


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: February 21, 2023
To: Honorable Mayor and City Councilmembers
From: City Administration
Subject: Resolution Amending City Council Protocols (Public Comment for Items Not on the Agenda) As Discussed at the February 7th, 2023, City Council Meeting and Consideration of Amendment to Council Protocols and Approval of Policy for Process for Calling on Speakers for Public Comment for In Person/Remote Meetings
Recommendation: It is recommended that the Council of the City of Sebastopol approve the Attached Resolution for Amendments to City Council Protocols
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost: None

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION:

This item is to request that the City Council Approve the attached Resolution Amending City Council Protocols (Public Comment for Items Not on the Agenda) As Discussed at the February 7th, 2023, City Council Meeting and Consideration of Amendment to Council Protocols and Approval of Policy for Process for Calling on Speakers for Public Comment for In Person/Remote Meetings.

BACKGROUND

City Council Policy Number 5 was adopted to approve Establishing Rules for the Conduct of Its Meetings, Proceedings and Business. Tonight’s item includes the amendments to Public Comment for Items Not on the Agenda as approved at the February 7th, 2023, City Council Meeting as well as to address a policy for selection of speakers as the Council has now approved in person/remote City Meetings.

DISCUSSION:

Tonight’s agenda item is to discuss two specific amendments to the City Council Protocols.

1. Amendment as approved at the last meeting for Public Comment for Items not on the Agenda. Language has been amended as follows:

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

At the beginning of the meeting after the Statement of Conflict of Interests Section of the Agenda, time has been set aside for speakers for a period of up to Twenty (20) Minute Time Limit (Two Minutes for up to ten speakers). Additional public comment for items not on the agenda will be held at the end of the discussion and action items for up to an additional twenty (20) minutes.

ADDITIONAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

At the end of the meeting after the Regular Calendar Agenda Item Discussion and/or Action Section of the Agenda, time has been set aside for speakers for a period of up to Twenty (20) Minute Time Limit (Three minutes

per speaker for up to twenty (20) minutes total for public comments but can be reduced at Mayor's discretion depending upon the number of speakers).

A total of 40 Minutes will be allocated for Public Comments for Items Not on the Agenda (This includes 20 minutes at the beginning of the meeting and 20 minutes at the end of the meeting).

2. Process for Selection of Speakers for Public Comment for All Items on the Agenda.

As approved at the City Council Meeting of February 7th 2023, the City Council authorized In person/remote meetings for all public meetings that fall under the Brown Act. This new format will allow for in person comments as well as remote comments from the public. To maintain a fair process for selection of speakers for public comment, it is proposed that the Council determine the best and fair method for members to provide public comment.

Staff has recommended options for consideration below:

1. Mayor or designee shall ask for public comment as follows: Speakers in person to be called on first with remote speakers to be called on after the in person comments have concluded based upon the time limit.
2. Mayor or designee shall ask for public comment as follows: Speakers remote to be called on first with in person speakers to be called on after the remote comments have concluded based upon the time limit.
3. Mayor or designee shall ask for public comment as follows: Speakers to be called on in an alternate manner (One speaker in person to be called on first; then one speaker remote to be called on second with additional speakers to be called on in the same manner) based upon the time limit.
4. Mayor or designee shall ask for public comment as follows: Speakers to be called on in an alternate manner (One speaker remote to be called on first; then one speaker in person to be called on second with additional speakers to be called on in the same manner) based upon the time limit.

Once the Council has determined the process, City staff will return to a future Council meeting for amendments to the Council protocols for this item as well as an overall clean up of the policy.

CITY COUNCIL AND/OR GENERAL PLAN GOALS:

Goal 5: Provide Open and Responsive Municipal Government Leadership

5.3.3. Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Goal 6: Maintain a highly qualified Staff that works to provide services to serve and protect the residents, visitors and business of this community.

Action CHW 5c: Practice an open-door policy in City programs, and actively engage and encourage participation from all individuals regardless of ethnicity, race, religion, class, disability, sexual orientation, and gender.

ENVIRONMENTAL REVIEW

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the consent calendar.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

FISCAL IMPACT:

No known funding impact at this time for approving Amendments to the City of Sebastopol Council Protocols.

RECOMMENDATION:

That the City Council Approve the attached Resolution Amending City Council Protocols (Public Comment for Items Not on the Agenda) As Discussed at the February 7th 2023 City Council Meeting and Consideration of Amendment to Council Protocols and Approval of Policy for Process for Calling on Speakers for Public Comment for In Person/Remote Meetings.

ATTACHMENTS:

Council Policy 5/Resolution for Council Protocols

City Council Policy Number 5

Amended: February 21, 2023

All previous versions of this policy and resolution have been rescinded.

City Council Policy for Agenda Preparation

Agenda Review Committee

Standing Committee

PURPOSE: To establish guidelines for City Council Agenda Preparation and Placement of Items on an Agenda

POLICY: It shall be a policy of the City of Sebastopol to follow a prescribed procedure regarding the preparation and placement of items on a City Council Agenda.

PROCEDURE:

The Agenda Review Committee is comprised of the Mayor, the Vice Mayor, the City Manager, the City Attorney, the Assistant City Manager and the City Clerk. It shall be the responsibility of the Agenda Review Committee to prepare City Council agendas.

Agendas shall be formatted as shown on the attached exhibit; however, the Agenda Review Committee has the authority to change the order of an agenda dependent upon projected length of an agenda item. At the City Council meeting, the Mayor may reorder items on the agenda to accommodate the public or to address other concerns.

The Agenda Review Committee shall be considered a standing committee and shall be subject to the requirements of the Brown Act. All meetings of the Agenda Review Committee shall be open and public, and all persons shall be permitted to attend any meeting of the Agenda Review Committee.

Upon completion of the preliminary agenda, the City Clerk shall forward DRAFT forward agenda/calendars to the City Council and Department Heads for information within 48 hours of completion of the preliminary agenda.

The order of specific public hearing and business items is determined by the Agenda Review Committee based upon anticipated public interest, participation of paid consultants, implementation urgency/time sensitivity, and other related considerations.

In preparing the agenda, the Agenda Review Committee shall review requested agenda items for possible Council meeting date. The deadline for finalizing the agenda shall be no later than Thursday (12 calendar days prior to the City Council Meeting date) unless an item determined necessary for that agenda is requested to be placed on the Agenda.

