



# CITY OF CLEARLAKE

## CITY COUNCIL NORMS AND PROCEDURES

# **COUNCIL NORMS AND PROCEDURES**

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# CITY OF CLEARLAKE

## CITY COUNCIL NORMS AND PROCEDURES

### SECTION 1. GENERAL

**1.1 Purpose.** The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Clearlake.

**1.2 Values.** Respect for each Council Member's interpersonal style will be a standard of operation. Courtesy and respect for individual points of view will be practiced at all times. All Council Members shall respect each other's right to disagree. All Council Members shall practice a high degree of decorum and courtesy. When addressing the public in any way, all Council Members shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Council Member or the City.

**1.3 Overview of Council responsibilities.** The City of Clearlake is a General Law city of the State of California operating under the Council/Manager Plan and the City Manager's duties shall define how the City Council and City Manager interact and perform their respective duties and responsibilities. The City Council has the following duties and responsibilities:

**(a) Appointment of the City Manager and City Attorney.** The City Council shall appoint the City Manager and the City Attorney. There should be an annual review for the City Manager and the City Attorney.

**(b) Establishment of boards and appointment of members.** The Council may appoint establish Boards, Commissions, and Committees, and by majority vote make appointments of members of all Boards, Commissions, and Committees.

**(c) Legislative decisions.** The Council is the legislative body; its members are the community's decision makers. Power is centralized in the elected City Council collectively and not in individual members of the Council. The City Council approves the budget and determines the public services. It focuses on the community's goals, major projects and such long term considerations as community growth, financing and strategic planning. The City Council hires a professional City Manager to carry out administrative responsibilities and supervises the City Manager's performance.

**1.4 Overview of City Manager responsibilities.** The City Manager is hired to serve the City Council and the community and to bring the benefits of education, training and experience in administering the City's projects, programs, and public services on behalf of the City Council. The City Manager has the following among his or her duties:

**(a) Preparation of a Recommended Budget.**

**(b)** Recruitment, Hiring, and Supervision of Personnel, Contractors, and Consultants.

**(c)** Implementation of the Council's policies and programs and public services in an effective and efficient manner, providing professional advice on policy matters, intergovernmental affairs, economic development and environmental issues.

The City Manager follows the direction of the entire City Council and not individual members of the Council or the public, and serves at the sole discretion of the Council.

**1.5 Review.** The City Council shall conduct a review of this document biennially, or whenever a new Council Member has been seated or Council deems necessary, to assist Council Members in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.

**1.6 Ralph M. Brown Act.** All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with the Ralph M. Brown Act.

## **SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS**

**2.1 Reorganization.** In December of each year, the City Council shall select and appoint a Mayor and Vice Mayor by majority vote of the Council from among its members. Selection and appointment shall be at the first meeting of a new term following each General Municipal Election or at the first meeting in December during non-election years. The term of the Office of the Mayor and Vice Mayor shall be for a 12-month period commencing on January 1<sup>st</sup> of each year, unless otherwise provided for by majority vote of the Council. The Mayor remains as one member of the City Council and has no rights or authority different from any other member of the Council.

**2.2 Appointment of Vacancy.** In the event of a vacancy of office or the death or resignation of any Council Member, the Council shall appoint a new Council Member within sixty (60) days after a vacancy or death or resignation becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

## **SECTION 3. ADMINISTRATIVE MATTERS**

**3.1 Attendance.** City Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Manager or the City Clerk, and, if possible, the Mayor as a courtesy, if they will be absent from a meeting. Failure to attend regular City Council meetings for sixty (60) consecutive days from the last regular meeting can result in your seat becoming vacant and filled accordingly. (Gov't Code § 36513.)

**3.2 Correspondence.** With some exceptions, proposed correspondence (including electronic) from individual Council Members/Mayor on City stationery shall be reviewed by the Council in

draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (e.g., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Council Members should be respectful and professional.

**3.3 Regional Boards.** The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Clearlake is appropriate on some boards; this is generally the case when other local governments have their own representation. The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Clearlake. If an issue should arise that is specific to Clearlake and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with a majority of the Council's position.

Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council during properly posted Council meetings.

Council Members shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Council Member is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

**3.4 Distribution of Information.** It is essential that every member of the City Council have the same information from which to form decisions and actions. Any information distributed to one Council Member shall also be distributed to all Council Members.

