

ORDINANCE NO. 1059

**AN ORDINANCE OF THE CITY OF BEAUMONT
APPROVING AMENDMENTS TO THE CITY OF
BEAUMONT MUNICIPAL CODE PERTAINING TO
CITY COUNCIL MEETINGS**

WHEREAS the City Council of the City of Beaumont, California, wishes to update the rules of parliamentary procedure to facilitate the orderly and timely conduct of meetings, to foster discussion and decision making, and to promote wider understanding and participation; and

WHEREAS Section 2.04.040 of Chapter 2.04 of Title 2 of the Beaumont Municipal Code currently mandates that Robert's Rules of Order supplemented by Parliamentary Procedures at a Glance constitute the rules of order for all meetings of the City Council; and

WHEREAS the City Council finds that Robert's Rules of Order are better suited to larger bodies than to city council meetings; and

WHEREAS the City Council finds that more modern rules tailored to city council meetings will better serve to facilitate the orderly and timely conduct of meetings, to foster discussion and decision making, and to promote wider understanding and participation;

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 MEETINGS

Sections:

| | |
|----------|-----------------------------|
| 2.04.010 | Time and place – Generally. |
| 2.04.020 | Time and place – Holiday. |
| 2.04.030 | Notice not required. |
| 2.04.040 | Rules of Procedure. |
| 2.04.041 | Presiding Officer. |
| 2.04.042 | Maintenance of Order. |
| 2.04.043 | Decorum. |
| 2.04.044 | Time Limitation. |

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. (Ord. 303 §1, 1959)

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. (Ord. 303 §2, 1959)

2.04.030. **Notice not required.** No notice shall be required for any regular meeting of the city council. (Ord. 303 §3, 1959)

2.04.040. **Rules of Procedure.** The rules of order set forth in this section, supplemented by Rosenberg’s Rules of Order, shall constitute the rules of order for all meetings of the City Council.

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

2.04.042. **Maintenance of Order.** The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person should be allowed to speak without first being recognized by the Mayor or Presiding Officer. All questions and remarks should be addressed to the Mayor or Presiding Officer.

2.04.043. **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.

2.04.044. **Time Limitation.**

- (a) The staff or other report and recommendations on an agenda item shall not exceed minutes (suggestion: 10 minutes). If the staff member or other person making the report and recommendations on an agenda item believes that his/her report and recommendations will exceed [10] minutes, he/she shall request permission from the Mayor or Presiding Officer for extended presentation

time. A majority of the quorum present may over-ride permission granted by the Mayor or Presiding Officer to extend the presentation time.

- (b) The City Council discussion and debate on an agenda item shall not collectively exceed minutes (suggestion: 30 minutes). If a City Council member believes that Council discussion and debate will exceed [30] minutes, he/she may request that the Mayor or Presiding Officer extend the time for Council discussion/debate on an agenda item. A majority or the quorum may over-ride the Mayor's or Presiding Officer's decision to extend discussion/debate time on an agenda item.
- (c) Public comments shall be limited to 3 minutes per person per agenda item.

SECTION 4. Effective Date and Publication. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

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 7th day of July, 2015, by the following roll call vote:

AYES: Fox, Lara, Knight, Orozco, White
NOES: None
ABSENT: None
ABSTAIN: None

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the 21st day of July, 2015.

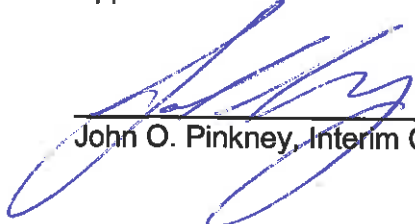
AYES: Fox, Lara, Knight, Orozco, White
NOES: None
ABSENT: None
ABSTAIN: None


Brenda Knight, Mayor

Attest:


Julio Martinez, City Clerk

Approved as to form:


John O. Pinkney, Interim City Attorney

Rosenberg's Rules of Order:
Simple Parliamentary
Procedures for the 21st Century



MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move ..." A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."
2. Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

SKU 1533

\$5.00

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on recycled paper.*



CITY OF BEAUMONT

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the Beaumont City Council will conduct a public hearing on Tuesday, July 7, 2015 in room 5 at the Beaumont Civic Center, 550 E. 6th Street, Beaumont, California 92223, to receive testimony and comments from all interested persons regarding the adoption of the following matter(s):

**AN ORDINANCE OF THE CITY OF BEAUMONT
APPROVING AMENDMENTS TO THE CITY OF
BEAUMONT MUNICIPAL CODE PERTAINING TO CITY
COUNCIL MEETINGS**

The ordinance to be considered for adoption is summarized as follows:

Ordinance amends Title 2, Chapter 2.04 of the City of Beaumont Municipal Code relating to the rules of order for City Council meetings. This ordinance amends existing law pertaining to City Council meetings rules of order, and specifies that the Presiding Officer at each meeting will be the Mayor, or the Mayor Pro Tem if the Mayor is absent, or a temporary Presiding Officer if both the Mayor and Mayor Pro Tem are absent. This ordinance specifies that the Presiding Officer is responsible for maintenance of order and decorum, and that all speakers must be recognized by the Presiding Officer. This ordinance requires City Council members to refrain from speaking more than once on an issue until all council members who want to speak have had the opportunity to do so. This ordinance would place time limitations on reports and recommendations, discussion and debate, and public comments. The time limitations may be extended if necessary. Pursuant to this ordinance, these sections, supplemented by Rosenberg's Rules of Order, will constitute the rules of order for all City Council meetings.