If an item is proposed to be placed on the agenda after finalization of an agenda, the request shall be submitted to the City Manager who may consult with the Mayor.

All draft staff reports with attachments are due to the City Clerk by 11:00 am on Tuesday, two weeks in advance of the scheduled meeting. Staff reports shall be in a standard format approved by the City Manager.

All final staff reports with attachments, scanned copy and correct number of copies for City Council packets are due to the City Clerk by 11:00 am on Tuesday, one week in advance in advance of the scheduled meeting.

Any Councilmember who requests an item to be placed on the Agenda must submit their request in writing (hard copy or email) to the City Clerk no later than fourteen (14) calendar days prior to the meeting date in order for agendas to be finalized. If an item is requested after the deadline, the requesting Councilmember or staff member shall submit the item, as well as justification for the request for an item to be placed onto the agenda after the deadline. If an item is proposed to be placed on the agenda after finalization of an agenda, the request shall be submitted to the City Manager who may consult with the Mayor. At a minimum, the report must: (1) set forth a subject matter that reasonably describes the issue to be presented for consideration by the City Council; and (2) the request shall contain attachments and/or information specific to the topic of the requested item. Councilmembers may request limited assistance from staff with obtaining copies of existing materials and/or data related to their agenda item request, provided said assistance does not require any new work or independent analysis to be performed. The City Clerk shall notify the Agenda Review Committee upon receipt of the request.

The Agenda Review Committee will evaluate the request and determine if it is:

A minor work task that is consistent with prior Council direction or policy that can be accomplished with minimal resources and does not need further evaluation; or

A more substantial work task that could affect established priorities and needs further evaluation and shall be reviewed for placement on the Council agenda for discussion.

If the proposal appears to be a substantial work task, the Councilmember may request that the item be placed on the Council agenda for discussion or have the Agenda Review Committee refer the proposal to relevant City staff for brief evaluation of the work effort that would be necessary, any budget necessary, other resources that may be available to accomplish the project, the effect on existing priority projects, how the proposal might relate to existing projects, alternative means of addressing the proposal, and any other issues the City Manager and Council members should consider.

The Agenda Review Committee sets the item for placement on the agenda and informs the sponsoring Council or staff member.

Once the agenda item is scheduled to be discussed by the full Council, a brief staff evaluation is provided and the Council majority determines if the proposal should be returned with a full work task, identification of its relative priority, and request for allocation of budget or other resources necessary to address the proposal.

The addition of last-minute agenda items is discouraged, unless of an urgent nature, which will be determined by the City Manager who may consult with the Mayor.

Responsible Department originating the staff report shall review staff report for correct formatting, grammar, spelling, appearance, and format, ensuring that all supporting materials or documents are attached and complete.

The City Manager reviews all reports for content, clarity, and recommended action(s), making changes as the City Manager deems appropriate and/or making requests for additional information that the City Manager believes are necessary to present the Council with a complete report.

The Agenda Review Committee may exercise their sole discretion and judgment in deciding the timing/Council meeting date of all agenda items, with the exception of agenda items that are specifically requested by a majority of the City Council or actions that are required by law.

Any member of the public may request an agenda item be placed on the agenda. Such request shall be in writing to any member of the City Council. If a Councilmember wishes to sponsor such request, the City Councilmember shall send a request for an agenda item to the City Clerk for forwarding to the Agenda Review Committee for review.

The City Council agenda packet, including all reports, communications, ordinances, resolutions, contracts, documents, or other matters to be considered by the City Council at the regular meeting, will be available in the City Hall City Council distribution boxes no later than the Thursday preceding the Tuesday Council meeting to which the agenda packet pertains to meet posting requirements. The agenda packet will be made available for public inspection upon its distribution to the City Council. Any writings or documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will also be made available for public inspection at City Hall during normal business hours.

All agendas as of the date of approval of this document shall be formatted as shown in attachment, unless otherwise directed by the Agenda Review Committee or City Manager or City Manager designee.

As determined appropriate by the City Manager, or as requested by the City Council, the City Manager may provide the Council with periodic updates on ongoing projects.

REQUEST FOR PLACEMENT OF PROCLAMATIONS/PRESENTATIONS:

Proclamations are issued and/or scheduled for presentation at a City Council meeting at the discretion of the Mayor. Recognitions and proclamations shall be scheduled as necessary in recognition of persons or groups for the promotion of an event, service, and/or employee retirement. Requests must be submitted to the City Clerk in writing in advance of the agenda deadline as noted above. The City Manager shall inform the Mayor and shall request approval from the Mayor as to the appropriateness and scheduling of such recognition or proclamation. Upon approval by the Mayor, the City Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda. The requesting party determines whether or not he/she will be present for acceptance of such presentation.

The request should be made at least four weeks in advance of a regularly scheduled Council meeting. If approved for placement on an agenda, a representative shall be designated with contact information provided to the City Clerk as to who will be present at the City Council Meeting to accept the proclamation.

The Agenda Review Committee retains the right to modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs, or policy determinations.

The Agenda Review Committee retains the right to decide if the proclamation will be issued or not.

The Mayor shall be authorized to determine if the proposed proclamation meets the , intent of this policy. When there is uncertainty in making this determination, the Mayor will consult with the City Manager for guidance.

Once approved, the proclamation will be added to the appropriate Council agenda.

If not approved, the applicant will be notified of the decision.

If approved, the person(s) making the request must submit a copy of the proposed proclamation to the City Clerk no later than 14 days prior to the proposed City Council meeting date.

This document will be updated on an ongoing basis and modified as the City Council deems appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sebastopol that it hereby amends City Council Policy #5 on this 21st day of February, 2023.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 21st day of February, 2023, by the following vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Mayor Neysa Hinton

ATTEST:

Assistant City Manager/City Clerk

APPROVED AS TO FORM:

Larry McLaughlin, City Manager/City Attorney

SAMPLE FORMAT OF AGENDA

CALL TO ORDER

The Mayor, or in the Mayor's absence, the Vice Mayor, presides over all meetings of the City Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Vice Mayor, a Councilmember is selected from among the body to act as Chair. Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

ROLL CALL

The Mayor, or in the Mayor's absence, the Vice Mayor requests the City Clerk to conduct the roll call. The Mayor, or in the Mayor's absence, the Vice Mayor requests the City Clerk to announce the absences (excused or unexcused) of individual Councilmembers.