**3.5 Reimbursement.** Every effort shall be made to limit the need to reimburse Council Members for expenses. City Council Members may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Council Member. The reimbursement of expenses is limited in the following manner: Members shall be reimbursed at rates established by the Internal Revenue Service unless discounted or group rates are offered by the conference or activity sponsor. Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting, before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the legislative body.

**3.6 Ethics, Sexual Harassment Prevention, and Anti-Bullying Training.** Any member of the City Council and commissions, or advisory committees formed by the City Council, shall receive at least two hours of ethics training in general ethics principles and ethics laws (as mandated by AB 1234), two hours of sexual harassment prevention training (*as mandated by AB 1825*) and two hours of abusive conduct prevention training (*as mandated by AB 2053*) all relevant to his/her public service every two years.. New members must receive this training within their first year of service and file a certificate of completion with the City Clerk. Members shall attend training sessions that are offered locally in the immediate vicinity of Lake County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of each of these trainings every two years to satisfy this requirement for all applicable public service positions. The City will use training courses that have been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The City Clerk is required to keep training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

**3.7 City Mission and City Seal.** The Mission of the City of Clearlake is a strategic document that reflects the values of our residents. The City Seal is an important symbol of the City of Clearlake. No change to the City Mission and/or City Seal shall be made without Council approval. Individual council members shall be careful in use of the City Seal so as not to create an appearance that the council member is acting on behalf of or with official endorsement of the City of Clearlake.

**3.8 Use of Email and Social Media Accounts.** Except for emergencies, public officials who are not City employees (“public officials”) conducting City business should not create any “public record” [as that term is defined in California Government Code § 7920.530 (a)] by using any email account that is not a City email account, or by using any non-City-controlled social media account. Instead, public officials should use a City email or City-controlled social media account.

In an emergency, a public official may send an email on a non-City email account, but only if a copy of any public record that is created as a result is contemporaneously copied to the City email account of that same public official, or a hard copy is provided to the City for retention in City records.

Practically speaking, this means that public officials should rarely, if ever, use a personal email account to conduct City business, and should never use personal social media accounts to conduct City business. Nothing in this policy is intended to limit a public official’s use of private email and social media accounts for non-City business such as personal communications and campaign related activities. Nor is this policy intended to require public officials to provide privileged communications or documents to the City, or to waive any applicable privileges which may apply to documents purely because they have been turned over to the City in compliance with his policy.



For purposes of this policy “City-controlled social media account” is an account on a social media platform (e.g. Facebook, Instagram, Twitter) that is created and used by the City (e.g. the City’s official Facebook page, if any).

In addition to the requirements set out here, Council Members are required to comply with the City’s policy on City-controlled social media accounts.

**3.9 Use of City Electronic Devices.** In general, when creating or modifying public records in the conduct of City business on an electronic device that can create and modify public records (e.g. computers, mobile phones, tablets), public officials should only use City-issued devices. There are two exceptions:

Exception: Using City Accounts. Public officials may use non-City electronic devices when accessing an official City account (e.g. City email address, City-controlled social media account).

Exception: Contemporaneous Copying. If, in a given situation, using a City electronic device is clearly impractical or if a public official has not been issued or does not have in the public official’s possession a City electronic device, a public official may use a non-City device, but only if a copy of each affected public record is contemporaneously copied to a City account of that same public official, or to the related City-controlled social media account, or a hard copy is provided to the City for retention in City records.

Texting Only on City Devices. Except for emergencies or when communicating with the City Attorney’s Office, public officials conducting City business shall not send or receive texts on any device other than a City owned device. In an emergency, a public official may use a non-City device to text, but only if a copy of any public record that is created as a result is contemporaneously copied to a City account of that same public official, or a hard copy is provided to the City for retention in City records. Practically speaking, this means that public officials should rarely, if ever, use a non-City owned device to text in the conduct of City business.

Provide Copies to City. If a public official has possession of a public record that is not in the possession of the City, the public official shall promptly provide a copy of the record to the City, and take reasonable precautions to prevent this from occurring again. For example, if a public official receives an email regarding City business on a non-City email account, and the email was not sent to or from a City email account (i.e. the City doesn’t already have a copy), the public official shall promptly forward a copy of the email to the public official’s City email account, or provide a hard copy to the City for retention in City records, and should request that the sender send future correspondence to a City controlled email account.

In addition to the requirements set out here, Council Members are required to comply with the City’s policy on City computer and electronic mail usage.

## **SECTION 4. COUNCIL RELATIONSHIP WITH STAFF**

**4.1 City Manager.** City Council Members are always free to go to the City Manager to discuss City business. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City

Manager will be responsible for contacting all Council Members. The City Manager may delegate this responsibility to Department Heads.

