d. Ordinances relating to taxes for the usual and current expenses of the City.
- e. Ordinances covered by particular provisions of law prescribing the manner of their passage and adoption.

9.5 PUBLISHING:

It shall be the duty of the City Clerk to cause each ordinance to be published within 15 days after adoption with the names of those Councilmembers voting for and against the ordinance.

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9.6 URGENCY ORDINANCES:

Any ordinance declared by the City Council to be necessary as an urgency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at the same meeting. Such Ordinance must be passed by a least four affirmative votes.

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10. MINUTES

10.1 PREPARATION OF MINUTES:

It is the City Clerk's responsibility to maintain the record (minutes) of City Council meetings. Minutes shall be approved by the City Council, to lend further weight to the accuracy and completeness of the record. The City Clerk shall have exclusive responsibility for preparation of the minutes and any directions for changes to conform with fact shall be made by action of the City Council.

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The City Clerk shall keep "Action Minutes" in order to maintain a full and true record of all proceedings of the City Council. The minutes shall consist of a clear and concise statement of each and every City Council action including the motions made and the vote thereon. Reasons for making motions or voting, City Council debate and audience reaction are generally not included in the minutes. Such items may be included if considered to be particularly relevant or otherwise necessary by the City Clerk.

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10.2 ABSENCE OF CITY CLERK:

If the City Clerk is absent from a City Council meeting, the Deputy City Clerk shall act. If there is none, the Mayor shall appoint one of the Councilmembers as City Clerk Pro Tem. (Government Code Section 36804)

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11. REORGANIZATION

11.1 SELECTION OF MAYOR. MAYOR PRO TEM:

Pursuant to Government Code Section 36801, the City Council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Elections Code Sections 10262 and 10263 and, following the declaration of the election results and the installation of elected officials, choose one of its members as Mayor and one of its members as Mayor Pro Tempore. The terms of office of the Mayor of the City Council and Mayor Pro Tempore shall be for one year, or until their successors have been chosen. In

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those years in which a general municipal election is not held, the City Council shall choose a Mayor of the City Council and Mayor Pro Tempore at a regular meeting in March. Nothing herein shall be deemed or construed to prohibit any person from serving any number of consecutive one-year terms in any office in this City.

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11.2 SELECTION OF CITY COUNCIL LIAISON:

After the procedure prescribed in Section 11.1 has been completed, the Mayor, with the consent of a majority of the City Council, may appoint new City Council liaisons to the various City Committees and Commissions, or as liaison to any other organization as may be appropriate. Nothing in this section would prohibit the Mayor, with approval of a majority of the City Council from making changes or other appointments during any other time.

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12. COMMITTEES

12.1 GENERAL:

The Mayor may, subject to concurrence of a majority of the City Council: (a) designate standing and ad hoc committees; and (b) make appointments to all committees.

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Each standing committee shall consist of two (2) Councilmembers. An ad hoc committee may consist of either one or two Councilmembers.

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12.2 PURPOSE:

The primary purpose of each standing committee is to provide a forum for the thorough vetting of matters within the committee's subject matter jurisdiction, before they are presented to the City Council. A secondary purpose is to provide guidance to City staff on matters within the committee's subject matter jurisdiction, enabling staff to obtain interim guidance as they develop and refine matters for presentation to the City Council. The objective is to eliminate, to the extent possible, those situations where the City Council is forced to deal with large and difficult issues at their meetings without any prior formal discussion or analytical input to guide staff's work product.

12.2 LIMITATIONS ON AUTHORITY:

No City Council committee may approve a contract or expenditure of funds.

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No City Council committee may provide any direction to City staff, the City Attorney, or consultants engaged by the City, except that a City Council standing committee may provide such direction at a duly noticed meeting of a standing committee, where such direction concerns a matter that is within the subject matter jurisdiction of the standing committee, such direction does not conflict with the policies or direction established by the City Council, and where such direction will not result in an expenditure of resources in excess of the applicable amounts allocated in the approved annual budget.

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12.3 APPLICABLE LAWS AND REGULATIONS:

All City Council standing committees shall comply with the requirements of the Ralph M. Brown Act. All City Council standing committees shall comply with the procedures set forth in Sections 1 through 5, inclusive, of this Procedural Manual, to the extent reasonably practicable. In the event of any conflicts between the provisions of Sections 1 through 5 and the provisions of this Section 12, the latter shall control.

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12.4 MEETING DATE AND TIME:

By agreement of both members, each standing committee shall establish a time and place for regular meetings, as required by the Ralph M. Brown Act. In order to minimize the extra demands on City staff, and to maximize public participation, each standing committee shall, to the maximum extent possible, conduct its business at the regularly scheduled meeting. Special meetings, while permissible when needed, are discouraged.

12.5 QUORUM:

Only one member of a committee must be present in order to establish a quorum. The scheduling of meetings so as to facilitate the participation of both members of a two-person committee is strongly encouraged.

12.6 STAFFING:

The City Manager shall appoint a staff member to be the primary staff liaison for each standing committee. The designated staff liaison shall coordinate all meetings of the standing committee, ensure that each meeting is recorded via audio-tape and cause the recorded audio-tape(s) to be delivered to the City Clerk

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upon completion of the meeting. The recorded audio-tape(s) shall be retained by the City Clerk for the same period as recorded audiotapes of City Council meetings. The designated staff liaison shall work with the City Manager to insure that the appropriate staff member(s) attend the meetings of the standing committee, and that the direction provided by the standing committee is carried out.

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12.7 AGENDAS:

The agenda for all regular meetings of a standing committee, with all background staff reports, shall be available to the public at the meeting and 72 hours in advance of the regular meeting (24 hours in advance of a special meeting) at the City Clerk's office. The Agenda may be amended in accordance with State Law, prior to any meeting.

When the City Council desires to have an item placed on an agenda for an upcoming meeting of a standing committee, the City Council shall provide the designated staff liaison with that directive at a meeting of the City Council. At that time, the City Council may also charge the designated staff liaison with the responsibility for conducting preliminary research and collecting/preparing any written materials that may aid the Committee in its discussion of the matter.

12.8 REPORT ON ACTIVITIES OF STANDING COMMITTEES:

The agendas for City Council meetings shall include a section entitled Standing Committee Updates. The Committee Chair is responsible for making a brief report on the activities of the committee to the full City Council. If there is nothing to report, then "Nothing to Report" is an acceptable comment.

All written materials presented to a standing committee are public records, and shall be maintained as directed by the City Clerk.

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13. PROCEDURE FOR FILLING CITY COUNCIL VACANCIES

Whenever State Law requires that the City Council fill a vacancy on the City Council, and the City Council determines to fill the vacancy by appointment, the City Council shall fill the vacancy as follows:

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- (a) At a regular or special meeting of the City Council, direct the City Clerk to make an application available, at the earliest possible date and time, for individuals interested in being appointed to the vacant City Council seat, and establish a reasonable due date for the applications.

(b) At a regular or special meeting of the City Council, allow all applicants to address the City Council for a specified amount of time. The presentations would be followed by public comment.

(c) After the presentations at the City Council meeting, the City Council may then elect from the following alternatives:

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i. make an appointment to fill the vacant City Council position and direct the City Clerk to administer the Oath of Office; or

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ii. defer making an appointment until Councilmembers have had additional time to consider the applicants, and a further opportunity should they wish to interview the finalists one-on-one.

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14. PRIORITY GOAL SETTING MEETING

The City Council shall hold a special study session every year, no later than the first regularly scheduled City Council meeting in April, to set priorities and goals for the subsequent fiscal year.

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