

RULES AND PROCEDURES
ADOPTED: January 25, 2010

A. GENERAL PROVISIONS

1. These rules and procedures shall be known as "Rules and Procedures of the Community Sustainability Commission, (hereinafter "COMMISSION") City of Benicia." A copy of these rules and amendments thereto shall be filed in the Community Development Department for examination by the public.
2. These rules, and any amendments thereto, shall be effective on the date of the adoption hereof and shall govern the conduct of the COMMISSION.
3. These rules and procedures may be amended hereafter by action of the COMMISSION.

B. OFFICERS

1. The officers of the Commission/Board shall be:

Chair: who shall preside at all meetings of the COMMISSION, call special meetings, appoint committees, and perform other proper duties of a presiding officer. Except as otherwise authorized by the COMMISSION, the Chair shall sign all correspondence, reports and other instruments approved by the COMMISSION.

Vice Chair: who shall perform the duties of the Chair in the absence or incapacity of the Chair; and in case of the resignation or other permanent absence of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the COMMISSION shall select a new chair.

Secretary: who shall keep a written record of all business transacted by the COMMISSION, notify members of meetings, maintain the official records of the COMMISSION, and perform such other duties as the COMMISSION may direct.

2. The Chair and Vice Chair shall be elected by the COMMISSION from its membership at their January meeting each year when the COMMISSION is fully constituted. The Community Development Director or his/her designee shall serve as Secretary to the Commission/Board.
3. Staff Person. The Staff Person of the COMMISSION shall: (a) supply the COMMISSION members with such information and make such

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recommendation as deemed necessary to carry out the purposes of the COMMISSION and to properly administer its affairs; and (b) be the single point of contact for the COMMISSION.

4. Additional Duties. The officers of the COMMISSION shall perform such other duties and functions as may from time to time be required by the COMMISSION.

C. MEETINGS

1. The regular meeting of the COMMISSION shall be on the third Monday of every other month (bimonthly, 6 times per year) at 7:00 pm. In compliance with the Brown Act and the Open Government Ordinance, all regular meetings shall be open and public. An agenda for regular meetings will be prepared and posted six (6) days prior to a meeting.
2. Special meetings may be called by the Chair or by a majority of the COMMISSION members if determined to be necessary for discharge of the COMMISSION'S responsibilities. The Secretary shall poll COMMISSION members and attempt to arrange a date and time convenient to all COMMISSION members. Notice of special meetings shall be given consistent with Brown Act and Open Government Ordinance requirements.
3. Meeting Location. Regular meetings shall be held in the Commission Room. When the Commission Room is unavailable and in exceptional circumstances, the COMMISSION may change this meeting location by notice on its agenda
4. Adjournment. The COMMISSION shall not begin new public hearing items after 11:00 p.m. Public hearing items which remain on the agenda may be continued to the next regular meeting of the Commission, or to a special meeting. At the conclusion of the last public hearing item that ends after 11:00 p.m., the Commission may determine by a simple majority vote that all remaining administrative items on the agenda be heard by the Commission or continued to a future meeting and the COMMISSION may extend the meeting to an additional specified amount of time.

D. AGENDA

1. Opening of Meeting/Pledge of Allegiance/Roll Call
2. Reference to Fundamental Rights of Public
3. Agenda Changes and Discussion
4. Public Comment

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5. Consent Calendar/Approval of the Agenda/Approval of Minutes
6. Agenda Items
7. Communications from Staff/Communications from Commissioners
8. Adjournment

E. MINUTES

1. General Policy Statement on Minutes of Meeting. It is the general policy of the Community Sustainability Commission to prepare draft minutes of the deliberations of the COMMISSION. These minutes will include:
 - a. the time the meeting was called to order,
 - b. the names of the members attending the meeting,
 - c. a one-sentence summary of, and the roll call vote on, each matter considered at the meeting,
 - d. the time the body began and ended any closed session,
 - e. any letters submitted on agenda items,
 - f. those members of the public who spoke on each matter if the speakers identified themselves,
 - g. and the time the meeting was adjourned.

The draft minutes of each meeting shall be available for inspection and copying upon request within the shortest possible time after the meeting. Minutes must be finalized and adopted by the majority of COMMISSION members in order to be regarded as an official record of the Community Sustainability Commission. No later than five business days after the meeting at which the minutes are adopted, the officially adopted minutes shall be available for inspection and copying upon request and shall be posted on the city's web site.

2. Public Comment. Any member of the public during Oral Communications may request that corrections or deletions be made to the minutes. These requests may be acted upon by the COMMISSION with appropriate review and deliberation.

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3. Method of Documentation. It is the policy of the COMMISSION to retain tape recordings documenting COMMISSION deliberations for two years following the finalization and adoption of written minutes. Written minutes that have been adopted by the COMMISSION shall constitute the official record of the Commission and shall be maintained indefinitely.

F. RULES OF ORDER

The following definitions and rules shall govern the proceedings and order of business of the Community Sustainability Commission:

1. Prior to public discussion or COMMISSION deliberation, the presiding officer or other person designated thereby shall describe the item or business before the COMMISSION.