**4.2 Agenda Item Questions.** If a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Council Members from asking questions during a Council meeting.

**4.3 Interaction of City Council with Staff.** The Council shall treat staff with respect and shall not abuse staff, nor embarrass staff in public. The City Council Members are to work through the City Manager or City Attorney on all issues, concerns and questions. This is to allow the senior professional staff, with the proper education, training, experience and knowledge of issues, laws and City Council's policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts. Council Members may ask Department Heads for information. This informal system of direct communication is not to be abused. City Council Members shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy.

**4.4 Individual Council Member's Requests.** Council Members shall make their requests for information to the City Manager or City Clerk and not directly to individual members of staff. The use of City staff, including the City Manager, to respond to an individual Council Member's request for any purpose that exceeds more than one hour of total staff time must be approved by the majority vote of the full Council. The individual City Council Member may make his/her request orally or in writing to the City Manager or City Clerk. The City Manager shall provide an estimate of the cost and how the request affects the Council's Goals and Objectives. This request will then be considered by the City Council at the next possible City Council meeting. Irrespective of the amount of staff time required to respond to each Council Member's request, individual Council Member's requests should be limited to three to five requests per week.

## **SECTION 5. PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES**

### **5.1 Definitions.**

- (a) Task Force:** A temporary grouping of individuals and resources for the accomplishment of a specific objective.
- (b) Committee:** A group of people officially delegated to perform a function, such as investigating, considering reporting, or acting on a matter.
- (c) Ad Hoc:** Committees established for a specific purpose. Formed for or concerned with one specific purpose (e.g. ad hoc compensation committee); for the particular end or case at hand without consideration of wider application; formed or used for specific or immediate problems or needs; often improvised or impromptu; contrived purely for the purpose in hand rather than carefully planned in advance.

**(d) Commission:** A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty; the rank and powers so conferred.

**(e) Board:** A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly – in having greater autonomy and authority.

## **5.2 Recruitment Process.**

On or before December 31<sup>st</sup> of each year, the City Clerk shall prepare and post a list of all Council-appointed board, commission and committee terms that expire during the next calendar year in compliance with the Maddy Act (Government Code Section 54972).

The City Clerk shall annually advertise in a newspaper and on the City’s website for applicants wishing to be considered for appointment to boards, commissions and committees.

Although there may be multiple applicants, Council Members are not required to choose from the pool of applicants and may nominate their own appointee, provided the appointee qualifies.

All persons seeking appointment to a City board, commission or committee shall complete and submit an application form to the City Clerk as set forth in Section 5.6. Applications shall be kept on file for two years in the City Clerk’s office and vacancies may be considered from applications on file, as well as new applications.

Appointments made by individual Council Members are official only after the Council Member has submitted a completed application and appointment form to the City Clerk, the City Clerk has determined that the individual is eligible to serve and the City Clerk has provided proper notification to the appointed board, commission or committee member, and chair of the board, commission or committee. Council Members may announce an appointment at a City Council meeting; however, such an announcement is not required for the appointment to become effective. The City Clerk shall notify the full City Council of any appointments made by individual Council Members.

If an unscheduled board or commission vacancy occurs during the term of the appointing Council Member and the Council Member so requests, the following steps should be taken to publicize vacancies on boards, commissions and committees:

- 1.** Public announcement of the vacancy at a Council meeting.
- 2.** A newspaper advertisement announcing the vacancy.
- 3.** A recruitment period of at least ten (10) days.
- 4.** A vacancy notice posted at City Hall, Redbud Library, and on the City’s website for at least 20 days.
- 5.** Announcements in the local media, such as press releases, online news outlets and free weekly sales papers.

6. Distribution to appropriate professional and community organizations and all groups that have requested notification.

### **5.3 Requirement for Appointment.**

All persons appointed to City boards, commissions and committees shall be residents of the City of Clearlake at the time of their appointment and shall remain so throughout their term of appointment. Should any person so appointed move from the City during their term of office, such office shall be forfeited. The Council shall, upon forfeiture, make a new appointment to fill the unexpired term.

All persons appointed to City boards, commissions and committees shall complete and submit an application form to the City Clerk as set forth in Section 5.6.

Except as provided by state or local statute, the appointee shall not be a current City employee or currently appointed to another City board, committee or commission.

**5.4 Council Notification.** By September 1 of each year, the City Clerk will notify the Council of expiring terms for members of those City boards, commissions, and committees appointed by the full Council.

