



**BENICIA CITY COUNCIL  
SPECIAL MEETING AGENDA**

**Commission Room  
January 25, 2011  
6:00 PM**

*Times set forth for the agenda items are estimates.  
Items may be heard before or after the times designated.*

**I. CALL TO ORDER (6:00 PM):**

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:**

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

**III. OPPORTUNITY FOR PUBLIC COMMENT:**

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

**IV. CLOSED SESSION:**

**A. CONFERENCE WITH LABOR NEGOTIATOR  
(Government Code Section 54957.6 (a))**

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Benicia Senior Management Group, Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Subdivision (b) of Government Code Section 54957)**

Title: City Attorney

**V. RECONVENE OPEN SESSION:**

**VI. STUDY SESSION (7:00 PM):**

**A. REVIEW OF "TWO STEP PROCESS" AND RELATED COUNCIL RULES AND PROCEDURES. (City Manager)**

At the January 4, 2011 City Council meeting, the Council agreed to schedule a study session for January 25th to discuss the process related to Council requests for agenda items (i.e., the two-step process), as well as discussion of several topics related to the City Council's Rules of Procedure.

**RECOMMENDATION: Review and discuss the proposed "Two-Step Process" and related Council procedures.**

**VII. ADJOURNMENT (8:30 PM):**

<b>Public Participation</b>
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The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the

agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

**Disabled Access**

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**Meeting Procedures**

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

**Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A

complete proceeding of each meeting is also recorded and available through the City Clerks Office.

**AGENDA ITEM  
SPECIAL CITY COUNCIL MEETING DATE - JANUARY 25, 2011  
STUDY SESSION ITEM**

**DATE** : January 20, 2011

**TO** : City Manager  
City Attorney

**FROM** : Administrative Services Director

**SUBJECT** : **REVIEW OF "TWO STEP PROCESS" AND RELATED COUNCIL RULES AND PROCEDURES**

**RECOMMENDATION:**

Review and discuss the proposed "Two-Step Process" and the City Council Rules and Procedure.

**EXECUTIVE SUMMARY:**

At the January 4, 2011 City Council meeting, the Council agreed to schedule a study session for January 25<sup>th</sup> to discuss the process related to Council requests for agenda items (i.e., the two-step process), as well as discussion of several topics related to the City Council's Rules of Procedure.

**BUDGET INFORMATION:**

There is no fiscal impact.

**BACKGROUND:**

**Two-Step Process**

On September 6, 2006, the Council, in Study Session, gave staff direction to pursue a process by which policy-related requests could be periodically reviewed and scheduled for consideration based on Council priorities, interest and time available for study. As a result, the following process was developed. This process was then revisited at a January 29, 2008 Study Session. Summarized below is an excerpt from the process as presented at that study session:

**1. Making Policy Proposals**

Requests for consideration of policy matters are submitted in writing as agenda requests to the City Manager's office at any time. Policy items come from any of the following sources:

- (1) Council Member requests
- (2) Staff requests
- (3) Referrals from Two Step Policy Consideration Procedure.

The requestor indicates scheduling preference:

- (1) for placement on the list of policy proposals to be considered once per quarter for possible study by the Council, or
- (2) for placement on a regular agenda under the Council Member Requests section.

If placed on the Council Member Requests section, the Two Step Policy Consideration Procedure applies.

## **2. Two Step Policy Consideration Procedure**

In this procedure, policy requests are placed on a Regular Agenda via the attached Agenda Request Form to determine degree of interest for pursuing study or action. If there is majority interest of the Council, the policy proposal is either directed to the Policy Calendar Process for scheduling a study session or is directed to the Regular Agenda process for placing it on a future regular agenda.

## **3. Policy Issues Study Session Calendar**

In this procedure, policy requests are placed on a list of policy issues to be considered at a Quarterly Policy Issues Study Session Meeting. At this quarterly meeting, proposals are selected by majority vote of the Council for placement on the Policy Calendar.

## **4. Considerations relating to making choices among Policy proposals for Council consideration and scheduling:**

- (1) Time required for understanding by Council Members
- (2) Time required for sufficient deliberation
- (3) Time required for analysis and preparation of staff reports
- (4) Time required for public understanding
- (5) Council interest in subject
- (6) Public interest in subject
- (7) Conservation of staff time
- (8) Relationship to Council Priorities.

**Current Practice:** While there were not any noted modifications made to the above-described process at the January 2008 study session, in practice, Council Members tend to bring forward requests for consideration via the two-step

procedure, and then staff adds the item to the policy calendar and schedules for an upcoming regular meeting. While study sessions are periodically scheduled for such topics, they have not been consistently scheduled on a quarterly basis for this purpose.

Additionally, several procedural questions have been raised relative to use of the two-step process, such as whether all Council requests require the two-steps and consistent placement of the "second step" as an action item on the agenda.

At the January 4, 2011 City Council meeting, the Council agreed to agendize this discussion on the two-step process, policy calendar and monthly study sessions for a special meeting on January 25<sup>th</sup>.

**Survey of Cities:** Staff conducted a survey of several other cities as to how City Councils request an item be placed on a Council agenda. Generally, the practice is that a council member can request to have an item agendized at a council meeting under a specific section of the agenda, and/or a council member needs to make a request to the Mayor that an item be agendized. A summary chart of the various procedures for the cities contacted is attached.

**Recommended Practice:** It is recommended that Council consider utilizing the practice as outlined at the 2008 study session, with the addition of specifying a date each month for a regular Council study session. This meeting would provide an opportunity for Council to discuss agreed-upon topics during a time that is dedicated for that purpose.

In the past, it seems that scheduling such topics for regular Council meetings has been problematic, as there is often not enough time for a thorough discussion given the demands of other topics agendized for regular meetings. Additionally, the Policy Calendar would be agendized for the first meeting of each month, to allow Council and the public to stay abreast of scheduled study session dates for the various topics added to the calendar. Please see attached for a flow chart of how the proposed process would work.

Finally, it is recommended that the agreed upon two-step process be incorporated into the Council's Rules of Procedure.

### **City Council Rules of Procedure**

At the January 4, 2011 Council meeting, a number of topics related to the Council's Rules of Procedure were identified as areas the Council wished to revisit and discuss further, including:

- ❑ How the agenda is developed
- ❑ Format for special vs. regular meetings
- ❑ Order of agenda headings
- ❑ General rules for conducting meetings:
  - For example, Vice Mayor Schwartzman's previous request to discuss a council member's right to sufficient and uninterrupted floor time when asking questions, expressing opinions or developing arguments on the agenda topic at hand
- ❑ Incorporating the current Council legislative support/opposition process
- ❑ Under Hearing Procedures - it is recommended that this be modified the order of presentation section to include the public
- ❑ Under Boards and Committees, Removal of Members - it is recommended that this section be updated to conform with the applicable ordinance

A number of Rules of Procedures documents from other cities are included for the Council's review and reference, including the City of Benicia's current City Council Rules of Procedure. It is recommended that this study session be an opportunity to revisit the City's rules and provide direction to staff regarding needed updates and revisions.

Attachments:

- ❑ Summary of survey of cities
- ❑ Agenda Request Form
- ❑ Flow Chart – Two-Step Process
- ❑ Policy Calendar
- ❑ City Council of the City of Benicia Rules of Procedure
- ❑ Sample Rules of Procedure documents from other cities
- ❑ Legislative Process - Staff Report and Minutes – May 4, 2010 meeting

CITY	PROCEDURE
<b>City of Fairfield</b>	If a councilmember wishes to add an item to the agenda of an upcoming council meeting the member needs to go to the mayor to seek his/her concurrence for it to be added. If the mayor does not agree, then at the next regular council meeting, the councilmember can bring up the request and seek one other member of the council to agree. If a second member agrees, then the item is listed on the agenda for the following council meeting.
<b>City of Sunnyvale</b>	Only the Mayor or a majority of the Council may add items to the agenda. A majority of Council may also determine the date that a particular item will be considered by Council. It shall be the Mayor's prerogative to accept the date proposed by Council, or change it. When no date is specified by the Mayor or Council, the City Manager shall propose a date to be approved by the Mayor. Once an item has been added to the Tentative Council Meeting Agenda Calendar by Council, only the Mayor can change the date on which that item is scheduled to be heard. Items added to the agenda by Council are coordinated through the Office of the City Manager. The City Manager will direct appropriate staff to prepare the Report to Council and/or memo, and notify the Office of the City Clerk of the Council-added agenda item. If a memo is prepared in lieu of a Report to Council, the Office of the City Clerk will designate an RTC number to be placed on the top right-hand corner of the memo by the lead department.
<b>City of Vacaville</b>	Members bring up items at council meeting under council member comments, the majority vote to put an item on the agenda.
<b>City of Walnut Creek</b>	<p>No action or discussion shall be taken on any item not appearing on the posted agenda, except that Council Members may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code Section 54954.3. In addition, on their own initiative, or in response to questions posed by the public, Council Members may ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the Council at a subsequent meeting concerning any matter. A member of the Council, or the Council itself, may take action to direct staff to place a matter of business on a future agenda.</p> <p>The purpose of the Council Communications section of the agenda is to allow Council Members to generally discuss issues and, if necessary, to direct the City Manager to schedule them on subsequent agendas with staff reports for Council action. When a City Council Member desires to simply discuss an issue with the Council, it shall be the responsibility of the Council Member to ensure that the issue is placed on the Council Communications portion of the agenda (see 4.18) and described in sufficient detail to meet the requirements of the Brown Act. The Council Member who has requested that an item be placed on the agenda under Council Communications may have the item withdrawn or postponed until the next regularly scheduled meeting.</p> <p>If the Council Member wishes the Council to take action on the item, it should be placed on the agenda under Council Considerations, with the benefit of a staff report and background information. Council Members wishing to place items on the agenda for Council Consideration must advise the City Manager, with the consent of Council, during the Council Communications portion of a regular meeting. Once an item has been listed on the agenda, it cannot be removed by another Member of the Council without the consent of the Council Member who had originally requested it.</p>