SALUTE TO THE FLAG

Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

ORDER OF AGENDA:

At the City Council meeting, the Mayor may reorder items on the agenda to accommodate the public or to address other concerns.

PROCLAMATIONS/PRESENTATIONS:

When appropriate, the Council recognizes years of service, volunteers, or presents special awards. In response to City Council, staff or approved citizen requests, the Mayor may issue proclamations in declaration or recognition of a special event, organization or person. At this time, either the Mayor or Mayors requests a City Councilmember(s) reads the Proclamation into the record.

PUBLIC COMMENT:

~~Speakers are allowed to speak for a maximum of three minutes so that all speakers have an opportunity to address the City Council.~~

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

At the beginning of the meeting after the Statement of Conflict of Interests Section of the Agenda, time has been set aside for speakers for a period of up to Twenty (20) Minute Time Limit (Two Minutes for up to ten speakers). Additional public comment for items not on the agenda will be held at the end of the discussion and action items for up to an additional twenty (20) minutes.

ADDITIONAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

At the end of the meeting after the Regular Calendar Agenda Item Discussion and/or Action Section of the Agenda, time has been set aside for speakers for a period of up to Twenty (20) Minute Time Limit (Three minutes per speaker for up to twenty (20) minutes total for public comments but can be reduced at Mayor's discretion depending upon the number of speakers).

A total of 40 Minutes will be allocated for Public Comments for Items Not on the Agenda (This includes 20 minutes at the beginning of the meeting and 20 minutes at the end of the meeting).

Power point or visual presentations for public comment shall not be permitted unless approved by the Agenda Review Committee two weeks prior to the requested meeting date.

Yielding Time: Speakers may not "yield" a portion of their allotted time to others.

The Mayor has the authority to limit or extend the time allowed for speakers dependent on the number of speakers in attendance.

The Mayor can poll the members of the public for an indication of the number of people wishing to

speak, then call on individuals to speak.

It is the goal of the Council to conclude the public comments for items not on the agenda portion of the agenda within 20 minutes for the first public comment portion of the agenda. If the public comment period exceeds twenty minutes, the presiding officer, typically the Mayor, reserves the right to reduce the time per speaker. ~~or carry over public comments to after all business items are completed.~~ Additional public comment for items not on the agenda will be held at the end of the discussion and action items for up to an additional twenty (20) minutes. (Three minutes per speaker for up to twenty (20) minutes total for public comments but can be reduced at Mayor's discretion depending upon the number of speakers).

A total of 40 Minutes will be allocated for Public Comments for Items Not on the Agenda (This includes 20 minutes at the beginning of the meeting and 20 minutes at the end of the meeting).

The City Clerk will monitor the time for public comments and inform the speakers when the time limitation has been reached.

The Mayor could survey the members of the public, as appropriate, to move agenda items up or back to address the members of the public items of concern.

Public participation is encouraged on all public agenda items.

Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate.

The public will likewise be encouraged by the Mayor to maintain meeting decorum.

In Council meetings when citizens are agitated, the Mayor may call a short recess to calm the situation.

If a member of the public is unable to attend the Council meeting, written communications for public comment for items not on the agenda may be sent to the City Clerk by e-mail or by regular mail.

Communications received after distribution of the agenda packet will be made available to the Council at the meeting.

For specific agenda items, written comments may be emailed to the responsible department as listed on the agenda item or to the following email addresses where all emails will be distributed to the City Council and or appropriate staff:

info@cityofsebastopol.org

citycouncil@cityofsebastopol.org

In response to public comment on non-agendized items, the Councilmembers may individually:
briefly respond to statements made or questions posed by members of the public;
ask questions for clarification;
provide a reference to staff or other resources for factual information or response;
request staff to report to the council at a subsequent meeting;
request staff to place a matter of business on a future agenda as needed.

STATEMENTS OF CONFLICTS OF INTEREST BY MAYOR/CITY COUNCILMEMBERS FOR ITEMS ON THE AGENDA

This is the time for the Mayor or City Councilmembers to indicate a conflict of interest for the agenda item(s).

CONSENT CALENDAR:

The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.

The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in

attendance. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and request at that time than at item or items removed for discussion.

If an item or items are removed from the consent calendar, the item shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration and shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor.

INFORMATIONAL ITEMS/PRESENTATION:

Informational Items or Presentations are items that are informational only and do not require action by the City Council. Presentations shall be scheduled as necessary for the promotion of an event or service or general information items to the Council.

Process for Public Hearings/Discussion and Action Agenda Items:

Mayor opens the item

Council receives Staff Report from the Responsible Department, Councilmember or Requestor of the Item

Mayor asked Council for Questions of Staff or Councilmember or Requestor of Agenda Item

Mayor Opens for Public Comment/or Public Hearing

Mayor Closes Public Comment/or Public Hearing but reserves the right to re-open the public hearing
Item returns to the Council for discussion/deliberation and/or action.

PUBLIC HEARING(s):

Public hearings are generally held following adoption of the consent agenda and public comment period and after informational items unless so re-ordered by the Mayor at the meeting. The Mayor will open the Public Hearing and ask if there are individuals who are in attendance at this meeting who are wishing to address the City Council and if so to speak from the Podium or to speak when called upon utilizing the City's virtual format (currently Zoom). Speakers are encouraged to state their name and address for the record. Comments are limited to the specific matter for which the public hearing is being held and are limited to 3 minutes, unless a shorter or longer period is determined by the Mayor. Written comments are encouraged to be submitted to the responsible City Department prior to the meeting for forwarding to the City Council. If written documents are submitted at the City Council meeting, they shall be submitted to the City Clerk for inclusion in the official City record/file. Members of the public may read their written documents into the record during the three minutes and are encouraged to provide a copy to the City Clerk. Unless read by a member of the public during the three minutes, written documents received at the meeting will not be read aloud into the record. At the end of the last speaker, the Mayor will ask if there are any additional citizens who wish to speak at the public hearing. After the public hearing is closed, no member of the public shall be permitted to address the Council or staff on that specific issue.