2. Public Discussion.

The presiding officer shall recognize speakers on an agendized matter when that item is before the COMMISSION 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 COMMISSION 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 record. All remarks shall be addressed to the COMMISSION as a body and not to any member thereof, or to staff, or to the public. No person other than a member of the COMMISSION and the person having the floor shall be permitted to enter into any discussion without the permission of the presiding officer. Speakers may not make personal attacks on Commissioners, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

- a. Recognition. Any person addressing the COMMISSION shall first secure the permission of the presiding officer.
- b. Not a Debate. Public discussion should not be used to elicit a debate between COMMISSION members and the public. Speakers should not be interrupted unless they are out of order.
- c. Time 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

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for Public Comment, except as otherwise specifically provided for in these Rules or in the Open Government Ordinance, or except as time is extended by the presiding officer with the consent of the majority of the COMMISSION. 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. Spokespersons shall each have fifteen (15) minutes to present their case. Any spokesperson wishing to make a rebuttal shall have 5 (five) minutes to present.

d. Pending Motion. When a motion is pending before the COMMISSION, no person other than a COMMISSION member shall address the COMMISSION without first securing the permission of the Chair to do so.

e. Public Discussion. Public Discussion shall precede COMMISSION deliberation.

f. No discussion shall be permitted, without approval of the COMMISSION, after a motion has been adopted which would terminate further deliberation.

3. Appeals

a. The procedure for the conduct of all appeals to the COMMISSION shall be as set forth in the governing ordinance or resolution.

b. If no procedure is set forth, the staff person shall first present his or her case. The appellant shall then present his or her case. The staff person may then offer a rebuttal. The staff person and appellant may then present closing arguments.

4. Community Sustainability Commission Deliberation.

a. Presiding Officer May Deliberate. The presiding officer may deliberate from the chair, subject only to such limitations of deliberation as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the COMMISSION by reason of his or her acting as the presiding officer.

b. Conflict of Interest. In situations where there is a conflict of interest under the Political Reform Act, the Open Government Ordinance or other conflict laws, members of the COMMISSION are required to abstain from

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voting on the item and participating in the decision-making process. The following procedures should be followed:

- i. Declare the conflict of interest.
- ii. State the basis of the conflict of interest.
- iii. Do not discuss or vote on the matter.
- iv. Step down from the podium and leave the room until the item is completed or unless the Political Reform Act allows the member to remain in the room.

c. Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself or herself to the questions under deliberation, avoiding all personalities and indecorous language.

d. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call said member to order, or as herein otherwise provided. If a member, while speaking, be called to order, said member shall cease speaking until the question of order be determined, and if in order, said member shall be permitted to proceed.

e. Remarks of Commission/Board Member - When Entered in Minutes. Any COMMISSION member may request, through the presiding officer, the privilege of having a written abstract of said member's statement on any subject under consideration by the COMMISSION entered in the minutes. If the COMMISSION consents thereto, such statement shall be entered in the minutes.

f. Motion to Reconsider. A motion to reconsider any action taken by the COMMISSION may be made only on the date such action was taken. It may be made either immediately during the same session; or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable.

g. Motion to Table. A motion to lay on the table shall preclude all amendments or deliberation of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority.

h. Motion to Call for Question or Continue to a Date Specific. A motion to call for the question or continue the matter to a specific date shall preclude all amendments to or deliberation of the subject under consideration and is not debatable.

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- i. Statement of Position. When a motion to call for question or table is adopted, each member of the COMMISSION may briefly state his/her position on the matter before roll call or call for the next item of business.
- j. Privilege of Closing Deliberation. The member moving the adoption of a motion or resolution shall have the privilege of closing the deliberations or making the final statement.
- k. Division of Question. If the question contains two (2) or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.
- l. Second Required. All motions, except for nominations and a point of order, shall require a second.
- m. Voting. A vote of three (3) members at a properly called meeting shall be necessary for any action of the COMMISSION. Four (4) members of the COMMISSION shall constitute a quorum. If a motion fails to receive the required number of votes to pass or fail, the request of any COMMISSION member would cause the item to be carried over to the next meeting.
- n. Forms of Action. The COMMISSION may act by motion or resolution. All motions shall be recorded in the minutes verbatim. All resolutions shall be in writing and the title shall be recorded verbatim in the minutes as well as the vote thereon.
- o. Miscellaneous. All other matters not covered by these rules shall be decided by a majority of the COMMISSION. Roberts Rules of Order may be used as a guide.

G. ATTENDANCE

It shall be the responsibility of each Community Sustainability Commission member to notify the Secretary, who shall thereupon notify the Chair, of an inability to attend a scheduled COMMISSION meeting. Other applicable attendance rules for Commissioners are governed by the Benicia Municipal Code.

H. PREEMPTION

The applicable City of Benicia's policies, resolutions and ordinances and state and federal laws shall prevail where a conflict exists between any of them and these Rules and Procedures.