**REQUEST FOR ITEM ON COUNCIL AGENDA**

Requested by:

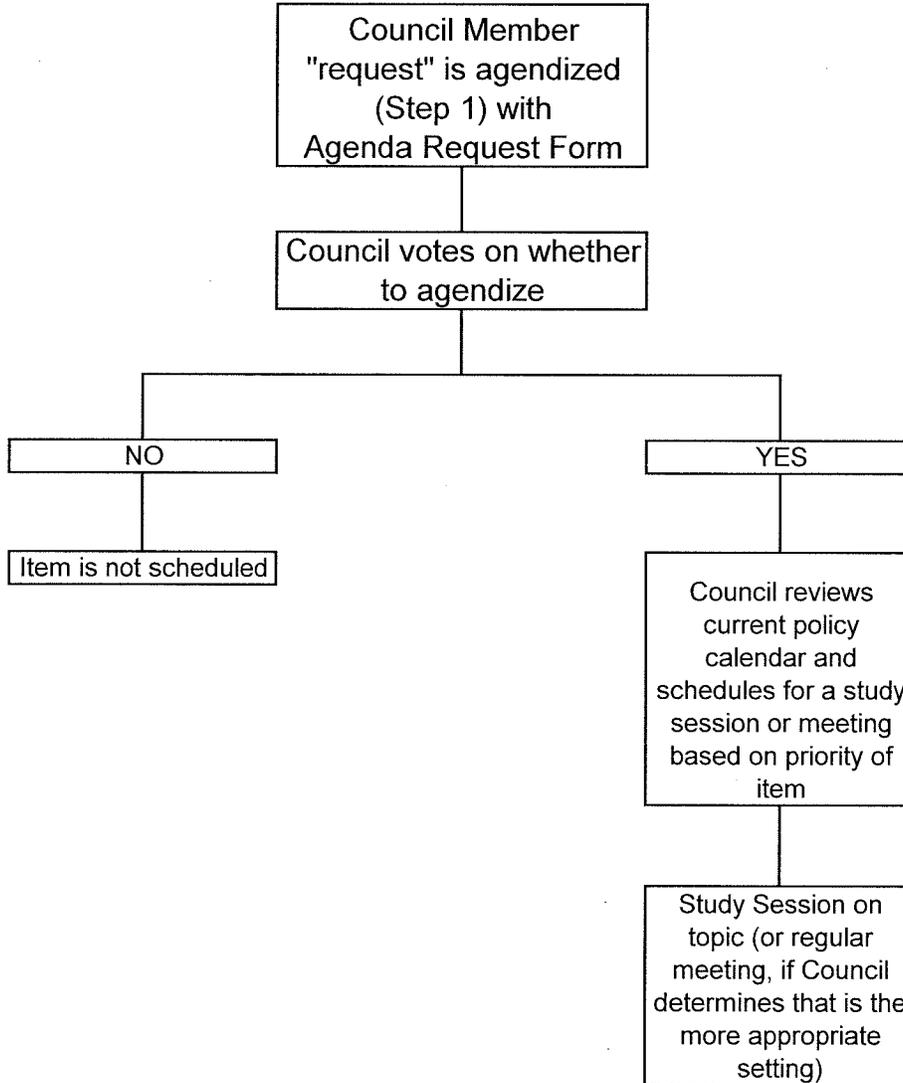
Requested Council Meeting Date:

Agenda Item Name:

**Request to agendize the.....**



## Two-Step Process





## Current Policy Calendar Projects - To Be Scheduled

Policy Calendar Item	Date Council Step 1 Approval	Last Action	Next Action
<b>Vesting Tentative Map Review</b> (Mayor Patterson)	11/18/2008	Planning Comm. 7/15/10	City Attorney to meet with Mayor re: Next Steps
<b>Garbage Franchise Agreement</b> (Council Member Schwartzman)	12/2/2008	Subcommittee met on 10/20/10	Report from subcommittee on negotiations in Jan.
<b>Local Purchasing Policy</b> (Council Member Schwartzman)	9/15/2009	Agendize for future meeting	Further discussion to occur with new CM re: Central Purchasing
<b>Healthy Communities Policy</b> (Council Member Ioakimedes)	10/20/2009	Agendized 10/5/10	Resolution to go to Council on 12/7/10
<b>Anti-Smoking Ordinance</b> (Mayor Patterson)	10/20/2009	Parks Commission approved in Nov.	Review with Chamber and Main Street
<b>Tourism Event Policy</b> (Mayor Patterson)	11/17/2009	Agendize for future meeting	TBD
<b>Finance, Audit and Budget Committee Mission/Scope Enhancement</b> (FAB)	N/A	Discussed at 9/7/10 City Council meeting	Draft ordinance for Council review
<b>Port Tax</b> (Council Member Campbell)	8/17/2010	Agendize for future meeting	TBD
<b>Police Building Space Needs</b> (Staff)	9/26/2008	Agendize for future meeting	TBD
<b>Lower Arsenal Plan</b> (Staff)	N/A	Planning Comm. 7/8/10 (Rec. changes to Plan and EIR)	TBD (Direction to staff regarding timing and options for modifying)
<b>Two Step Process</b> (Vice Mayor Schwartzman)	10/19/2010	Agendize for future meeting	TBD
<b>Discussion of Orange Co. proposal to form a new non-profit association to advocate on behalf of its members for the preservation and enhancement of local control</b> (Mayor)	12/7/2010	Agendize for future meeting	TBD



**RESOLUTION NO. 08-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS**

**WHEREAS**, the City Council of the City of Benicia desires to have all citizens fully participate in the proceedings of the City Council; and

**WHEREAS**, the City Council must consider many public matters which vitally affect the interest of the citizens of Benicia and it is both necessary and desirable that these meetings be regulated in order to permit the Council to give consideration and public discussion to the more important public issues; and

**WHEREAS**, it is the purpose of this resolution to provide for the orderly and expeditious conduct of Council meetings in a manner which will give adequate consideration and public discussion to all matters affecting the City; and

**WHEREAS**, Government Code Sections 36813 and 54954.3 give the City Council discretion to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings.

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Benicia as follows:

Section 1. The City Council of the City of Benicia approves and adopts the Rules of Procedure attached hereto as Exhibit "A" and by this reference incorporated herein.

Section 2. This resolution shall supersede any and all Rules of Procedure previously adopted by the City Council.

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On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 4th day of March, 2008, and adopted by the following vote:

Ayes: **Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson**

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

EXHIBIT A

CITY COUNCIL OF THE CITY OF BENICIA  
RULES OF PROCEDURE

I. AGENDA

A. SECTIONS

The agenda shall consist of the following sections in order:

1. CALL TO ORDER  
Announcement of Closed Session (If Any)
2. CLOSED SESSION (If Any)
3. CONVENE OPEN SESSION  
Roll Call  
Pledge of Allegiance
4. ANNOUNCEMENTS, APPOINTMENTS, PRESENTATIONS /  
PROCLAMATIONS

This section includes announcements by the Mayor, appointments to City boards and commissions, and scheduled presentations. Presentations are limited to a maximum of ten minutes to allow the Council to have adequate time to address the agendized items of business.

5. ADOPTION OF AGENDA

The Council, by majority vote, shall adopt the agenda as final. Following such adoption, agenda items may not be added, removed or their order changed unless by the unanimous consent of the Council Members present at the time the agenda was adopted as final. All matters shall be considered by the Council in the order listed on the agenda adopted as final, to the extent of time available. Only matters on the agenda as adopted final or modified under this section may be considered. Agenda items not considered or completed at a meeting for lack of time become agenda items at the following meeting in accordance with Section 5.

6. OPPORTUNITY FOR PUBLIC COMMENT:

- (a) Written: All written communications suitable for the agenda, received since the preparation of the

subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda in a preceding section, shall be listed in this section in the order received.

(b) Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia, provided, however, that:

(1) any item raised by a member of the public which is not agendized, but may require Council action, shall be automatically referred to the City Staff for investigation and disposition, unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency or the need to take such action arose after the posting of the agenda within the meaning of Government Code §54954.2(b). In either event the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made, may take action thereon.

(2) in order to allow the Council to have adequate time to address the agendized items of business, public comment under Opportunity for Public Comment will be limited to five (5) minutes per speaker on non-agendized items.

(3) the Presiding Officer may allow up to 10 minutes for a speaker to speak on multiple agenda items under Opportunity for Public Comment.

(4) all public comments are also subject to the provisions of Section II below.

## 7. CONSENT CALENDAR

Items listed under the Consent Calendar are considered routine and will be enacted, approved or adopted by one (1) motion unless a request for removal for discussion or explanation is received from a Council Member, staff, or a member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

8. PUBLIC HEARINGS

This section of the agenda is for the City Council to conduct Public Hearings and to hear properly noticed appeals.

9. ACTION ITEMS

Items listed in this section are those which are likely to require discussion prior to Council action. Routine agenda items that are under \$50,000 and/or are already included in the budget may still be listed under the Consent Calendar.

10. INFORMATIONAL ITEMS

Items in this section may include status reports on a variety of topics. For example, City Manager Reports are to be placed under this heading. Items listed in this section are typically for information only and may not require action.

11. COUNCIL MEMBER REPORTS

This section contains reports from Council Members. It also provides an opportunity on the agenda for Council Members to make requests for future agenda items.

12. ADJOURNMENT

B. PREPARATION

1. The Mayor and the City Manager shall prepare an agenda for each meeting of the Council. Items to be included on the agenda must be submitted to the City Manager in writing by noon on the 7th working day preceding the regular meeting. Any Council Member may request that a new item be placed on the agenda. Items shall be placed on the agenda in their appropriate section with the item title specified by the requesting Council Member.

To place a review of a matter decided in the last year on a future agenda requires three affirmative votes. See 1.B.2 below.