REGULAR CALENDAR AGENDA ITEMS (DISCUSSION AND/OR ACTION):

Regular Calendar Agenda Items are items that are for Council discussion and/ or action. Similar to a public hearing, the Mayor will open the item for public comment and ask if individuals who are in attendance at this meeting who are wishing to address the City Council and if so to speak from the Podium or to speak when called upon utilizing the City's virtual format (currently Zoom). . Speakers are encouraged to state their name and address for the record. Comments are limited to the specific

matter for which the agenda item is being discussed and are limited to 3 minutes, unless a shorter or longer period is permitted by the Mayor. Written comments are encouraged to be submitted to the responsible City Department prior to the meeting for forwarding to the City Council. If written documents are submitted at the City Council meeting, they shall be submitted to the City Clerk for inclusion in the official City record/file. Members of the public may read their written documents into the record during the public comment portion of the item and are limited to three minutes. Speakers are encouraged to provide their written statements to the City Clerk. Unless read by a member of the public during the three minutes, written documents received at the meeting will not be read aloud into the record. At the end of the last speaker, the Mayor will ask if there are any additional citizens who wish to speak at the agenda item. After public comment is closed, then no member of the public shall be permitted to address the Council or staff on that specific issue.

Reports:

City Manager/Attorney/Assistant City Manager/City Clerk Reports. This is the time for City Management to provide updates on various matters to the Council and public. (This will be either verbal or written reports provided at or prior to the meeting)

City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards)
(This will be either verbal or written reports provided at the meeting)

Council Communications Received (Information/Meetings/Correspondence Received from the General Public to Councilmembers)

CLOSED SESSION:

As needed, the City Council may adjourn to a Closed Session privately to discuss and consider matters of confidential concern to the City. Before convening into Closed Session, the Mayor shall publicly announce the purpose for the Closed Session, by Title of Item Only, the estimated time when the Closed Session will conclude, and whether the Council will reconvene to take action. (Prior to adjournment into Closed Session, the public may speak up to 3 minutes on items to be addressed in Closed Session).

A Closed Session may be extended to a later time by announcement of the Mayor. Nothing in this section shall require or authorize a disclosure of information prohibited by State or Federal law. The Brown Act requires all Council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation. Closed Sessions are typically held at the end of the regular Council meeting and, if needed, can be continued to the next regular meeting. It shall be at the discretion of the City Manager and/or City Attorney to schedule a closed session at the beginning or end of a regular City Council meeting.

ADJOURNMENT OF REGULAR MEETING

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:30 p.m., unless this provision is waived by a unanimous vote of the Council. Consideration of the agenda matter then on the floor will be continued beyond 10:30 p.m. by unanimous vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:30 p.m., the meeting will be recessed to the next regularly scheduled Council meeting or upon majority approval, to a definite time and place, and notice of such continued meeting will be given as provided by statute. No new agenda business shall be considered after 10:30 pm without agreement from unanimous vote the majority of the Council.

Resolution Number XXXX-2023

A Resolution of the City of Sebastopol Rescinding and Repealing all Resolutions in Conflict and Adopting and Establishing Rules for the Conduct of Its Meetings, Proceedings and City Business

WHEREAS, the purpose for establishing City Council Policy for the Conduct of its Meetings, Proceedings and Business is to provide an effective environment for the City Council to provide leadership;

WHEREAS, the City Administration collaborated to ensure that policies and procedures are periodically evaluated; and

WHEREAS, these rules provide clear direction to the Mayor, City Council, staff and the public in the procedures of the City's legislative body.

NOW THEREFORE BE IT RESOLVED THAT THE City Council of the City of Sebastopol approves and adopts the attached Rules for Conduct of its Meetings, Proceedings and Business attached as Exhibit A and are a part of this resolution and adopted; and

BE IT FURTHER RESOLVED that all policies, procedures and resolution in conflict with this Resolution are hereby rescinded.

IN COUNCIL DULY PASSED, APPROVED, and ADOPTED this 21st day of February, 2023.

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____
Mayor Neysa Hinton

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

EXHIBIT A

RULES FOR THE CONDUCT OF ITS MEETINGS, PROCEEDINGS AND CITY BUSINESS

Adoption of Roberts Rules of Order.

The Council adopts Roberts Rules of Order as the general procedures for conducting its meetings unless otherwise specified in these rules of conduct. Except as provided herein, other rules adopted by the City Council and applicable provisions of State law, the procedures of the City Council will be generally guided by the latest revised edition of Robert's Rules of Order. Pursuant to State law, failure to follow parliamentary rules will not in and of itself invalidate action taken by the Council. In the event of a conflict between this manual and Roberts Rules of Order, the provisions of this manual shall control. When necessary to resolve issues that may arise over process, the Mayor will refer to the City Attorney who will provide legal advice to the City Council. Upon such advice, the Council will vote and follow the decision of the majority.

Duties of Mayor and Vice Mayor

The Mayor is:

- The presiding officer of the City and of all meetings of the Council
- The official head of the City for performance of duties lawfully delegated to the Mayor
- Referred to as "chair" or "chairperson" when acting as presiding officer of legislative body meetings other than the Council; (such as the Successor Agency to the former Community Development Agency)
- Considered a member of the Council
- Shall be elected annually from among the members of the Council, by a majority vote at the Council's first meeting in December
- The Mayor or presiding officer has authority and discretion to preserve order at all Council meetings. This includes the authority to remove any person that presents a physical threat to any other person in the Council meeting, or for conduct that disrupts the meeting to prevent the orderly prosecution of the City's business. The presiding officer also has the authority and discretion to enforce these rules of the Council and to determine the order of business. The presiding officer shall have the authority to prevent the misuse of the legitimate form of motions, the abuse of privilege of renewing certain motions, or the obstruction of the business of the City Council. The presiding officer may preserve orderly business by ruling such motions out of order. In so ruling, the presiding officer shall be courteous and fair and shall presume that the moving party is making the motion in good faith.
- Entitled to make and second motions on matters before the Council and vote on actions, but shall possess no veto power over actions of the Council
- May establish reasonable time limits for the presentation of information by the public
- Due to subject matter, number of speakers, approximate length of an item, may determine, at the meeting, the re-ordering of agenda items.