Date: June 8, 2015

Publish one time only in the Record Gazette on June 19, 2015

4.c

Staff Report

To: City Council of the City of Beaumont, California
 From: Interim City Attorney
 Date: July 7, 2015
 Re: Rosenberg’s Rules of Order
 Subject: Ordinance of the City Council of the City of Beaumont approving amendments to the City of Beaumont Municipal Code Pertaining to the City Council Meetings

Introduction

Judge David (Dave) Rosenberg served as county supervisor (Yolo), mayor (Davis) and city council member (Davis) prior to his appointment to the bench in 2003. Judge Rosenberg authored Rosenberg’s Rules of Order (“Rosenberg’s Rules”) to create parliamentary procedures “simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed.”¹ The four pillars of Rosenberg’s Rules are that rules of parliamentary procedure should: 1) establish order; 2) be clear; 3) be user friendly; and 4) enforce the will of the majority while protecting the rights of the minority.²

Rosenberg’s Rules provide a modern alternative to Robert’s Rules of Order (“Robert’s Rules”), which were originally published in 1876 and modeled after the parliamentary procedures used by the U.S. House of Representatives. Below is a summary of the parliamentary procedures set forth in Rosenberg’s Rules.

Establishing a Quorum

Establishing a quorum, i.e. the minimum number of members required for business to be legally transacted, is the starting point of a meeting. In the absence of a specific rule of the body, the default rule is that quorum is one more than half the members of the body. Quorum can be lost during a meeting if a member departs and the remaining number of members falls below half of the members of the body. Business cannot be legally transacted if quorum is not established or is lost. Pursuant to the default rule, quorum for the five-member Beaumont City Council is three members.

The Role of the Chair

The chair is charged with applying the rules of conduct of a meeting, and all decisions by the chair are final unless overruled by the body itself. As such, the chair should try to be the last

¹ David Rosenberg, Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century (Rev. 2011).

² *Ibid.*

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to speak at the discussion and debate stage, and should not make or second a motion unless convinced that no other member will do so.

In the case of the Beaumont City Council, the Presiding Officer (the Mayor, or Vice Mayor if the Mayor is absent, or the appointed Presiding Officer if both the Mayor and Vice Mayor are absent) will fulfill the role of the chair.

The Basic Format for an Agenda Item Discussion

The agenda is the roadmap for a meeting, and each item can be handled by the chair as follows:

1. **Announce the agenda item** clearly by stating its number and subject.
2. Invite the appropriate person(s) to **report and make recommendations**, if any, on the item.
3. **Ask members of the body if they have technical questions**; members may ask such questions of the person(s) reporting and making recommendations, and such person(s) should be given time to answer.
4. **Invite public comments or open for public input**, and announce when the period therefore has concluded or closed; if necessary, the chair may limit the time for public speakers.
5. **Invite a motion and announce the name of the member making the motion.**
6. **Determine if any member wishes to second the motion and announce his/her name.** NOTE: a second is good practice, but not an absolute requirement; in his/her discretion, the chair can proceed with consideration and vote even when there is no second.
7. **Make sure that everyone understands the motion**, in one of three ways:
 - (i) Ask the maker of the motion to repeat it; or
 - (ii) Repeat the motion; or
 - (iii) Ask the secretary or the clerk to repeat the motion.
8. **Invite discussion of the motion by the body and, when concluded, announce that the body will vote on the motion.** If there has been little or no discussion, then the vote on the motion should proceed right away, and there is no need to repeat the motion; if there has been substantial discussion, it is best to repeat the motion.
9. **Take a vote.**
10. **Announce the result of the vote**, indicating the names of those who voted in the *minority* on the motion, **and announce what action the body has taken.**

Motions in General

Motions are made in a two-step process: 1) the chair recognizes the member of the body; and 2) the member makes a motion starting with the words “I move ...” The chair usually initiates the motion by inviting the members to make a motion; suggesting a motion to the members; or making the motion if convinced that no other member will do so.

The Three Basic Motions

- I. *The basic motion:* puts forward a decision for the body's consideration.
- II. *The motion to amend:* takes the basic motion before the body and seeks to change it in some way.
 - A "friendly amendment" is an informal amendment which, if accepted by the maker and the member who seconded the motion pending on the floor, then becomes the pending motion on the floor. If either the maker or the member who seconded the motion rejects it, the proposer can make a formal motion to amend.
- III. *The substitute motion:* completely does away with the basic motion before the body and puts a new motion before the body.

