

OPEN GOVERNMENT COMMISSION

RULES AND PROCEDURES

A. GENERAL PROVISIONS

1. These rules and procedures shall be known as "Rules and Procedures of the Open Government Commission, "Commission", City of Benicia." A copy of these rules and amendments thereto shall be filed in the City Attorney's Office 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. MEMBERSHIP

1. Appointment. The Commission shall consist of five (5) members appointed by the City Council. Members shall be qualified by the terms of the ordinance establishing the Commission and shall not be employees of the City.
2. Term of Office. Members shall serve four (4) year terms, except the initial appointments to the Commission shall be staggered in accordance with Paragraph 4.20.040B. of the Sunshine Ordinance. The Chairperson, Vice Chair and Sergeant at Arms selected by the Commission, shall each serve for a one (1) year term, or until successors are selected.
3. Maintenance of Membership. Persons appointed members shall continue to serve except for:
 - a. Expiration of their term and appointment of their successor.
 - b. Voluntary resignation.
 - c. Removal by the City Council (see ordinance).

C. OFFICERS

1. The officers of the Commission shall be:

Chair: who shall preside at all meetings of the Commission, call special meetings, appoint committees, prepare agenda, act as single point of contact to deal with

other agencies 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.

Sergeant at Arms: who shall keep order during the meeting and be the keeper of the time. The Sergeant at Arms shall preside at any meeting where the Chair and Vice Chair are both absent.

Secretary: may be a City employee 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, Vice Chair and Sergeant at Arms shall be elected by the Commission from its membership at the first meeting in January of each year when the Commission is fully constituted. The Administrative Secretary (Legal Technician) in the City Attorney's Office shall serve as Secretary to the Commission.
3. Staff Person. The staff person of the Commission shall: (a) supply the Commission members with such information and make such 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.

D. MEETINGS

1. The Commission shall meet at least quarterly on the first Monday at 5:00 p.m. 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 6 days prior to a meeting.
2. 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. 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. It is the desire of the Open Government Commission to adjourn their meetings by 9:00 p.m. Therefore, no new business will be taken up by the Commission after 9:00 p.m. unless the Commission adopts a motion to continue. The remaining items will be placed on the next regularly scheduled Commission meeting in the appropriate section of the agenda, unless the Commission calls for a special meeting to consider one or more of the continued items.

E. AGENDA

1. Call to Order
2. Convene Meeting
Roll Call
Pledge of Allegiance
Reference to the Fundamental Rights of Public
3. Announcements/Presentations
Announcements
Presentations
4. Adoption of Agenda
5. Opportunity for Public Comment
Written
Public Comment
6. Consent Calendar
7. Commission Training
8. Information Items
9. Public Hearings
10. Action Items
11. Complaint/Petition Hearing
12. Comments From Commission Members

13. Future Agenda Items
14. Next Meeting
15. Adjournment

F. MINUTES

1. General Policy Statement on Minutes of Meeting. It is the general policy of the Commission to prepare draft minutes of the deliberations of the Commission. These minutes will include speakers on every question and the basic position taken on the issue addressed. Minutes must be finalized and adopted by the majority of Commission members in order to be regarded as an official record of the Commission.
2. Public Comment. Any member of the public during Opportunity for Public Comment 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.
3. Method of Documentation. It is the policy of the Commission to retain tape recordings documenting Commission deliberations for four 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.

G. RULES OF ORDER

The following definitions and rules shall govern the proceedings and order of business of the 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.
 - a. Permission. 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. No one shall speak for more than five (5) minutes without

permission of the Chair. The Commission may limit speaking time if a large number of the public wish to speak on any particular item.

- 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 Commission 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 which would terminate further deliberation has been adopted.

3. Appeals.

- a. The procedure for the conduct of all appeals of 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. 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 voting on the item and participating in the decision-making process. The following procedures should be followed:
 - 1. Declare the conflict of interest.
 - 2. State the basis of the conflict of interest.
 - 3. Do not discuss or vote on the matter.
 - 4. Step away from the Commission table 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 is 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 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. Nothing herein shall be construed to prevent any member of the Commission from making or remaking the same or other motion at a subsequent meeting of the Commission or a motion to rescind.
- 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 consideration of any new amendments to or deliberation of the subject under consideration and is not debatable.
- i. Statement of Position. When a motion to call for question, continue to a date specific, or table is adopted, each member of the Commission may briefly state his/her position on the matter before roll call and the Commission member moving the adoption of a motion or resolution shall have the privilege of making the final statement.
- j. 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.

- k. Second Required. All motions except for nominations and a point of order shall require a second.

- l. Voting. A vote of three (3) members at a properly called meeting shall be necessary for any action of the Commission. A tie vote shall result in denial of the action. Three (3) members of the Commission shall constitute a quorum. Action on all Public Hearings, Action Items, Complaint/Petition Hearings 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 Commission member or member of the public. 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 Commission member objects to the procedure, a roll call vote shall be called in the normal manner. If a motion fails to receive the required number of votes to pass or fail, any Commission member may request the item be carried over to the next meeting.

- m. 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.

- n. 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.

H. ATTENDANCE

- 1. It shall be the responsibility of each Commission member to notify the Secretary, who shall thereupon notify the Chair, of an inability to attend a scheduled Commission meeting.

I. PREEMPTION

- 1. 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.