The Vice Mayor:

- Shall be elected annually from among the members of the Council, by a majority vote at the Council's first meeting in December
- In the absence of the Mayor from the City of a Council meeting, the Vice Mayor shall possess all powers of the office of the Mayor, and be subject to all prescribed duties for that office

- In the absence of the Mayor and Vice Mayor from the City or a Council meeting, the Council shall appoint a member of the Council to act as Mayor Tern and shall possess all powers of the office of the Mayor

Types of Meetings:

Regular Meetings

Time and date.

The City Council of the City of Sebastopol shall hold regular meetings on the first and third Tuesday of each and every month, commencing at 6:00 p.m. on the first Tuesday of the month and at 6:00 p.m. on the third Tuesday of the month. In the event the regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting shall be held the same hour on the next succeeding day not a holiday, or on such other date as the Council may designate or shall be scheduled for cancellation upon approval of a majority of the City Council.

Meeting place.

Meetings must be held within the jurisdictional boundaries of the City with the following exceptions: Comply with court order, inspect real property, participate in multi-jurisdictional meetings, meet to confer with State/Federal officials, meet with legal counsel to discuss pending litigation, or participate as member of Joint Powers Agency.

All regular meetings of the City Council shall be held in the Sebastopol Youth Annex/Teen Center, 425 Morris St., Sebastopol, Sonoma County, California, or other such place as shall be designated in the notice of such meeting. In the event the meeting is in such place other than the Youth Annex, notice shall be given as required by law.

Whenever possible, special workshops shall take place at A location to be approved by the Agenda Review Committee. ~~Sebastopol City Hall~~

If by reason of natural disaster or other emergency it shall be unsafe to meet in approved location as determined by the Agenda Review Committee, ~~the City Hall~~, the meetings may be held for the duration of the emergency at such other place as is designated by the Mayor or by three (3) members of the City Council. City staff shall provide recommendations for locations for meetings to the City Council for final approval.

Posting of Regular Meeting

The city clerk shall post the agenda of each regular or adjourned regular meeting of the legislative body at least 72 hours in advance of the meeting in a location that is freely accessible to members of the public as required by the Brown Act. The City Clerk shall maintain an affidavit indicating the location, date, and time of posting each agenda.

Special Meetings

A special meeting of the Council may be called by the Mayor or a majority of the members of the Council. A special meeting may be called by providing notice (by personal delivery or by written notice) 24 hours in advance of the meeting to the Mayor, to all Councilmembers, and to all media outlets and persons having requested in writing notification of such meetings. Pursuant to State law, the call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business

shall be considered at such meetings. No ordinances, other than urgency ordinances, may be adopted, nor may resolutions or orders for payment of money be made.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting. Written notice may be dispensed with as to any member who, at or prior to the time and meeting convenes, filed with the City Clerk a written waiver of notice. The waiver may be given by fax, email or mail. Written notice shall be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Study/Work Session:

The Council may meet in a study/work session at such times or at such places as may be determined by the Council for the purpose of hearing reports from the staff and reviewing, discussing and debating matters of interest to the City. These sessions will be noticed as provided by law and open to the public and the press. No official action may be taken at a study session. However, Council may refer the item to staff with specific requests for information or provide specific direction to staff. During study/work sessions, Councilmembers may ask questions of staff. For those questions that staff cannot immediately answer, responses will be provided for the Council in writing or at a future Council meeting.

Closed Session Meetings:

As needed, the City Council may adjourn to a Closed Session privately to discuss and consider matters of confidential concern to the City. Before convening into Closed Session, the Mayor shall publicly announce the purpose for the Closed Session, by Title of Item Only, the estimated time when the Closed Session will conclude, and whether the Council will reconvene to take action. (Prior to adjournment into Closed Session, the public may speak up to 3 minutes on items to be addressed in Closed Session).

A Closed Session may be extended to a later time by announcement of the Mayor. Nothing in this section shall require or authorize a disclosure of information prohibited by State or Federal law. The Brown Act requires all Council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation. Closed Sessions are typically held at the end of the regular Council meeting and, if needed, can be continued to the next regular meeting. It shall be at the discretion of the City Manager and/or City Attorney to schedule a closed session at the beginning or end of a regular City Council meeting.

The purpose for which a closed session may be held, but are not limited to:

- Discussion with legal counsel on pending or potential litigation
- Property acquisition/disposition where public discussion may increase or decrease the price and influence the terms of the sale
- Matters affecting national security
- Quasi-judicial matters
- Complaints or charges brought against a public officer or employee
- Qualification/performance review of the City Manager, City Attorney or City Clerk
- Evaluate qualifications of candidates for appointment to elective office
- Planning or adopting a position to be taken during collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing proposals made in ongoing negotiations.
- Receive confidential advice from the City Attorney under the attorney-client privilege

Conclusion of Meetings:

City Council meetings will conclude no later than 10:30 p.m., unless this provision is waived by unanimous vote of the Council. Consideration of the agenda matter then on the floor will be continued beyond 10:30

p.m. by unanimous vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:30 p.m., the meeting will be recessed to the next regularly scheduled Council meeting or upon majority approval, to a definite time and place, and notice of such continued meeting will be given as provided by statute. No new agenda business shall be considered after 10:30 pm without agreement from unanimous vote of the Council.

Televised/Tapings:

Council meetings will be broadcast live on Livestream and/or virtual format (currently zoom) which can be accessed through the City's web site. Council meetings will also be stored to Live Stream and the City Web site for one year in compliance with the City's Records Retention Policy.

The Administrative Service Department in consultation with the City Clerk's office records all regular Council except for those portions of the meeting conducted in Closed Session. Recordings are available and archived for one year.

Any person attending an open and public meeting of the Council shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the Council that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

Adjourned Meetings

As permitted by law, the Council may adjourn any regular or adjourned regular meeting to a time, place, and date specified in the order of adjournment but not beyond the next regular meeting. If no time is stated in the order of adjournment, it shall be the same time as for a regular meeting.

Emergency Meetings

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities such as:

- Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Council;
- or a crippling disaster which impairs public health, safety, or both, as determined by a majority of the Council;

the legislative body may hold an emergency meeting without complying with either the 72-hour or 24-hour notice and posting requirements for regular and special meetings, but shall otherwise comply with the Brown Act procedures generally stated below.

Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to the Brown Act, shall be notified by the presiding officer of the legislative body, or designee thereof, at least one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the emergency meeting. This notice shall be given by telephone call to the numbers provided in the most recent request for notification. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

During an emergency meeting, the legislative body may meet in closed session pursuant to the Brown Act if agreed to by a two-thirds vote of the members present, being not less than three

votes of the Council. All special meeting requirements in the Brown Act shall be applicable to an emergency meeting, with the exception of the 72-hour notice and posting requirements. The minutes of an emergency meeting; a list of persons who the presiding officer of the legislative body, **Agenda Item Number: 12**
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or designee of the Council, notified or attempted to notify; a copy of the roll call vote; and any actions taken at the meeting, shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

Teleconferenced Meetings

Traditional Brown Act:

Members of the public wishing to attend meetings and address the Council via teleconference or other electronic device may do so only at duly-noticed teleconference locations set from time to time for Councilmembers' attendance in accordance with the Brown Act or use of AB 2449:

AB 2449 ATTENDANCE BY A MEMBER VIRTUALLY - PROCEDURE

Member prior to the meeting must do the following:

Notify the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for "just cause" including a general description of the circumstances relating to their need to appear remotely at the given meeting;

Just Cause - is limited to one or more of the following:

- a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely';
 - a contagious illness that prevents a member from attending in person;
 - a need related to a physical or mental disability as defined by law; or
 - travel while on official business of the legislative body or another state or local agency;
- or

Emergency Circumstances – means a physical or family medical emergency that prevents a member from attending in person.

The member requires the legislative body to allow them to participate in the meeting remotely due to the "emergency circumstances" and the legislative body takes action to approve the request.

The legislative body requires a general description (generally not exceeding 20 words) of the circumstances relating to the member's need to appear remotely at the given meeting, this shall not require a member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.

Limitations:

May not be used by a member to teleconference for a period of more than three (3) consecutive months or 20% of regular meetings (4 meetings for City Council) within a calendar year, or more than two (2) meetings per calendar year if the board meets less than ten (10) times per calendar year.

Members participating remotely must do so through **both audio and visual technology** and must **publicly disclose whether any individual over the age of 18 is present** at the remote location with the member and the **general nature of the member's relationship with the individual**.

Required Procedures for Remote Participation under AB 2449

Notice and General Description. A member shall make a written request to participate remotely at a meeting as soon as possible. The request must state whether the member is claiming "just cause" or "emergency circumstances" and shall include a general description explaining their need to meet remotely. Members must make a separate request for each meeting in which they seek to participate remotely.
Action on the Request for Remote Participation due to "Emergency Circumstances". The legislative body must take action on a request to participate remotely due to "emergency circumstances" at the earliest

opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with the requirements of the Brown Act for taking action on items of business not appearing on the posted agenda.

Limitations on Frequency. A member cannot participate solely by teleconference based on emergency circumstances for more than three (3) consecutive months or more than twenty (20) percent of the agency's regular meetings, or more than two meetings per year if the agency meets fewer than 10 times per year. A member participating remotely under the "just cause" provision is limited to two (2) remote meetings per calendar year.

Required Disclosures for Remote Participation. A member participating telephonically shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

Audio and Visual Participation Required. A member of the legislative body participating from a remote location under the AB 2449 rules for teleconferencing must participate through both audio and visual technology during the entire meeting. A member's notice and general description of need to appear remotely must include a statement that the member will participate with both audio and video capabilities turned on throughout the meeting.

Meetings to be Public

All regular, adjourned, and special meetings of the City Council shall be open and public and held in accordance with the Ralph M. Brown Act (Government Code sections 54950, et seq.); provided, however, the City Council may hold closed sessions from which the public may be excluded as allowed by law. The Brown Act strikes a balance between public access to meetings of public governing bodies and the need for confidential candor, debate and information gathering.

Attendance

Councilmembers are expected to attend all meetings of the City Council. If a Councilmember is absent without notification to the Mayor or City Clerk from all regular City Council meetings for sixty (60) days consecutively from the last regular meeting he/she attends, his/her office becomes vacant and shall be filled as any other vacancy.

Councilmembers are expected to be present at the start of the meeting, work from the agenda presented, and be attentive and prepared for the agenda item.

If a Councilmember will be absent from the meeting, the Councilmember shall notify the City Clerk of such absence as soon as possible prior to the meeting.

Cancellation of Regular Meetings

Any meeting of the Council may be cancelled in advance by a majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency, when a majority of members have confirmed in writing their unavailability to attend a meeting, when there is not a quorum at the start of the meeting, or when the agenda is such that cancelling the meeting would not interfere with normal operations of the City. The Council must meet regularly, however, at least once each month. Cancelled meetings will be noted on the agenda and posted for the public.

Quorum

The Council consists of five members, one of whom is the Mayor. Three (3) members of the Council shall constitute a quorum and shall be sufficient to transact business (other than in the case of an emergency meeting). If less than three (3) Councilmembers appear at a regular meeting, the members attending may adjourn the meeting to a stated day and hour.

At City Council Meetings, Council shall:

- Value each other's time
- Attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority
- Have the right to dissent from, protest, or comment upon any action of the Council
- Respect each other's opportunity to speak and, if necessary, agree to disagree
- Avoid offensive negative comments and shall practice civility and decorum during discussions and debate
- Assist the presiding officer's exercise of the affirmative duty to maintain order
- Shall make the public feel welcome
- Be impartial, respectful, and without prejudice toward the public
- Listen courteously and attentively to public comment
- Not argue back and forth with members of the public
- Make no promises to the public on behalf of the Council

At/For City Council Meetings, City Staff shall:

- prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule as listed in City Council Policy Number 5
- be available for questions from members in accordance with the Brown Act prior to and during meetings
- respond to questions from the public during meetings only when requested to do so by Mayor or if absent, Vice Mayor, or the City Manager
- refrain from arguing with the public or members
- switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Council meetings with the exception of **Key** City staff as determined by the City Manager or City Manager designee
- Staff shall remain objective on issues and should not be advocates for issues unless so directed by the legislative body
- To the extent permitted by the Brown Act, the City Manager shall inform the Mayor and Councilmembers of controversial, significant-impact issues that are coming before the Council

ORDER OF BUSINESS/CONDUCT OF CITY COUNCIL MEETINGS

The order of business is typically carried out as listed on the agenda format as attached to City Council Policy Number 5.