2. Council Members may request the full City Council review a matter that has been decided in the last year by following the procedures set forth in 1.B.1 above. A brief write-up of the matter and date of last action must be included on the Request for Policy

Consideration Form (Appendix A). The request for a review will be placed on the agenda in Section 11 as appropriate.

3. The City Manager will inform the Council and public of the tentative, upcoming issues on the next Council agenda on the afternoon of the 5th working day preceding the regular meeting.
4. The City Manager shall prepare and provide each Council Member and the City Attorney, an agenda packet not later than the Wednesday preceding each regular meeting. The City Manager shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to every person who has requested the same in writing during the preceding year, has provided stamped self-addressed envelopes and has paid the applicable fee. The agenda packet will be available for those persons so requesting at the time the agenda is posted or upon distribution to all, or a majority of, the Council Members upon payment of the applicable fee.
5. Staff support for requests from individual council members shall be limited to 15 minutes of staff time. Research, report writing, compilation of materials, etc. in excess of 15 minutes shall not be undertaken unless approved by a majority of the City Council.

## II. PUBLIC PARTICIPATION

### A. RECOGNITION

No person may address the Council without the permission of the Presiding Officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the Presiding Officer is obligated to recognize members of the Council and staff prior to opening up items for public discussion.

### B. ADDRESSING THE COUNCIL

Those persons desiring to speak on an agenda item, on a Public Hearing agenda item, or under Opportunity for Public Comment are requested to, but not required to, complete a Speaker's Card and present it to the City Clerk at the beginning of the meeting or upon their arrival in the Council Chambers. The Presiding Officer shall recognize speakers on an agenda item when that item is before the City Council for consideration. (This includes any comments pertaining to the Announcements/Appointments/Presentations/Proclamations section of the agenda.) The Presiding Officer shall recognize speakers on Public

Hearing items at the Public Hearing. The Presiding Officer shall recognize speakers on matters not on the agenda under the Opportunity for Public Comment portion of the agenda. Persons addressing the Council shall do so only at the speakers' rostrum and should begin, but are not required to do so, by stating their name and address for the records. All remarks shall be addressed to the Council as a body and not to any member thereof, or to staff, or to the public. No person other than a member of the Council, the City Manager, or the City Attorney and the person having the floor, shall be permitted to enter into any discussion without the permission of the Presiding Officer.

C. LIMITS

Each speaker shall speak only once on an agenda item and limit his/her remarks to five (5) minutes when speaking at the time of the agendized item or when speaking on non-agendized items under Opportunity for Public Comment, except as otherwise specifically provided for in these Rules or the Open Government Ordinance, or except as time is extended by the Presiding Officer with the consent of a majority of the Council. Each speaker shall avoid repetition of the remarks of prior speakers and speak only to the specific agenda item under consideration.

In accordance with the Open Government Ordinance, the Presiding Officer may request spokespersons be designated to represent similar views. The time limits and order for speaking shall be in accordance with the provisions for Spokespersons in III. C. below.

D. QUESTIONS

Following each speaker's remarks, each Council Member shall be given the opportunity to comment further and to address questions to the speaker. The speaker may not be permitted or required to answer such questions if a majority of Council Members present other than the questioner object.

III. HEARING PROCEDURES

- A. A Public Hearing should not exceed one hour in length.
- B. The procedures for Public Hearings are as follows:
  - 1. Presentation by Staff.
  - 2. Presentation by Proponents.
  - 3. Presentation by Opponents.
  - 4. Rebuttal by the Proponents.

5. The Presiding Officer shall recognize supplemental speakers as required by law or deemed appropriate to gather information relevant to the matter before the City Council. Supplemental speakers shall limit their remarks to presenting new information not already covered by other speakers, and must limit their presentation to five (5) minutes.
  6. Following the public portion of the hearing, the Presiding Officer shall declare the public portion of the hearing closed and the matter is then before the City Council for the Council portion of the hearing. Each Council Member shall be given an opportunity to speak to the subject. When the Council discussion has been concluded, the Council shall make its decision.
- C. Spokespersons for the Proponent and Opponent shall each have fifteen (15) minutes to present their case. The spokesperson for the Proponent shall have five (5) minutes to present any rebuttal.

#### IV. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

##### A. CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City Government with such duties as the Council may specify, not inconsistent with the City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Code.

##### B. MEMBERSHIP AND SELECTIONS

1. Membership and selection of members shall be as provided by the Council if not specified by the City Code. The names of the proposed appointees shall be posted five (5) working days prior to the appointment being made.
2. For appointments to a board or commission where state law provides for appointment by the Council as a whole, any Council member may nominate a person for appointment. The Council shall then vote on the nominee at the following Council meeting.

C. REMOVAL OF MEMBERS OF COMMITTEES, BOARDS & COMMISSIONS

The Council may remove any member of any committee, board or commission which it has created by an affirmative vote of at least four (4) members of the Council, if removal is not specified in the City Code.

V. RULES OF ORDER

A. QUORUM

Three Council Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings of the Board. If a quorum is not present within one hour after the time noticed for commencement of the meeting and thereafter any Council Member who was present at the end of such hour leaves and does not return, no meeting shall be held on that date notwithstanding the later presence of three (3) or more Council Members.

B. RIGHT TO THE FLOOR

A Council Member shall not have the right to the floor without being recognized by the Presiding Officer, except upon a point of order.

C. ORDINANCES, RESOLUTIONS, AND MOTIONS --- PRECEDENTS

When any ordinance, resolution, or motion is properly brought before the Council and seconded by another Council Member, no other action shall be considered except a point of order, or a motion to adjourn, to table, to table to a time certain, to close debate, to refer or to amend. Such items shall have precedence in the order stated in the preceding sentence. Points of order shall be ruled upon by the Presiding Officer, provided that such ruling may be overridden by a majority of the Council. All of such motions, except motions to amend, shall be put to a vote without debate and decided by a majority. Any of the foregoing motions shall be in order anytime the speaker is duly recognized, except when repeated without intervening business or discussion, or if made when the motion to close debate has been adopted or while a vote is being taken.

1. MOTION TO TABLE

If a motion to table without time certain passes, consideration of the matter may be resumed only upon the motion of a member voting with the majority on the motion to table.

2. MOTION TO CLOSE DEBATE

When a motion to close debate is duly made and seconded, there shall be no further debate. If the question carries, the Presiding Officer shall put pending amendments to a vote, without debate, in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the Council.

3. RECONSIDERATION

Providing that no intervening rights shall be prejudiced, any Council Member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. After a motion for reconsideration has been acted upon, no other similar motion shall be made without unanimous consent.

4. VOTING

Unless otherwise required by applicable law, three affirmative votes are required to enact an ordinance, to adopt a resolution, or to adopt a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other motions, unless otherwise required by applicable law. A "majority" refers to a majority of the quorum present. All ordinances, resolutions and appointments shall be adopted by a roll call vote. All other matters may be referred to a voice vote unless a roll call is requested by any Council Member. On all matters for which a voice vote is authorized, the Presiding Officer may ask for, "objections to the question". If no objection is expressed, the Presiding Officer shall, "so order" and the minutes shall record a unanimous vote in favor. If any Council Member objects to the procedure, a roll call vote shall be called in the normal manner.

D. ADJOURNMENT

It is the desire of the City Council to adjourn their meetings by 11 p.m. Therefore, no new business will be taken up by the Council after 11 p.m. unless the City Council adopts a motion to continue. The remaining items will be placed on the next regularly scheduled Council meeting in the appropriate section of the agenda, unless the City Council calls for a special meeting to consider one or more of the continued items.

E. DIVISION OF THE QUESTION

If a matter properly put before the Council contains two or more separable propositions, the Presiding Officer shall, with the consent of one other Council Member, divide the question into its separable parts for consideration in order.

APPENDIX A

REQUEST FOR POLICY CONSIDERATION

Requested by: \_\_\_\_\_

Council Meeting Date: \_\_\_\_\_

Problem/Issue/Idea Name: \_\_\_\_\_

Description of Problem/Issue/Idea \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COUNCIL DIRECTION

No Further Action

Refer to:    Staff \_\_\_\_\_  
                  Commission \_\_\_\_\_  
                  Board \_\_\_\_\_  
                  Committee \_\_\_\_\_

Date Due: \_\_\_\_\_

## **Fairfield City Council Process Agreements** (January 30-31, 2009)

### **1. Review Process for Putting Agenda Together as It Relates to Position of Items**

**Agreement:**

Controversial issues will be placed early in evening and noticed. Retain old business and then new business in agenda sequence. Currently have flexibility/latitude on council agenda to move items before other items. The goal is to move up items on the agenda that will attract large numbers of the public as soon as it is known there will be large number of people attending the meeting. Suggestion: Have a disclaimer on the agenda reading: "Depending on public interest, items may be moved forward in the agenda."

Level of Agreement: All councilmembers concurred with this agreement.

### **2. Process for Adding an Item to City Council Agenda**

**Agreement:**

If a councilmember wishes to add an item to the agenda of an upcoming council meeting, the member needs to go to the mayor to seek his/her concurrence for it to be added. If the mayor does not agree, then, at the next regular council meeting, the councilmember can bring up the request and seek one other member of the council to agree. If a second member agrees, then the item is listed on the agenda for the following council meeting.

Level of Agreement: All councilmembers concurred with this agreement.

### **3. Recognition and Presentations**

**Agreement:**

Presentations are put on the agenda with concurrence of the city manager and mayor. It is difficult to set a firm rule that will cover all situations. Mayor and city manager will use their best judgment on scheduling presentations and recognitions. Time limits shall normally be 5 to 10 minutes (made clear to all parties for presentations during council meetings). Presentations may be extended by special circumstances as needed. Exceptions can be made at city manager or mayor's discretion.

Level of Agreement: All councilmembers concurred with this agreement.

### **4. Managing the Pace of Council Meetings Agreement**

**Agreement:**

OK to have dialog on selected issues as warranted. Members may call for "expanded dialogue" as an understood phrase. At this point, the mayor will set a time limit on the expanded dialogue.