NOTE: the determination of whether a motion is a motion to amend or a substitute motion is up to the chair.

Multiple Motions Before the Body

There can be up to three (3) motions of the floor at the same time. If there are multiple motions on the floor, the vote should start on the last motion that is made.

To Debate or Not to Debate

The general rule is that a debate can continue as long as members wish to discuss an item, subject to the chair's decision that it is time to move on and take action. The following motions are *exceptions to the general rule*, and if made and seconded, the chair must immediately call for a vote of the body without debate:

1. *Motion to adjourn:* if passed, the body must immediately adjourn to its next regularly scheduled meeting; requires a simple majority vote.
2. *Motion to recess:* if passed, the body must immediately take a recess the duration of which is normally determined by the chair; requires a simple majority vote.
3. *Motion to fix the time to adjourn:* if passed, the body must adjourn the meeting at the specific time set in the motion; requires a simple majority vote.
4. *Motion to table:* if passed, the discussion of the item must stop and the item must be placed on hold. If the motion does not contain a specific time for the return of the item, a motion to take the item off the table and bring it back must be made at a future meeting; both require a simple majority vote.
5. *Motion to limit debate:* requires a two-thirds vote.
6. *Motion to object to consideration of an item:* if passed, the body is precluded from considering an item; requires a two-thirds vote.

Majority and Super Majority Votes

Usually, a simple majority is sufficient to pass a motion; however a two-thirds majority (a super majority) is necessary to pass the following motions:

1. *Motion to limit debate*

2. *Motion to close nominations*
3. *Motion to object to the consideration of an item*
4. *Motion to suspend the rules:* if the body has its own rules of order, conduct, or procedure, it allows the body to suspend the rules for a particular purpose.

Counting Votes

- I. *Simple majority:* requires 50% + 1
- II. *Super majority:* requires 2/3 (i.e. count the “no” votes and double that count to determine how many “yes” votes are needed to pass)
- III. *Tie:* motion fails

To determine how to count abstentions, consult state statutes and then the rules of the body. If these are silent, the default rule is that all votes “present and voting” are counted, which means that abstentions are not counted on a vote on a motion. However, if the rules specify that all votes “present” are counted, abstentions are counted on a vote on a motion and, in effect, act as a no vote.

Any answer other than a “yes” or “no” may be treated by the chair as an abstention. In the case of written ballots, a blank or unreadable ballot is treated as an abstention. Whether a member may vote as “absent” is up to the chair; the better approach is to treat this as an actual absence (which affects quorum), but the chair may treat it as an abstention.

Some examples for a five-member body with all five members present:

- (i) Default rule (“present and voting”) applies and the motion requires a simple majority
→ 3-2 with no abstentions passes the motion, 2-2 with one abstentions fails
- (ii) Default rule (“present and voting”) applies and the motion requires a super majority
→ 4-1 with no abstentions passes the motion or 3-1 with one abstention passes the motion
- (iii) Rules specify that all votes present are counted and the motion requires a super majority
→ 3-1-1 (3 yes, 1 no, 1 abstention) fails the motion

Motion to Reconsider

Requires a simple majority, but two special rules apply:

1. *Timing:* a motion to reconsider must be made at the meeting where the item was first considered (unless the body votes to suspend the rules and by a super majority vote allows a motion to reconsider to be made at another time).
2. *Maker:* a motion to reconsider may be made only by a member who voted in the *majority* on the original motion; any member may second it.

Courtesy and Decorum

Best practice is to be first recognized by the chair, and for only one speaker to have the floor at a time. The chair may cut off overly personal, loud, or crude discussion, and may limit the time allotted to speakers.

A speaker may usually not be interrupted, subject to the following exceptions:

1. *Privilege*: anything that would interfere with the normal comfort of the meeting. The proper interruption is “point of privilege,” and the proper response from the chair is “state your point.”
2. *Order*: anything that would not be considered appropriate conduct for the meeting. The proper interruption is “point of order,” and the proper response from the chair is “state your point.”
3. *Appeal*: if the chair makes a ruling that a member of the body disagrees with. Requires a simple majority vote, and the ruling of the chair is deemed reversed.
4. *Call for orders of the day*: if a member feels that the body has departed from the agenda. Does not require a vote, and the chair simply reminds the body to return to the agenda.
5. *Withdraw a motion*: the maker may interrupt to withdraw his/her motion. The motion is immediately deemed withdrawn, but then any other member may make the motion if properly recognized.

Special Notes About Public Input

Three rules for the chair for each item: 1) tell the public what the body will be doing; 2) keep the public informed; and 3) tell the public what the body did.

Conclusion

The above summarizes Rosenberg’ Rules to provide a quick reference for the City Council. These rules were revised in 2011 to simplify parliamentary procedures for smaller bodies, such as city councils, and to provide an alternative to the more complex Robert’s Rules of Order. A copy of Rosenberg’s Rules is attached for further reference. This memorandum and Rosenberg’s Rules are designed to supplement the rules of order set forth in the Ordinance amending section 2.04.040 of the Beaumont Municipal Code.