

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BEAUMONT APPROVING
AMENDMENTS TO THE CITY OF BEAUMONT MUNICIPAL
CODE PERTAINING TO RULES OF PROCEDURE**

WHEREAS, Chapter 2.04 of Title 2 of the Beaumont Municipal Code currently sets forth the City Council adopted Rules of Procedures for Council meetings; and

WHEREAS, to facilitate the orderly and timely conduct of City meetings and to promote wider community understanding and participation in City meetings, the City Council desires to amend Chapter 2.04 of Title 2 of the Beaumont Municipal Code to expand the application of Rosenberg's Rules of Order as procedural guidance for City Council meetings and for meetings of other City boards and commissions; and

WHEREAS, the City Council desires to provide further guidance and clarity on the process to be utilized by the City Council in selecting its Mayor and Mayor Pro Tempore; and

WHEREAS, the City Council desires to provide further clarity regarding the process to be utilized by the City Council in appointing individuals to City boards and commissions and to the boards of outside agencies;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES
ORDAIN AS FOLLOWS:**

SECTION 1. CEQA. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 2. Severability. The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 3. The City Council hereby amends Title 2, Chapter 2.04, “City Council Meetings” to read as follows:

Chapter 2.04
CITY COUNCIL RULES OF PROCEDURE

Sections:

- 2.04.010 Time and place – Generally.
- 2.04.020 Time and place – Holiday.
- 2.04.030 Notice of Meetings.
- 2.04.040 Rules of Procedure.
- 2.04.050 Presiding Officer.
- 2.04.060 Maintenance of Order.
- 2.04.070 Decorum.
- 2.04.080 Items for Future Agendas and Time Limits for Comments.
- 2.04.090 Nomination of Mayor and Mayor Pro Tempore.
- 2.04.100 Appointments to City Boards and Commissions.
- 2.04.110 Appointment of Council Members to Boards and Commissions of Outside Agencies.
- 2.04.120 Mayoral Responsibilities.
- 2.04.130 Council Member Conduct.
- 2.04.140 Council Member Vacancies.

2.04.010. Time and Place – Generally. Regular meetings of the City Council shall be held at such times and places as may be fixed by resolution duly adopted by the City Council.

2.04.020. Time and Place – Holiday. If a regular meeting of the City Council falls on a legal holiday, such meeting shall be held on the next Wednesday not a legal holiday.

2.04.030. Notice of Meetings. Notice of City Council Meetings shall be given in compliance with the Ralph M. Brown Act, as may be amended from time to time, and as required by California Law.

2.04.040 - Rules of procedure.

The City Council will utilize Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century as guidance for parliamentary procedure for all City Council meetings. The Beaumont Planning Commission and other City Council created commissions and committees that are required to hold open meetings in compliance with the Ralph M. Brown Act, shall utilize Rosenberg’s Rules of Order as guidance for parliamentary procedure during their respective meetings.

2.04.050 - Presiding Officer.

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

2.04.060 - Maintenance of Order.

The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. In the absence of a rule to govern a point of procedure, the decision of the Mayor or Presiding Officer shall be final and binding, unless overruled by a majority of a quorum of the Council. No person should be allowed to speak without first being recognized by the Mayor or Presiding Officer. A Council Member, once recognized by the Mayor or Presiding Officer, shall not be interrupted while speaking unless called to order by the Mayor or Presiding Officer. All questions and remarks should be addressed to the Mayor or Presiding Officer.

The Mayor or Presiding Officer may order any person or group to leave a meeting where said person or group, after warning, willfully interrupts a meeting so as to render the orderly conduct of the meeting unfeasible. If said person or group refuses to leave the meeting after being directed to do so by the Mayor or Presiding Officer, the Mayor or Presiding Officer may implement the procedures authorized by law to evict a disruptive person or group from the meeting and to restore order, including but not limited to the procedures authorized by Government Code Sections 54957.9 and 36813.

2.04.070 - Decorum.

No City Council member shall be allowed to speak more than once upon any one subject until every other City Council member wishing to speak thereon shall have had the opportunity to speak. The Mayor and Council Members shall accord the utmost courtesy to each other, to City staff, and to the public appearing before the City Council and shall refrain at all times from rude or derogatory remarks.

2.04.080 - Items for Future Agendas and Time Limits for Comments.

- A. During a City Council meeting, the Mayor or any member of the Council may direct the City Manager to place an item on a future agenda.
- B. If a member of the City Council believes that their comments on any item will exceed five minutes, they shall ask the Mayor or Presiding Officer for additional time to speak on the item.
- C. Public comments shall be limited to three minutes per person per agenda item unless otherwise authorized by majority vote.

2.04.090 – Nomination of Mayor and Mayor Pro Tempore.

The City Council selection of the Mayor and Mayor Pro Tempore shall occur annually at the first Council meeting in December during a year in which no Council Member seat is open for election or at the second regular or special Council meeting in December during a year in which Council Member seats are open for election. The Mayor and Mayor Pro Tempore selection shall occur by a seniority rotation process as follows:

- A. The office of Mayor and Mayor Pro Tempore shall rotate each year based on the number of years each council member has been in office. Each Council Member shall be given a specified position in the rotation sequence. The first person in the sequence, as determined by tenure on the City Council, shall serve as Mayor. The second person in the sequence, shall serve as Mayor Pro Tempore.
- B. After serving as Mayor, that Council Member moves to the end of the rotation sequence and the other four Council Members move forward, causing the Mayor Pro Tempore to become the Mayor.
- C. The next Council Member in the rotation after the Mayor Pro Tempore shall then become the Mayor Pro Tempore.
- D. When a Council Member is newly elected or appointed, the new Council Member is placed in the fourth position in the rotation, after all incumbents, but before the current outgoing Mayor.
- E. If two or more Council Members are newly elected at the same time, the number of votes received in the election determines the Council Members position in the sequence, with the Council Member receiving the fewest votes placed last in the rotation but before the current outgoing Mayor.
- F. Incumbent Council Members, when re-elected, retain their placement in the rotation.
- G. If for any reason a Council Member is removed from the rotation, the remaining Council Members move forward in the sequence.
- H. A Council Member may decline to serve as Mayor or Mayor Pro Tempore. In this case, the office would pass to the next Council Member on the list. The Council Member who declined may drop back one position in the rotation.
- I. The selection of the Mayor and Mayor Pro Tempore must be ratified by three affirmative votes. If the Mayor or Mayor Pro Tempore fail to receive three affirmative votes, they retain their current position in the rotation and the office would pass to the next Council Member on the list, subject to ratification by three affirmative votes. This process continues until a Mayor and Mayor Pro Tempore are ratified by three affirmative votes. The newly selected Mayor and Mayor Pro Tempore shall be seated in their positions immediately after they have been approved by three affirmative Council Member votes.
- J. The City Clerk shall keep and update a list outlining the rotational sequence.
- K. A Council Member may serve as Mayor or Mayor Pro Tempore a total of two years during a four-year term of office on the Council, but shall not serve as Mayor or Mayor Pro Tempore in consecutive years.

2.04.100 – Appointments to City Boards and Commissions.

The City Council shall appoint all City board and commission members as determined by Sections 2.24.040, 2.30.020, and 2.35.040. The following guidelines shall control the appointment process:

- A. Members of the public may apply when a vacancy on a board or commission occurs. The City Council will conduct interviews of applicants at a City Council meeting once a sufficient number of applications have been received.
- B. Upon completion of applicant interviews, Council Members may nominate applicants to be appointed to the board or commission. Once all nominations are received, a vote will be taken for each nomination beginning with the first applicant nominated. Council Members may vote multiple times if there are multiple vacancies for the board or commission.
- C. If a nominee receives a majority vote from a quorum of the Council, that nominee shall be appointed to the board or commission.

2.04.110 – Appointment of Council Members to Boards and Commissions of Outside Agencies.

At the first regular Council meeting after a new Mayor is installed, the Mayor shall appoint members to Boards and Commissions of outside agencies in the manner provided for herein. At said meeting, the Mayor shall announce the board or commission for which nominations will be considered and invite nominations from the Council. Once all nominations have been received for the specified position, the Mayor shall close nominations. If only one Council Member is nominated to a specified position, the Mayor shall appoint that Council Member to said Board or Commission. In the event more than one Council Member is nominated for a specified position, the Mayor shall ask the nominees if they are willing to serve in the specified position. If a Council Member declines to serve, that Council Member's nomination shall be withdrawn. The Council shall hold a discussion and receive statements from nominees where multiple willing Council Members have been nominated for a specified position. Thereafter, the Mayor shall make an appointment to the specified position from among the willing nominees. This process shall be continued until all open positions on boards and commissions of outside agencies are filled. If no nominations are received for a particular board or commission, the Mayor may appoint a Council Member to fill the position.

2.04.120 – Mayoral Responsibilities.

The following tasks are the responsibility of the Mayor or if the Mayor is unavailable the Mayor Pro Tempore or Presiding Officer.

- A. To conduct meetings of the City Council as its chair.
- B. Ensure decorum is maintained at the meeting.
- C. To represent the City as its chief elected official at community functions, events, and meetings.
- D. To review and propose additions to the agendas of meetings of the City Council.
- E. Appoint individuals to ad hoc committees;
- F. Serve as the primary spokesperson of the Council in communications with the press;
- G. Sign all letters authorized by and on behalf of the Council.

2.04.130 – Council Member Conduct.

City Council Members shall:

- A. Treat each other, staff, and members of the public with courtesy and respect;
- B. Maintain confidentiality of all closed session materials and discussion;
- C. Be attentive to others and limit interruptions and distractions;
- D. Encourage diverse viewpoints in debate while avoiding personal attacks;
- E. Agree to respectfully disagree;
- F. Promote discussion and resolution of problems;
- G. Comply with and adhere to official decisions and policies of the City Council as approved by a majority of the Council;
- H. Work in furtherance of the City's best interests;
- I. Limit the use of texting and other forms of electronic messaging during Council Meetings to emergency situations.

2.04.140 – Council Member Vacancies.

Within 60 days of its occurrence, the City Council shall fill a vacancy on the City Council by appointment or by calling a special election in compliance with the Government Code. In the event the City Council chooses to fill the vacancy by appointment, the Mayor shall invite qualified individuals to apply for the vacant position. At a public meeting held in compliance with the Ralph M. Brown Act, the Council shall interview applicants for the vacant position. Upon completion of the applicant interviews, the Mayor shall request nominations for the vacant Council position. Once all nominations have been received for the vacant position, the Mayor shall close nominations and a vote shall be taken on the nominations in the order received. This process shall continue until such time as a nominee receives three affirmative votes of the Council. Upon a nominee receiving three affirmative Council Member votes, the nominee shall be sworn into office and assume the vacant Council position.

NOW, THEREFORE, BE IT ORDAINED the City Council of the City of Beaumont, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 15th day of September 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the 6th day of October 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

Rey Santos, Mayor

Attest:

Nicole Wheelwright, Deputy City Clerk

Approved as to form:

John O. Pinkney, City Attorney