Level of Agreement: All councilmembers concurred with this agreement.

## 5. Study Session Process

### Agreement

The purpose of study sessions is to educate and inform the council on particular city issues and to encourage councilmembers to ask wide-ranging questions. The study session is the opportunity for the council to come together to discuss city issues among themselves. Study sessions have a different format than a council meeting.

- a. Staff will come to council in open session under the city manager's report prior to a scheduled study session to get council direction on the study session to be held. Staff will come to the open session with the list of topics for the study session for council review.
- b. Councilmember deadline for submitting questions to be answered prior to the study session is 8:00AM Thursday prior to Tuesday study sessions. Questions received after the deadline will be answered at the study session. Councilmembers expressed a desire to receive information in a timely manner. This process and timeline will be monitored and discussed at future council meetings.
- c. Staff will respond to questions via e-mail by the end of business Friday. Early questions give staff more time to respond. Background material must be manageable for all to have time to read.
- d. Councilmembers including the mayor can excuse themselves after 9:00PM; however, those who wish to continue may do so. Extensions after 9:00PM require a decision by the council to extend the session. This normally would be in 30-minute time blocks. Study sessions will end when there is no longer a quorum of the council or those present are not willing to extend the session.
- e. Time will be devoted at study sessions to discuss questions and issues. In some cases, the council may request a more detailed staff report. Normally, executive summary style of staff reporting will be used.

Two kinds of study sessions:

- Creates a chance for councilmembers to interact and have expanded dialog among each other. This allows open, free-wheeling dialog, as well as allowing councilmembers to ask questions among themselves. Councilmembers commit to coming to this type of study session prepared. Brief or no staff presentation in this type of study session.
- Provides an opportunity to educate constituents on an issue. Most likely the staff presentation would be longer for this type of study session. One example is budget presentation. Budget study sessions will be televised on Channel 26. Topics for study sessions will be chosen by the council. In addition, the council will regularly schedule a session to review progress on longer term on-going projects.

Level of Agreement: All councilmembers concurred with this agreement.

## **6. Questions and Follow Up Questions During Council Meetings**

### **Agreement:**

Generally one question and one follow-up with permission to ask for additional follow-up questions are permitted. Another option is for a councilmember to request a certain amount of time (generally no more than 5 minutes) to pursue a series of questions. These guidelines may be varied at the discretion of the mayor. If the issue involves an appeal by a member of the public, on a case-by-case basis, the mayor and council may allow the appellant additional time to state his/her position.

Level of Agreement: All councilmembers concurred with this agreement.

## **7. Amount of Staff Time and Resources Spent on Individual Councilmember Inquiries Before Requiring Council Concurrence**

### **Agreement:**

Ranking of priorities:

- a. Constituent: priority to get an answer right away.
- b. Small/simple question: OK to go ahead (city manager and city attorney alert council if it will take a significant amount of research).
- c. If significant work involved, there must be 2 votes to put it on the agenda for discussion and 3 votes to approve the work to be done.

On those occasions when a councilmember asks for information or research that costs a significant amount of money or takes a great deal of staff time, the city manager will first give the councilmember a brief summary reply of the issue and let the council know that any further information would likely take significant amounts of time, resources, and dollars and will need to be brought to the council as a whole. The council agreed to support the city manager in making these decisions and to review the effectiveness of this agreement and process periodically. When a councilmember does need to talk to a staff member to answer questions or provide information that does not require significant amounts of research the council understands that they will direct this question or concern to the department head of city manager first. Councilmembers understand that staff members need not interrupt their normal duties to respond to council requests unless the councilmember indicates it is an emergency.

If is further agreed that information requested by one councilmember will be shared with all councilmembers.

Level of Agreement: All councilmembers concurred with this agreement.

## **8. Chain of Command**

### **Agreement:**

Relationship of city council and staff: It is important to stay with the chain of command. City councilmembers should work through city manager and city attorney. Council is welcome to have contact with any city employee, but requests for information should go through the city manager and or executive management team.

Council agrees to stay within the chain of command. All councilmembers are free to speak with anyone within the organization as long as not directing them. Keep the city manager informed of contacts made.

Level of Agreement: All councilmembers concurred with this agreement.

## **9. Public Relations**

### **Agreement:**

- a. Council is comfortable with current manner in which the mayor handles routine contacts with media regarding city business.
- b. Mayor will serve as the general spokesperson for the city.
- c. When council has not taken a position on an issue, neither the mayor nor any member of the council will speak on behalf of the council. In these situations, the mayor or councilmember will use a phrases like, "Council has not taken an official position. Personally this is what I think..."
- d. Councilmembers should not second-guess the city manager and staff. Staff can e-mail councilmembers on hot issues coming up but councilmembers should not confer with each other on the hot issue outside of council meetings.
- e. The council will develop a tool for more specific direction to council subcommittees and commission subcommittees. See attached form for reference.

Level of Agreement: All councilmembers concurred with this agreement.

## **10. Placing Articles on Controversial Issues in Observer, Channel 26, and the City Website**

### **Agreement:**

- a. Articles are to be impartial.
- b. Placement of political issues requires a council decision.
- c. If the political piece is approved, staff needs to produce it without city council input.
- d. Items need to be reviewed by the city attorney's office for impartiality in accordance with state law.

Level of Agreement: All councilmembers concurred with this agreement.

## **11. Councilmembers Receiving Same Information**

### **Agreement:**

All councilmembers will receive the same information.

Level of Agreement: All councilmembers concurred with this agreement.

## 12. Ground Rules and Principles for City Councilmember Conduct at Council Meetings or Study Sessions

### Agreement:

Ground rules and principles

### DO AVOID

- Everyone has the right to be heard respectfully.
- Avoid wording or phrasing that tends to “shut members down” by characterizing them personally in a negative way or characterizing their ideas in a way that becomes personal.
- Avoid personal attack and language that is demeaning.
- Focus on the issue not the person. It is acceptable for the council to question issues, decisions, projects, and process but to not personalize this with regard to staff members in public session.
- Use phrases such as “I see it differently”. “My understanding is...” Avoid seeking to make the other person wrong or demeaning them. “You are wrong to believe...”

### DO

- Be careful how you say what you say and be aware of physical clues, body language. Avoid being too thin-skinned.
- Listen fully without interrupting.
- Avoid correcting others behavior in public settings, especially in two areas – relevance of comments to the topic and length of comments – this is the prerogative of the mayor/chair of the meeting.
- Let the mayor balance the tension between moving on in order to get through issues; AND creating the opportunity for members to explore the issue as needed to reach a decision.
- Allow the mayor to run the meeting. Councilmembers to direct their process concerns to the mayor for action.
- Have a “code phrases” or process for “expanded dialogue” with a time limit – Mayor in control of process.
- Avoid people moving beyond their roles or taking over the mayor’s role.
- Avoid pointing out ground rules to others and overlooking ground rules when topic is particularly important to you.
- Use “code phrases” for process and ground rules that councilmembers abide by.
- Council agrees to have the mayor call for a recess when a situation is volatile.

- If there are citizen inquiries to council during public comment, the mayor will direct the questions to staff to be handled outside of the meeting.
- At public meetings, council should praise in public and criticize in private.

Level of Agreement: All councilmembers concurred with this agreement.

### **13. List of Code Phrases**

#### **Agreements:**

The council agreed to develop additional coded words as needed. Current list:

“Expanded dialogue”

“Can we move on?”

Level of Agreement: All councilmembers concurred with this agreement.

### **14. Council Appointments**

#### **Agreements:**

When a councilmember cannot attend a meeting of a committee, they will call their alternate in advance. Councilmembers also agreed to periodically report back to the full council on their committee assignments. Councilmembers are welcome to attend committees on which they are not the designated representative or alternate (As a courtesy, try to notify representatives if possible). If 3 or more councilmembers are present at any of these meetings, the non-representative councilmembers must not participate in the meeting.

Level of Agreement: All councilmembers concurred with this agreement.

 <b>Council Agendas</b>	<b>Administrative Policy Manual</b> <b>Chapter 2 – Council Assistance</b> <i>Article 1</i>
	<b>Attachments:</b> 2.1A) Sample Council Agenda 2.1B) Council Agenda Request Form
<b>Effective Date:</b> 1/29/09	<b>Responsible Department:</b> OCM
<b>Prior Version &amp; Notes:</b> <ul style="list-style-type: none"> <li>• See also Chapter 2, Article 2 – <i>Report to Council (RTC) Format and Content</i></li> <li>• Prior Versions: October 1998, October 26, 2004, March 14, 2007</li> </ul>	

**Section 1. Purpose**

The purpose of this policy is to establish agenda preparation responsibilities and procedures for regular meetings of the City Council. Section 608 of the City Charter provides that regular meetings shall be held twice every month. By established practice, the Council regularly meets each Tuesday at 7 p.m. with the exception of certain recesses and holidays, or unless a meeting is specifically canceled. Special meetings and emergency meetings may be called as needed, under Section 609 of the City Charter. See also California Government Code Sections 54956 and 54956.5.

**Section 2. Policy**

**Subd. 1. Definitions**

**Agenda Order and Description of Business:**

- **Closed Session** portion of the agenda is for items exempted from public disclosure by the Brown Act. If a Closed Session is scheduled before the start or after the adjournment of the regular session of a Council meeting, or as a special meeting, relevant information about the item must be provided to the Office of the City Clerk for inclusion on the agenda (title, time, place, Government Code Section, etc). Because of the nature of Closed Sessions, these items do not require any documents for the agenda packet. If there are documents prepared, they are confidential and not for public dissemination or disclosure. Any direction given or action taken at Closed Sessions is reported by Council as required by Government Code Section 54957.1.
- **Study Session** portion of the agenda is for items presented to Council by staff for information, education and discussion purposes only, to increase understanding of the subject. Study Sessions are open to the public. If a Study Session is scheduled before the start or after the adjournment of the regular session of a Council meeting, a title or description of the item and time must be provided to the Office of the City Clerk for inclusion on the agenda. A separate agenda for the Study Session shall be prepared by the lead department and provided to the Office of the City Clerk for inclusion in the agenda packet. Any reports or associated materials for the Study Session will be distributed with the Council agenda packet.