RULES OF CONDUCT

Obtaining the Floor

Every Councilmember desiring to speak will first address the Presiding Officer and gain recognition by the Presiding Officer. All Councilmembers will have an opportunity to speak. The Presiding Officer will determine the speaking order of the Councilmembers.

Introducing a Motion

At the Presiding Officer's discretion, items on the agenda may be discussed before asking for a motion and second. The Presiding Officer or any Councilmember can bring or second a motion. Before the matter can be considered or debated, it must be seconded. Once a motion has been properly made and seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Councilmember properly recognized by the Presiding Officer. It is a courtesy, but not required, to allow other Councilmembers to move and second motions, and for the Presiding Officer to be the last to debate a motion. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, provided however, any Councilmember may be allowed to explain his/her vote prior to the vote being cast.

Voting:

The Presiding Officer, Councilmember, or such member of the City staff as the Presiding Officer may designate may verbally restate each motion immediately prior to calling for the vote. The Presiding Officer in his/her discretion may publicly explain the effect of a vote for the members of the public, or he/she may direct a member of the City staff to do so before proceeding to the next item of business. All Councilmembers present at a meeting when a question comes up for a vote, shall vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. It shall be at the Mayor's discretion for the order of the vote, but typically the City Clerk shall call for the vote in alphabetical order, starting with the first letter of the last name. If the vote is a voice vote, the Presiding Officer shall declare the result and note for the record all "aye" votes and all "no" votes. The Council may also vote by roll call vote or ballot. If ballot vote is used, the Presiding Officer shall read the vote of each Councilmember to the members of the public. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record. No Councilmember shall be allowed to change their vote after an item has been closed.

Tie Votes - A tie vote results in a lost motion. In such an instance, any member of the Council 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 Councilmember who was not present for a vote may request to have the right to request a second vote with the entire Council present when the Council has a tie vote and the motion fails.

Abstention: If a Councilmember abstains because of a conflict arising under the Political Reform Act of 1974, he/she is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting"; When a Councilmember abstains or excuses them self from a portion of a Council meeting because of a conflict of interest arising under the Political Reform Act, the Councilmember must state on the record the nature of the conflict. The inclusion of this information in the public record is required by law; If a Councilmember abstains because of a conflict other than one arising under the Political Reform Act, he/she is counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."

A Councilmember who publicly announces that he/she is abstaining from voting on a particular matter may not subsequently withdraw his/her abstention.

The vote will be announced by the Presiding Officer or City staff in compliance with State law.

Types of Motions

When the following motions are made and seconded, the Presiding Officer must immediately call for a vote of the body without debate on the motion. Motions carry with the designated vote requirement: Motion to adjourn [Simple Majority Vote]. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting.

Motion to recess [Presiding Officer or Simple Majority Vote]. This motion, if passed, requires the body to immediately take a recess. In the event of a meeting disruption, the Presiding Officer can unilaterally call a recess. Normally, the Presiding Officer determines the length of the recess.

Motion to set the time to adjourn [Simple Majority Vote]. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion.

Motion to table [Simple Majority Vote]. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold" (temporarily suspending any further discussion of the pending motion). In order to bring the matter back before the City Council, a member must move to table the item and that the motion should contain an exact or approximate date in which the item will come back to the Council. If no timeframe is given in the motion, the item tabled dies, although it can be raised later as a new motion.

Motion to limit debate [Two-Thirds Vote]. This is a motion to end debate or set a time limit on the debate for a given agenda item. When such a motion is made, the Presiding Officer should ask for a second, stop debate, and vote on the motion to limit debate.

Motion to close nominations [Two-Thirds Vote]. When choosing officers of the Council (such as the Mayor and Vice-Mayor), nominations are received from one of the Councilmembers. Nominations can be closed by a vote of the Council.

Motion to object to the consideration of an agenda item [Two-Thirds Vote]. Rather than tabling, when the Council believes it is premature for an item on the agenda to be considered, then such a motion can be made during the Approval of Final Agenda item.

Motion to Move Previous Question [Two-Thirds Vote]: Any Councilmember may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A 2/3 vote is required for passage.

Motion to Postpone to Time Certain [Simple Majority Vote]. Any Councilmember may move to postpone the pending main motion to a future date as determined by the Council at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.

Motion to Commit or Refer [Majority Vote]. Any Councilmember may move that the matter being discussed should be referred to a committee or commission for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as, a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any councilmember may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a 2/3 vote if the item is to be immediately discussed by the Council at the time the motion to return is made.

Motion to Amend [Majority Vote]. Any Councilmember may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Presiding Officer.

The following actions by the Council are to insure orderly conduct of meetings and for the convenience of the Mayor and Councilmembers. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

Call for Orders of The Day. Any Councilmember may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council, by 2/3 vote, sets aside the orders of the day.

Question of Privilege. Any Councilmember, at any time during the meeting, may make a request of the chair to accommodate the needs of the council or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

Point of Order. Any Councilmember may require the chair to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the chair.

Appeal. Should any Councilmember be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

Suspend the Rules. Any Councilmember may move to suspend the rules if necessary, to accomplish a matter that would otherwise violate the rules. The motion requires a second and a 2/3 vote is required for passage.

Division of Question. Any Councilmember may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council may reconsider any vote taken at the same session, but no later than the same or next calendar day, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a Councilmember who voted on the prevailing side, must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered.

If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

Rescind. Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements of

unless otherwise specified by law.

Authority of The Chair. Subject to appeal, the chair shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

PUBLIC HEARINGS:

Public hearings are generally held following adoption of the consent agenda and public comment period. The Mayor will open the Public Hearing. Speakers will be called forward and are encouraged to state their name and address. Comments are limited to the specific matter for which the public hearing is being held and are limited to 3 minutes, unless a shorter or longer period is permitted by the Mayor. Written comments are permitted prior to and during the public hearing, and should be submitted to the City Clerk before the public hearing is closed.

Written documents will be entered into the record, but will not be read aloud. After the public hearing is closed, no member of the public shall be permitted to address the Council or staff on that specific issue.