Following the Study Session, the lead department must also provide a summary of the Study Session (“Study Session Summary”) to the Office of the City Clerk for placement on the agenda of the next scheduled Council meeting.

- **Special Order of the Day (SODs)** portion of the agenda is for recognizing individuals, groups, and organizations for their contributions to the community. SODs take the form of certificates of appreciation, proclamations, or resolutions (see Council Policy 7.3.20). In all cases the Mayor decides whether or not the recognition will be presented during a Council meeting.
- **Public Announcements** provides an opportunity for the public to make announcements of concern and interest to the community such as community events, programs or recognition. Specific announcements are not scheduled or listed on the agenda in advance and speakers are limited to three minutes, although this time limit may be extended at the Mayor’s discretion.
- **Scheduled Presentations** portion of the agenda is for individuals or representatives from outside agencies, groups and organizations to give presentations to the Council about matters of mutual interest. A presenter’s time could range from 5 to 15 minutes. These items are scheduled with the City Manager’s office and approved by the Mayor in advance of the completion of the final agenda.
- **Consent Calendar** portion of the agenda is where routine items are considered and may be acted upon by one motion and one roll call vote. Items suggested to go on the agenda as “consent” should be non-controversial and not thought to generate Council or public discussion. Consent items also include items that have been considered by Council at a previous meeting where public testimony was received, such as the adoption of a previously introduced ordinance. Consent items are written “Reports to Council” (see Chapter 2, Article 2 – *Report to Council Format and Content*) but do not warrant verbal staff reports on the evening that Council takes action unless specifically requested by Council or the City Manager. Any Council member or member of the public may remove, prior to approval of the Consent Calendar, an individual item or items from the Consent Calendar for separate Council consideration and action.
  - **Initial** portion of the Consent Calendar is for “standing” items that recur or get updated each week and contains Council actions or direction (i.e. Council minutes and Information/Action Items Council Direction to Staff list).
  - **Fiscal Items** portion of the Consent Calendar is for items that have a fiscal impact to the City.
  - **Personnel Items** portion of the Consent Calendar is for items related to Human Resources.
  - **Contracts** portion of the Consent Calendar is for development or renewal of binding contracts or agreements with the City.

- **Other Items** portion of the Consent Calendar is for items not identified in other subcategories.
- **Staff Responses to Prior Public Comments** portion of the agenda is reserved as an opportunity for the City Manager or designee to verbally (no written report required) provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings.
- **Public Comments** portion of the agenda is for the public to present items other than public announcements which are not scheduled in advance or listed on the agenda but are under the subject matter jurisdiction of the City Council. Under State Law, the Council cannot take action on such items except to direct the City Manager and/or City Attorney, unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled Council meeting. Items raised by the public may be referred to staff or placed on the agenda of a subsequent meeting by the Council. A total of 15 minutes is allotted for all comments under 'Citizens to be heard', but this time limit may be extended at the Mayor's discretion.
- **Public Hearing/General Business** portion of the agenda is for items that warrant individual discussion and consideration by the Council after a verbal presentation to Council by staff. They are scheduled in advance and copies of written "Reports to Council" are made available to the Council and public prior to the Council meeting. The public is invited to provide testimony prior to Council taking action on each item. Certain public hearing matters, such as land use applications and General Plan amendments, may require special noticing to the public. These requirements can be found within the California Codes.
- **Non-Agenda Items and Comments from Council and/or Staff** portion of the agenda is for oral reports/announcements by Council and/or staff to share information, propose future agenda items or provide staff direction.
- **Information Only Reports/Items** portion of the agenda is for Reports to Council and other materials for information purposes only. These items do not require action by the Council; however, the Council may pull them for discussion and direction to staff. Minutes of Boards and Commissions and summaries of Council study sessions are also included in this portion of the agenda.

**Subd. 2. Agenda Request Forms and Agenda Preparation**

A. Agenda Request Form

By 3 p.m. on the Friday two weeks before the scheduled Tuesday Council meeting, an Agenda Request Form is to be supplied by each Department to the Office of the City Clerk and Information Technology Department, indicating whether or not the department is placing any items on the agenda (see Attachment 2.1B). When a Monday holiday occurs, Agenda Request

Forms will be due to the Office of the City Clerk by 3 p.m. on the Thursday two weeks before the Council meeting. The form should contain the following information:

- The title of the agenda item as it is to appear on the agenda. The title of the agenda item is to be identical to the Report to Council title.
- Whether the item is to be approved by motion, resolution and/or ordinance. If there is more than one resolution and/or ordinance, this needs to be indicated so it is accurately listed in the agenda.
- Whether the item should appear under Special Order of the Day, Consent Calendar, Public Hearing/General Business, Information Only, etc.
- Any regularly-scheduled board or commission meeting to be held within the next month including date, time and place.
- Draft Minutes (if any are available) of the most recent board or commission meeting.
- All items for which the department is responsible, that have been continued from a previous Council meeting and the date from which the item was continued.
- Closed Session meeting dates, times, and locations. (Personnel, Litigation, Labor Relations, Real Estate Negotiations).
- Study Session/Workshop meeting dates, times, and locations.
- Study Session summaries.

B. Council-Added Agenda Items

Only the Mayor or a majority of the Council may add items to the agenda. A majority of Council may also determine the date that a particular item will be considered by Council. It shall be the Mayor's prerogative to accept the date proposed by Council, or change it. When no date is specified by the Mayor or Council, the City Manager shall propose a date to be approved by the Mayor. Once an item has been added to the Tentative Council Meeting Agenda Calendar by Council, only the Mayor can change the date on which that item is scheduled to be heard. Items added to the agenda by Council are coordinated through the Office of the City Manager. The City Manager will direct appropriate staff to prepare the Report to Council and/or memo, and notify the Office of the City Clerk of the Council-added agenda item. If a memo is prepared in lieu of a Report to Council, the Office of the City Clerk will designate an RTC number to be placed on the top right-hand corner of the memo by the lead department.

C. Copies of Agenda Packet Materials

After a report has been approved and signed by the City Manager, the department shall make 19 copies (double-sided, collated, stapled and three-

hole punched) of the report and attachments. The 19 copies, plus the original (signed, single-sided), are to be supplied to the Office of the City Clerk no later than noon on the Wednesday preceding a Tuesday Council meeting. If the original exhibits are in color, at least 12 of the submitted copies should also be in color.

19 copies (double-sided, collated, stapled and three-hole punched) of other materials that do not require City Manager approval must also be provided to the Office of the City Clerk no later than noon on the Wednesday preceding a Tuesday Council meeting.

For reports that are designated for early release, departments are responsible for providing 21 copies, plus the original, to the Office of the City Clerk. See Chapter 2, Article 2 – *Report to Council Format and Content*, Subd. 4E for timelines for early release reports.

D. Draft Agenda

The Office of the City Clerk will prepare a draft agenda based on the Agenda Request Forms. Copies of draft agenda are to be distributed and reviewed at the Council Agenda Review Meeting one week prior to the Council meeting. Additionally, the Office of the City Clerk shall insure all items that have been continued appear on the draft agenda.

E. Study Sessions

If a Study Session is scheduled and appears on the agenda, a separate agenda for the Study Session shall be prepared by the lead department and provided to the Office of the City Clerk for inclusion in the agenda packet.

F. Tentative Council Meeting Agenda Calendar

A Tentative Council Meeting Agenda Calendar is updated weekly by the Office of the City Clerk and brought to the Executive Leadership Team for review and additional updates. All reasonable efforts are to be made to meet the time frame for items identified on the Tentative Council Meeting Agenda Calendar.

**Subd. 3. Agenda Packet Distribution**

A. Thursday Distribution

The Office of the City Clerk shall provide the final Council Agenda to the Information Technology Department by noon on the Thursday before the Tuesday Council meeting.

Minutes delivered to the Information Technology Department by noon on the Thursday before the Tuesday Council meeting will be linked to the appropriate RTCs and included in the Thursday distribution following the Council meeting. If the minutes are delivered after noon, they will be posted to the Web site, but not linked. If the minutes are delivered after 4:30 p.m., they will be included in a subsequent Thursday distribution.

The Office of the City Clerk will have agendas and packets with agenda

materials ready for distribution by 5 p.m. on the Thursday before the Tuesday Council meeting. Thursday distributions include:

- (1) Complete packets including exhibits to City Councilmembers, City Attorney, City Manager, Assistant City Manager, Communications Officer, City Clerk, Library Reference Desk (2 copies plus 5 additional agendas and one additional set of Draft Minutes), and Council Chambers (2 copies).
- (2) Complete packets, including exhibits shall be made available for pick up from the Office of the City Clerk to the Director of Community Development, Director of Finance, and Director of Public Works.
- (3) Agendas for other department directors and managers may be accessed through the Sunnyvale Web Site.

B. Tuesday Distribution

The Office of the City Clerk shall place two complete packets and approximately 30 Council agendas in the Council Chambers the evening of the Council meeting. For Council meetings which address issues of wider public interest, additional agendas will be made available.

**Subd. 4. Agenda Publication and Notification**

A. Official Notices and Posting of Agendas

- (1) In accordance with Section 613 of the Charter, the Office of the City Clerk shall publish the title of Consent Calendar and Public Hearings/General Business items listed on the draft Council Agenda, in an official newspaper selected for such publication.
- (2) The Office of the City Clerk shall post notice of all hearings called by the City Council with the exception of those provided for in paragraph 3 below. Consistent with the Brown Act, the Office of the City Clerk shall post agendas for City Council **at least 72 consecutive hours prior** to a regular meeting and **at least 24 hours prior** to a special meeting. The Council agendas shall be posted at the Sunnyvale Public Library, Department of Public Safety lobby, South Annex, bulletin board outside City Hall, Council Chambers Lobby, as well as the City's Web site. The posting requirement is in accordance with the Brown Act, Open Meeting law.
- (3) Where legally required, the Department of Community Development is responsible for publication, posting notice and mailing notice for all planning related master plan changes, zoning code changes, use permits, variances, and special development permits. The Department of Employment Development is responsible for all legal notices of RFPs for training, contracts and grant applications which are published, posted and/or mailed by that department when appropriate. The Department of Finance is responsible for all legal notices to bidders and public hearing notices for budget hearings, sewer assessment roll and parking district assessments.
- (4) For hearings where notice is not legally required, the City Manager

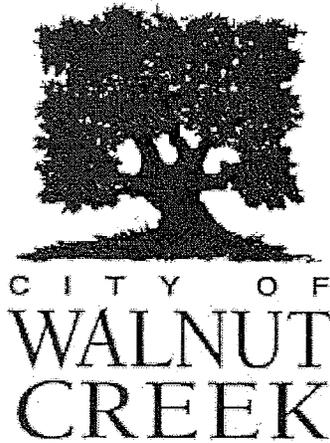
will determine whether the provisions of paragraph 1 are adequate, or whether the responsible department should also provide mailed notice. In such cases, each department shall be responsible for contacting appropriate individuals/groups who would be affected by or who are known to be interested in an agenda item. Notification should include the date and time the item will be addressed, as well as information regarding the availability of related written materials.

**Subd. 5. Agenda Material Familiarity**

Department Directors are responsible for reviewing the Council agenda. Copies of agenda items which may have an impact on or be of interest to their departments are accessible on the Sunnyvale public Web site. Directors are encouraged to review all agenda materials and to familiarize themselves with materials relevant to their department.

*STOP - DO NOT RECYCLE*  
*Please keep this under the Reference tab in your council binder. Thank you.*

**CITY COUNCIL**  
**RULES AND PROCEDURES**



**ADOPTED 9/27/1988**

**Revised:**  
12/16/2008  
3/4/2003  
9/19/2000  
4/21/1998  
7/16/1996  
12/12/1995  
12/14/1993  
10/9/1990

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## CITY COUNCIL RULES AND PROCEDURES

This document delineates the rules and procedures by which the Walnut Creek City Council shall organize itself and conduct its meetings and other public business. These rules and procedures are designed for the sole purpose of providing guidance to City Council Members in the conducting of Council meetings and other public responsibilities.

### 1. City Council Meetings

#### 1.1 Regular Meetings.

1.11. The Council of the City of Walnut Creek shall hold regular meetings on the first and third Tuesdays of each month at seven p.m. in the Council Chamber of City Hall, 1666 North Main Street, Walnut Creek, unless the Council Chamber shall be determined to be inappropriate or unavailable for a meeting. In this case, the Council may reschedule or designate some other suitable place in the City to hold the meeting.

The Mayor or majority of the City Council may call additional meetings as necessary in response to the scope and timing of the City Council's workload and schedule.

1.12. The determination to hold the meeting at a place other than the Council Chamber may be made prior to the regular meeting date, provided that notice of the change in place for conduct of the meeting shall be clearly and conspicuously stated on the agenda.

1.13. If the Council adjourns its meeting from the Council Chamber to another place, notice of adjournment and the new place for holding the meeting shall be posted in the City Hall lobby during the time the meeting is being held.

#### 1.2 Special Meetings.

A special meeting may be called at any time by the Mayor or by a majority of the members of the City Council, upon giving notice thereof in the manner required by law.

#### 1.3 Study Sessions.

The purpose of Study Sessions is to meet with various people, Boards, City Commissions and ad hoc committees to receive briefings and background information and hold general discussions on major issues before formal Council action is required. Study Sessions may be scheduled as regular, adjourned regular or special meetings. The mayor and City Manager shall collaborate on scheduling of items for Study Sessions. No formal actions will be taken by the Council during Study Sessions. No motions will be offered; however, Council Members will be allowed to ask questions and to express personal opinions. Presentations to the Council will be made by staff members, consultants, representatives of other public agencies and/or any other person expressly invited for that purpose.

Public testimony on Study Session items will be taken when the matter is placed on a Council agenda for action. During Study Sessions, the public may address the Council under Public Communications on Study Session items as well as on items not listed on the agenda. During Study Sessions at Special Council meetings, because of State law, the public may address the Council only on items on the agenda. Therefor, public testimony on Study Session items will occur before the Council entertains the item.

#### 1.4. Meetings to be Public.

All regular, Study Sessions, and special meetings of the City Council shall be open to the public; provided, however, that closed sessions may be held for the purposes permitted by law, from which the public may be excluded. The purposes for closed session include the consideration of personnel matters, labor relations, real property negotiations, matters of public security and the discussion of litigation.

#### 1.5. Quorum.

A majority of the Council shall constitute a quorum for any Council meeting.

### 2. Election of Mayor and Mayor Pro Tem

The mayoral rotation system established by this rule can be changed at any time by a council majority vote. There are five council members, each of whom is either elected or appointed to the council. Each council member, regardless of whether elected or appointed, has an equal opportunity to serve as mayor. At a minimum, a council member will serve as mayor once every five years. Because council members have four-year terms of office, a council member may not be able to serve as mayor in a four-year period. Each council member has a specified position in the rotation sequence. In any year, the first person in the sequence shall be selected as mayor, the second in the sequence as mayor pro tem. After serving as mayor, a council member goes to the end of the rotation sequence, and the other four council members move forward in the sequence. If a council member leaves office, the other council members move forward in the sequence. A council member's position in the sequence relative to other council members may not change except by council majority vote. When a new council member is elected or appointed, that council member goes to the fifth position in the rotation, after all incumbents. If two or more new council members are elected at the same time, the number of votes received in the election determines the position in the rotation sequence, with the new council member receiving the highest number of votes being first among the new members. Within 60 days of the election or appointment of a new council member or members, the council will approve an updated mayoral rotation sequence.

At the first meeting in December each year, the Council shall elect one of its members as mayor and one as mayor pro tem. The election of the mayor and mayor pro tem shall be by vote of a majority of members of the Council. The mayor shall be seated and assume the duties of presiding officer immediately following the election of mayor and before

the election of the mayor pro tem, unless a motion is carried to elect and seat the mayor and mayor pro tem at the same time.

### 3. Agenda.

#### 3.1. Item Originated by Council Members for Discussion.

No action or discussion shall be taken on any item not appearing on the posted agenda, except that Council Members may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code Section 54954.3. In addition, on their own initiative, or in response to questions posed by the public, Council Members may ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the Council at a subsequent meeting concerning any matter. A member of the Council, or the Council itself, may take action to direct staff to place a matter of business on a future agenda.

The purpose of the Council Communications section of the agenda is to allow Council Members to generally discuss issues and, if necessary, to direct the City Manager to schedule them on subsequent agendas with staff reports for Council action. When a City Council Member desires to simply discuss an issue with the Council, it shall be the responsibility of the Council Member to ensure that the issue is placed on the Council Communications portion of the agenda (see 4.18) and described in sufficient detail to meet the requirements of the Brown Act. The Council Member who has requested that an item be placed on the agenda under Council Communications may have the item withdrawn or postponed until the next regularly scheduled meeting.

3.2. Item Originated by Council Members for Action. If the Council Member wishes the Council to take action on the item, it should be placed on the agenda under Council Considerations, with the benefit of a staff report and background information. Council Members wishing to place items on the agenda for Council Consideration must advise the City Manager, with the consent of Council, during the Council Communications portion of a regular meeting. Once an item has been listed on the agenda, it cannot be removed by another Member of the Council without the consent of the Council Member who had originally requested it.

3.3. When Agenda is Available to Public. Copies of the agenda may be obtained during business hours commencing on the Friday preceding the meeting and during each meeting at the office of the City Clerk.

#### 3.4. Action on Items Not on Agenda.

3.41. The City Council shall not take action on any item not appearing on the posted agenda, except as such action is permitted by law. Among the circumstances in which action may be taken on an item not appearing on the posted agenda are: (1) Upon a determination that an emergency exists, as defined by State law; (2) Upon a determination by the City Council that the need to take action arose after the agenda was posted.

3.42. When an issue arises during a regular meeting which requires Council action, but which is not listed on the agenda and does not qualify under an exception that allows immediate action, the issue shall be automatically referred to staff for investigation and placed on a subsequent Council agenda at an early date.

3.5 Action on Issues Not Under The Council's Jurisdiction. It shall be the policy of the City Council that the Council shall not take action on any matter which has no direct effect upon the administration of the local affairs of the City of Walnut Creek, or over which the City, as a municipal corporation, cannot exercise any jurisdiction.

#### 4. Order of Business.

4.1. Order of Business. At the time specified on the agenda for the commencement of a Council meeting, the City Council Members, City Clerk, City Attorney, City Manager, and such other City officers and department heads as have been requested to be present, shall take their regular seats in the Council Chamber, and the business of the Council shall be taken up for consideration and disposition in the following order; except that with consent of a majority of the Council Members present, matters may be taken out of order.

4.11. Roll Call.

4.12. Special Orders of the Day. (proclamations/presentations);

4.13. Consent Calendar. Items may be placed upon the consent calendar by the City Manager whenever, in the City Manager's judgment, such items are expected to be routinely approved without discussion or debate. The consent calendar shall be voted upon as one item. Council Members may request that an individual item be removed from the consent calendar, in which case the item shall be considered after the vote on the consent calendar. Council Members who do not wish to discuss an item on the consent calendar but wish to vote no or abstain, may direct the City Clerk to record a no vote or abstention for that item.

4.14. Public Communications. This item is for communications on items not appearing elsewhere on the Council's agenda, except for Study Sessions. (See 1.3). Every agenda for meetings, except study sessions, of the City Council shall provide for an opportunity for members of the public to address the Council or Commission on matters within its jurisdiction. The "Public Communications" agenda item shall be separate from, and in addition to, any public hearing that may be noticed on the agenda. This period shall be limited to three minutes for each speaker whether an individual or group spokesperson.