Public notices related to public hearings, including but not limited to special council meetings, budget approval, annexations, and street vacations are published by the City Clerk in the legal section of the local paper, and on the City's website as well as mailed/distributed as required by City Municipal Code and State law.

Time for Consideration. Matters noticed to be heard by the Council shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the council at any meeting of the Council may, by order or notice of continuance, be continued or reconvened to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

Public Discussion at Hearings. When a matter for public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter. Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard.

No person may speak without first being recognized by the Mayor. Members of the Council who wish to ask questions of the speakers or each other, during the public hearing portion may do so but only after first being recognized by the Mayor. The Mayor shall conduct the meeting in such a manner as to afford due process.

All persons interested in the matter being heard by council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record. Time limits may be established by the Council, limiting the duration of presentations as set forth in these rules. No person shall be permitted during the hearing, to speak about matters or present evidence which are not germane to the matter being considered. A determination of

relevance shall be made by the Mayor, but may be appealed as set forth in these rules.

Consideration of Question by Council. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Mayor and the council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Mayor, to speak further on the question during this period of deliberation, although the Councilmembers may ask questions of the speakers if so desired.

At the conclusion of council discussion, and appropriate motion having been made and seconded, the Council shall vote on the matter.

ATTENDANCE BY THE PUBLIC:

Except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public. All persons desiring to attend shall be permitted to attend any meeting, and may address the Council on any item of interest.

To ensure full access for any member of the public wishing to speak, and to maintain a timely and efficient meeting, public comment on any one agenda item where the City Council will be taking some action is limited to no more than three (3) minutes per person (unless otherwise directed by Mayor)

In response to public comment on non-agendized items, the Councilmembers may individually:

- briefly respond to statements made or questions posed by members of the public;
- ask questions for clarification;
- provide a reference to staff or other resources for factual information or response;
- request staff to report to the council at a subsequent meeting;
- request staff to place a matter of business on a future agenda as needed.

Disability Accommodation: If a person requires a disability accommodation that extends the normal speaking time, the Presiding Officer will state that the speakers' time is being modified for a requested accommodation, and shall extend the time as is reasonable for the speaker to convey the information.

Time Allocation if Many Commenters: The Mayor shall be authorized to establish a different time limit for public comments in order to allow equal access for all those wishing to address the City Council.

Yielding Time: Speakers may not "yield" a portion of their allotted time to others.

Speakers Location: Speakers shall address the Council from the podium or to speak when called upon utilizing the City's virtual format (currently Zoom). provided for that purpose during their comment. Any written materials or items to be submitted or shown to the Council shall be given to the City Clerk, who will distribute them to Council.

Repetitious or Dilatory Comments Discouraged. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged, but not required. Whenever any group of persons wishes to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. With the consent of the City Council, the Presiding Officer may extend the time allocation for a designated spokesperson.

In accordance with the Brown Act, unduly long or repetitious comments may be ruled out of order by the Presiding Officer. The Mayor shall be authorized to limit disruptive speech that is profane, abusive, or otherwise significantly impedes the orderly conduct of any Council meeting. **Agenda Item Number: 12**
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violate this rule may be barred from attendance for the remainder of the Council meeting, provided that the Mayor has notified the person to conduct him or herself in a manner consistent with this rule, and warned the person that they will be removed if they continue to disrupt the Council meeting. If after notification and warning the person persists in disrupting the meeting, the Mayor shall order the person to leave the Council meeting. If the person does not remove himself or herself, the Mayor may request any law enforcement officer who is on duty at the meeting to remove that person from the Council Chambers.

PUBLIC REQUESTS FOR PROCLAMATIONS:

When appropriate, the Council recognizes years of service, volunteers, or presents special awards. In response to City Council, staff or approved citizen requests, the Mayor may issue proclamations in declaration or recognition of a special event, organization or person. At this time, either the Mayor or City Councilmember (as requested by the Mayor) reads the Proclamation into the record. Please see City Council Policy Number 5 for procedures for Proclamations.

CITY CORRESPONDENCE:

The Mayor is typically charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. The City Manager assists in preparing the correspondence.

Official correspondence from the City Council must be on official City letterhead and receive prior approval from a majority of the City Council. Individual Councilmembers may initiate correspondence for their own purpose using letterhead that identifies only themselves as a Councilmember. All Councilmember correspondence using City resources will be copied to the full Council. For example, responses to citizen letters will be copied to the full Council along with the original citizen correspondence.

Individual Councilmembers may occasionally prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose as stated above.

Correspondence received by City staff addressed to one councilmember will be copied to all Councilmembers.

If any Councilmember receives an email sent directly to his/her address, they are not required to share their response with the full Council. However, if they decide to share the email, they should forward a copy to the City Clerk for distribution by the City Clerk to the full Council.

On occasion, Councilmembers may wish to share an opinion on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, individual Councilmembers should clearly indicate they are not speaking for the Council as a whole, but as individuals. It is not appropriate to use City letterhead or Council titles for personal or political purposes.

External Communication.

The Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes and shall perform such other duties consistent with the office.

Signing of Documents

The Mayor will sign all ordinances, resolutions, and other documents necessitating his/her signature, which were adopted by a quorum of the City Council, unless signature authority has been delegated in the adopting action.

Outside Activities:

Councilmember Participation in Community Activities: From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of the City Council. If asked to speak or comment at a public event, Councilmembers should state that they are acting as interested parties rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Councilmember as its representative for the matter.

Serial Meetings:

Serial meetings are meetings that at any one time involve only a portion of a legislative body, but eventually involve a quorum. Serial meetings yield a process which deprives the public the opportunity for a meaningful contribution to the decision-making process.

Serial meetings may be a chain, in which member A contacts or emails member B, B then contacts C, C contacts D, and so on, until a quorum is involved. To avoid the potential of serial meetings, members shall refrain from using the "reply all" feature when responding to emails. An elected official has the right to confer with a colleague about public business. But if and when a "collective concurrence as to action to be taken" is reached, the Brown Act is violated.

Councilmembers are encouraged to consider the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

City Logo:

The City Manager or City Clerk may approve the use of the City's Logo for specific purposes by other government agencies to which the City maintains membership or which the City contributes grant funding. All authorized use of the City's logo shall be in writing, shall indicate the specific use allowed, and shall include the words "Any other use of this logo is prohibited".