4.15. Hearings on Appeal.

4.16. Public Hearings.

4.17. Council Considerations.

4.18. Council Communications. Each Council Member may list on the Agenda items of his/her choice for general discussion under Council Communications (see 3.1.). Council Members shall communicate these items to the City Clerk by 9:00 a.m. on Wednesday preceding each regularly scheduled meeting.

4.19. Councilmember and Staff Brief Announcements or Brief Reports on His or Her Activities and Brief Reports on Other Agency and Committee Activities

4.20. Correspondence Consent Calendar. Each item of correspondence of a routine nature expected to be approved without discussion or debate shall be separately listed on the correspondence consent calendar with an indication of appropriate action; i.e., note for the record, refer to staff for report and recommendation, etc. The correspondence consent calendar shall be voted on as one item. Council Members may request that an individual item be removed from the correspondence consent calendar, in which case it shall be considered after the vote on the correspondence consent calendar.

4.21. Correspondence Action Calendar. Each item of correspondence requiring discussion to determine appropriate action will be separately considered on the correspondence action calendar.

4.22. Adjournment.

4.2. Items to be Considered after Eleven P.M. At eleven p.m., the City Council should determine by vote whether it will commence any new items after eleven p.m. If the Council votes to commence new items, it should determine which specific items will be taken up. No public testimony will be taken on a public hearing after eleven p.m. If a public hearing extends until eleven p.m., it and any others scheduled for the evening shall be continued to a future date. If the item being heard is subject to a deadline, such as under the permit streamlining act, the continuance shall be not more than 24 hours from that date, unless the applicant agrees to a further continuance.

The Council will endeavor to conclude its remaining business that evening in an expeditious manner by continuing all other items of other than a routine nature. The intention is not to slow the legislative process, but to conduct it during time periods when the public is most able to attend and participate.

4.3. Scheduling of Closed Session. Closed sessions shall be scheduled to the extent possible and appropriate prior to regular or special Council meetings. Closed sessions should adjourn promptly at 6:55 p.m. in order that the regularly scheduled Council meeting can begin on time at 7:00 p.m.

4.4 Order of Business for Adjourned Meetings and Continued Items. When a meeting is adjourned or an item continued to another date and time, all unfinished items will be listed as the first items for consideration in the appropriate sections of the agenda for the adjourned meeting; except, that where deemed necessary, the City Clerk, with the concurrence of the City Manager and Mayor, may place those business items in a different order on the agenda.

5. Presiding Officer.

5.1. Presiding Officer; Duties.

5.11. The Mayor shall be the presiding officer of the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce its decisions on all subjects and decide all questions of order, subject, however, to an appeal from Council Members. If a Council Member should challenge a decision by the presiding officer, a vote shall be taken of the entire Council to uphold or modify the decision. The presiding officer shall vote on all questions as other members of the Council.

5.12. In the absence of the Mayor, the Mayor Pro Tem shall be the presiding officer of the Council.

5.13. In the event the Mayor Pro Tem is absent, the Mayor shall have the right to name any member of the Council to perform the duties of presiding officer, but such substitution shall not extend beyond an adjournment.

6. Call to Order -- Presiding Officer.

The Mayor, the Mayor Pro Tem, or the temporary presiding officer appointed by the Mayor, shall take the chair at the hour appointed for the meeting, and shall call the Council to order. In the absence of a Mayor and the Mayor Pro Tem, and failure of the Mayor to appoint a temporary presiding officer, the City Clerk shall call the Council to order, whereupon a temporary presiding officer shall be elected by a majority of the Council Members present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the Council.

7. Roll Call.

Before proceeding with the business of the Council, the City Clerk shall call the roll of the Council Members; and the names of those present and those absent shall be entered in the minutes. If a Council Member should arrive late to the meeting, it shall be noted in the minutes. If the reason for a Council Member's absence is known, it shall be reflected in the minutes.

8. Addressing the Council.

8.1. Public Comment.

8.11. Opportunity to Speak. Members of the public will be afforded the opportunity to speak, upon request, to all items under the subject matter jurisdiction of the Council. Due to the number of items on the agenda and the length of Council meetings, and

to ensure equal treatment of all speakers, the following time limits have been set and will be strictly enforced:

Public Communications:	3 minutes for each person whether an individual or group spokesperson. Total time allocated at beginning of meeting: 30 minutes; additional time for public comment may be allocated at the end of the meeting if necessary. The Mayor shall allocate the 30 minutes among as many different topics as feasible.
Public Hearings, Appeals and Council Considerations:	Order of presentation and time limits Applicants -15 minutes Appellants when not applicants – 15 minutes Organized presentation by group spokesperson – 10 minutes Individual speakers – 3 minutes Rebuttal by applicant – 5 minutes

Speakers may not assign unused time to other speakers. Group spokespersons are allotted 10 minutes in-lieu of other members of the group speaking on the item. There is a speaker timing/lighting system on the podium. A green light will indicate the beginning of the time period. A yellow light will appear when 1 minute remains for a 3-minute time period, and when 2 minutes remain for 5-10 and 15-minute period.

8.12. When to Speak. During public communications the presiding officer will recognize persons who wish to speak on matters within the subject matter jurisdiction of the Council that are not on the agenda. Except for items considered at a study session (see 1.3), public comment on agenda items will be taken when the Council considers the item.

All remarks shall be addressed to the Council as a body and not to any member thereof. Council Members should not enter into discussion with speakers under public communications or testimony during public hearings. Council Members may ask questions of a speaker at the close of a speaker's testimony. Staff will be given the opportunity to clarify public comments on matters of fact before closing for Council deliberations.

8.13. Failure to Speak. Any failure of a member of the public to request to speak to such an item, or any failure by the City Council to afford an opportunity to speak to such an item, shall not affect the City Council's right to act on that item or the validity of any action subsequently taken by the Council.

8.14. Staff. Staff will be provided the opportunity to present a summary of each staff report and will be available to answer Council questions.

8.15. Individuals. Persons wishing to address the Council shall submit their speaker=s card to the City Clerk and step up to the microphone at the podium and give their name and City of residence in an audible tone of voice for the record.

8.16. Spokesperson for a Group of Persons. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council.

8.17. Addressing the Council During Council Deliberations. No person shall have the right to address the Council following the time for public testimony and the matter is returned to the Council for deliberation, unless a majority of the Council agrees or in answer to a specific question directed to the individual by the Council.

8.18. Speaker Cards. The public is required to fill out a speaker card for the record. The card contains spaces for the speaker's name, address, phone number and the number of the agenda item on which the speaker wishes to speak. The cards are located at the City Clerk's station in the Council Chamber. The completed cards should be presented to the City Clerk. If no speaker cards are received by the City Clerk prior to an item being reached on the agenda, the Mayor may conclude that there are no speakers on the item.

## 9. Decorum of Council Members and Visitors.

9.1. While the Council is in session, the Council Members must preserve order and decorum; and no Council Member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Council Member while speaking.

9.2. Any person whose conduct disrupts the Council meeting or its orderly consideration of the public's business may be barred from the meeting, unless permission to continue is granted by a majority vote of the Council.

9.3. The Chief of Police or the representative of the Chief of Police shall be ex officio sergeant-at-arms of the Council. The ex officio sergeant-at-arms shall carry out all lawful orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the Council Chamber. The ex-officio sergeant-at-arms need not be present at all times during the meeting.

## 10. Motions.

Council shall normally attempt to arrive at consensus through discussion before a motion is made. The Mayor or any Member of the Council may focus discussion toward a decision by making a motion. Before the motion can be considered or debated, it must be seconded. A second to a motion does not, however, bind the seconder to voting for the motion.

Once the 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 Council Member properly recognized by the presiding officer. Once the matter has been fully debated and the presiding officer calls for a vote, no further debate will be allowed, provided, however, Council Members will be allowed to briefly explain their votes for the

record. Unless otherwise provided by law or by the item acted upon by the Council, all Council actions shall take effect immediately.

#### 11. Precedence of Motions.

When a main motion is before the Council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:

1. Adjourn
2. Recess
3. Postpone temporarily
4. Previous question
5. Limit or extend debate
6. Refer to committee or staff
7. Substitute
8. Amend
9. Postpone indefinitely
10. Main Motion
11. Reconsider

The above order of preference is subject to the following restrictions:

- a. A motion shall not be in order when the previous question has been ordered.
- b. A motion shall not be in order while a vote is being taken.

#### 12. Particular Motions, Purpose and Criteria.

The Purpose and salient criteria of the above listed motions are as follows:

##### 12.1. Motion to Adjourn.

Purpose. To terminate a meeting.

Debatable or Amendable. No, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.

##### 12.2. Motion to Recess.

Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.

Debatable or Amendable. Not debatable, but amendable as to the length of the recess.

##### 12.3. Motion to Postpone Temporarily.

Purpose. To set aside, on a temporary basis, a pending main motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting. It is also referred to as a motion to lay on the table.

Debatable or Amendable. It is debatable but not amendable.

12.4. Motion for Previous Question.

Purpose. To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. Requires a two-thirds vote. If the motion passes, a vote shall be taken on the pending motion or motions.

Debatable or Amendable. No.

12.5. Motion to Limit or Extend Debate.

Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion. Requires a two-thirds vote.

Debatable or Amendable. Not debatable; amendments are restricted to period of time of the proposed limit or extension.

12.6. Motion to Refer to Committee or Staff.

Purpose. To refer the question before the Council to a committee or to the City Staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

Debatable or Amendable. Yes.

12.7. Substitute Motion.

Purpose. To strike out one main motion and to insert another main motion in its place which may be done so long as it is related to the subject of the original motion.

Debatable or Amendable. The substitute motion is debatable and subject to amendment. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion.

12.8. Amend.

Purpose. To modify or change a motion that is being considered by the Council so that it will express more satisfactorily the will of the members. If the motion passes, then the main motion should be voted on as amended.

Debatable or Amendable. It is debatable unless applied to an undebatable main motion. It is amendable.

12.9. Postpone Indefinitely.

Purpose. To prevent further discussion and voting on the main motion. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of the main motion shall not be brought up again for the remainder of the meeting or the next regular meeting.

Debatable or Amendable. It is debatable, but not amendable.

12.10. Main Motion.

Purpose. The primary proposal or question before the Council for discussion and decision.

Debatable or Amendable. Yes.

12.11. Motion to Reconsider.

Purpose. To immediately bring a successful motion back for reconsideration. A motion to reconsider must be made by a Member in the majority and on the same date as the vote to be reconsidered was taken.

Debatable or Amendable. It is debatable, but not amendable.

13. Vote by Voice Vote or Roll Call.

Votes of the Council may be made by voice vote or roll call. The presiding officer shall state the manner in which the vote is to be taken. Voting on the Consent Calendar and Routine Council matters may be made by voice vote. Where a difference of opinion exists, or the majority vote is not clear, or if a Council Member requests a roll call vote, the Mayor shall call for a roll call vote. A member present during a roll call or voice vote who does not respond orally shall be recorded in the affirmative.

The presiding officer shall state the manner in which the vote is to be taken. Votes are aye, nay or abstain only.

Tie votes shall be lost motions. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council. Abstentions must be explained.

No action shall be taken by secret ballot, whether preliminary or final.

14. City Manager Authorized to Process Council Mail.

14.1. Reproduction and Distribution to Council Members. Any written communication, except anonymous correspondence, books, and publications, addressed to the City Council shall be reproduced and distributed to Council Members at the same time, usually in the next Council mail packet, for their use only. Those items not reproduced may be circulated to Council Members.

14.2. Council Correspondence. All correspondence addressed to the City Council requiring Council action, and all correspondence addressed to the Mayor requiring City Council action, except anonymous correspondence, books and publications and correspondence addressing a specific Council agenda item, shall be placed on the agenda under Council Correspondence and distributed to the Council in the agenda packet. Any mail received addressed to an individual Council Member will be transmitted unopened to that Council Member in the Council mail packet.

Correspondence relating to a specific Council agenda item shall be held and duplicated with that item when it is scheduled on the agenda. The City Manager shall forward Council Correspondence to the City Clerk for placement on the agenda. The City Clerk shall send to the correspondent an agenda for the meeting at which the correspondence is scheduled to be discussed.

14.3. Authorization to Take Immediate Administrative Action. The City Manager is authorized to receive and open all mail addressed to the City Council and give it immediate attention to the end that all administrative business referred to in such communications and not necessarily requiring Council action may be disposed of between Council meetings; provided that, Council Members shall receive, in the next Council mail packet after receipt of any such communication addressed to the City Council, a copy of the communication with a notation on it advising Council Members that staff will respond. Council members may request that such correspondence be placed on the agenda.

#### 15. Council Representatives on Various Public Bodies.

Members of the Council are appointed by a majority of Council to represent the City on county, area, district or state boards, committees or commissions. The mayor recommends and announces the appointments. The appointments are then confirmed by the entire Council. A list of all such appointments shall be established, identifying those appointments required by other agencies to be made by the entire Council. Such appointed member or members shall be the duly authorized representatives and spokespersons for the City Council on or before such bodies and no other Council Member shall speak as the Council's representative and on behalf of the City Council before such bodies under penalty of public censure by a majority vote of the entire Council. Nothing herein shall prevent a Council Member from appearing before such body as a private citizen.

#### 16. Individual Council Member's Requests of City Staff.

16.1. Any project requested by individual Council Members which will require more than thirty (30) minutes of staff time to complete will require authorization by

the City Manager, in accordance with the Council's adopted work program for the City. If the City Manager deems the project to be outside the bounds of the work program, the Council Member making the request may bring the request to the full Council for modification of the work program. Staff responses to requests for written information from one Council Member shall be copied to all Council Members.

16.2. Amendment of City Council Meeting Minutes. Council members wishing to make minor amendments/corrections to council meeting minutes should notify the City Clerk of the proposed changes. Significant amendments must be submitted in writing to the City Clerk prior to the council meeting at which the minutes are scheduled for approval. Proposed amendments will be distributed to the Council at, or prior to, that council meeting.

17. Televising and Videotaping Council Meetings.

17.1. Council Meetings to be Televised Live and Videotaped. It is the policy of the City Council that regular and special meetings, except for Study Sessions and City Commission interviews, be televised live and be videotaped by the cable company/ies.

17.2. Videotapes Not Official Record. The videotapes of the Council meetings are not the official record of those meetings. The minutes recorded by the City Clerk and approved by the City Council constitute the only official record.

17.3. Reuse of Videotapes. The original videotapes are kept for 90 days at the cable company/ies' studios, after which they may be reused to record another meeting. Members of the City Council may borrow the original videotapes for their viewing. However, in doing so, they will be responsible for returning them undamaged.

17.4. Copies of Videotapes. The cable company/ies will make copies of the videotapes, which will be available to the public at a charge per tape (to be set by the cable company/ies) plus furnishing a blank half-inch VHS videotape.

18. Failure to Observe Council Rules and Procedures.

18.1. Failure to observe any of the listed rules or procedures does not serve as an independent source of challenge to any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Council Member or by the Council as a whole.

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**AGENDA ITEM  
CITY COUNCIL MEETING: MAY 4, 2010  
ACTION ITEM**

**DATE** : April 27, 2010  
**TO** : Mayor & City Council  
**FROM** : City Manager  
**SUBJECT** : **APPROVAL OF LEGISLATIVE SUPPORT/OPPOSITION  
PROCESS**

**RECOMMENDATION:**

Approve, by motion, the proposed procedure for expressing legislative support or opposition and direct staff to prepare an administrative instruction to reflect the approved procedure.

**EXECUTIVE SUMMARY:**

The Mayor and/or City Council of the City of Benicia are periodically requested to express support or opposition for legislation. Typically such requests come from the League of California Cities. Currently, the City's practice is to respond accordingly to such requests from the League, as the League acts on behalf of California cities and works to advocate for legislation that is supportive of cities. The Mayor requested that discussion of such a policy be agendized for Council consideration via the Council's two-step process, and the Council subsequently directed staff to prepare a procedure. On March 16<sup>th</sup>, the Council reviewed a draft procedure and provided input, which has been incorporated in the version that is now being presented for Council approval.

**STRATEGIC PLAN:**

N/A

**BACKGROUND:**

As discussed at the March 16<sup>th</sup> staff meeting, cities have a variety of approaches for responding to requests to City Councils to communicate a position as it relates to a piece of legislation. For example, some cities adopt a legislative platform each year that provides the City with a framework for how to respond to legislative issues. Other cities authorize the City Manager to prepare correspondence on legislative matters as long as the position being taken is consistent with the position held by other organizations, for example, the League of California Cities, City and County Association of Governments, etc.

The challenge associated with this process is that typically a response is needed fairly quickly in order to effectively respond to such a request. Legislative action by State and Federal bodies often results in situations where the need to send correspondence regarding a proposed bill arises with less than adequate time to place an item on the agenda for Council action.

At the March 16<sup>th</sup> meeting, Council reviewed a proposed procedure for such responses, and expressed the desire to have more opportunity for Council review prior to the response being sent. Further, it was directed that requests for support or opposition that are not endorsed by either the League of California Cities or the Solano City/County Coordinating Council should be agendaized, to allow for Council discussion and public input. With this in mind, it is proposed that Council consider the following procedure.

**Proposed Procedure:**

The City Manager is authorized to prepare responses on legislative matters as long as the position being taken is consistent with the position taken by the League of California Cities and/or the Solano City/County Coordinating Council (4 C's). Typically copies of this correspondence will be sent to Council via email in advance of distribution. Should a Council Member have a question or concern, that member will then have the opportunity to contact the City Manager prior to distribution. Occasionally same-day requests from the League of California Cities for letters, emails or faxes expressing support or opposition are received, and in these instances, advance distribution to Council would not be feasible.

In those cases where no position has been taken by either the League or 4 C's, then the request shall be agendaized for Council review and direction. If timing is such that the request cannot be agendaized prior to the specified response date, then the draft response will be emailed to the City Council in advance of distribution. Should a Council member have a question or concern with the proposed response, that member may then contact the City Manager for clarification and/or to request that the item be agendaized for discussion.

In all cases, Council will receive a final copy of all items of correspondence expressing support or opposition on the Council's behalf.

Following Council review and approval of the above-noted procedure, an Administrative Instruction will be prepared that will outline the process for handling requests for legislative support.

Council Member Ioakimedes thanked everyone involved for their efforts.

Mayor Patterson clarified that the motion was to approve the City's execution of the agreement.

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved the amendments to the July 10, 2008 Valero/Good Neighbor Steering Committee Agreement, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

Approval of Legislative Support/Opposition Process:

Anne Cardwell reviewed staff report.

Council and Staff discussed concern regarding clarification regarding the notice that shall be given to the Council Members, and the time they had to respond. They discussed concern regarding the issue of 'reply all', the Brown Act, and notifying the public regarding Council's position.

Council Member Hughes discussed the procedures regarding heads up phone calls being reflected in the procedures.

Council Member Campbell discussed the frequency in which this issue came up.

Public Comment:

1. Mark Fox, League of California Cities – Mr. Fox discussed the fact that the League of California Cities procedures were reviewed on an annual basis.

Mayor Patterson asked that Mr. Fox relay to his colleagues that the revised Water Policy was a lot of hard work and was well done.

Mayor Patterson summarized that Council discussed amending the language for having a specific amount of time available for comment, followed up by a heads up phone call, and that would be incorporated into Council's procedures, as well as Staff's administrative procedures. Ms. McLaughlin clarified that in emails, Council would not 'reply all', and that Staff would report back on an agenda (under City Manager Reports) on such items.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the legislative support/opposition process as amended, on roll call by the following vote:

Ayes: Council Members Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: Council Member Campbell