### **5.5 Incumbents.**

At the end of the first term, the incumbent board, commission or committee member may, at the discretion of the Council or appointing Council Member, be reappointed for an additional term without the need to apply or interview for re-appointment. In lieu of an application, the board, commission or committee member shall submit to the City Clerk a letter of interest in re-appointment 30 days prior to the expiration of the member's first term.

Any incumbent interested in re-appointment who has served two or more terms must apply for re-appointment as set forth in Section 5.6.

**5.6 Application.** Except as set forth in Section 5.5, all persons considered for appointment or re-appointment shall complete an application form. This application form must be received by the City Clerk by the required deadline.

**5.7 Appointment Procedure for Planning Commission Members.** This portion of the policy sets forth the procedure for appointments of Planning Commission Members.

Applications shall be taken for Planning Commission as set forth in 5.2 through 5.6.

If fewer than ten applications are received, applicants will be interviewed by the full Council at an open meeting. Each applicant will be asked the same questions, with varying related follow up questions allowed.

If more than ten applications are received, the Mayor will appoint an ad hoc committee to meet with the applicants prior to appointment and recommend a number of applicants as determined by the Mayor for interview by the Council.

Following the interview, Council deliberation, and public comment, the Mayor shall call for a motion and a second for each separate vacant seat. Motions shall be as according to the Council Norms and Procedures.

All newly appointed and re-appointed Planning Commission Members shall take and subscribe to the Constitutional oath of office prior to or during the Member's first Planning Commission meeting.

An orientation and training program will be made to all new Planning Commission Members in March of each odd-numbered year. All board, commission and committee members are strongly encouraged to attend.

**5.8 Appointment Procedure for Board and Committee Members Appointed by the Full Council.** This portion of the policy sets forth the procedure for appointments made by the full Council for boards and committees appointed by the full Council.

Subject to review of the Council, the Mayor may establish a procedure for review of applications and selection of applicants for interview, for those board and committee members appointed by the full Council. Such selection and interview may be conducted by an ad hoc committee of the Council or full Council.

If an unscheduled board or committee vacancy occurs prior to the expiration of the member's term, the vacancy shall be noticed in compliance with the Maddy Act (Government Code Section 54974).

All persons appointed by the full Council to boards and committees serve at the pleasure of the Council and shall serve for the term indicated or until a successor has been appointed, unless removed by a majority vote of the appointing body.

Members of boards and committees appointed by the full Council shall be interviewed at a duly noticed open Council meeting and shall be selected by motion and majority vote of the Council.

**5.9 Attendance.**

Board, commission and committee members are expected to regularly attend and participate on their respective boards, committees and commissions.

A board, commission or committee member whose attendance is less than seventy five (75%) of the required meetings over a period of a year may be subject to removal by the Council Member who appointed the person or the full Council if appointed by the Council.

The Council may grant an approved leave of absence for a board, commission or committee member for such reasons as the Council determines appropriate. During the approved leave of

absence, the Council Member who appointed the person, or full Council, depending on how the person was appointed, may appoint a temporary person to fill the position.

#### **5.10 Norms and Procedures and Conflicts of Interest.**

Board, committee and commission members shall be expected to adhere to the Council Norms and Procedures.

Board, committee and commission members shall comply with all state and local laws with respect to ethics and conflicts of interests to the extent that such laws apply to their position, including state and local requirements to timely file Statements of Economic Disclosure if the member is designated as a filer by state law or by the City's Conflict of Interest Code.

Members of City boards, commissions or committees may not use their board, commission or committee position title for political endorsements.

**5.11 Conflicts with Federal, State or Local Law.** In case of a conflict between this section of the Norms and Procedure policy with federal, state or local law, such federal, state or local law shall be the controlling factor.

### **SECTION 6. MEETINGS**

**6.1 Open to Public.** All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.

**6.2 Broadcasting of City Council Meetings.** All regular Council meetings shall be scheduled in the Council Chambers to allow for web streaming and simulcast on the City's Public Education Government Access Channel, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor.

**6.3 Teleconferencing.** Teleconferencing into a City Council meeting allows City Council Members to join a City Council meeting while out of the area or ill. However, the use of teleconferencing requires compliance with specific requirements set out in the Brown Act. In the event a Council Member wishes to use teleconferencing, check with the City Manager and City Attorney well in advance of the meeting.

**6.4 Regular Meetings.** At the first regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 6.5, if necessary.

The City Council shall convene its regular City Council meetings at 6:00 p.m. on the first and third Thursday of each month. The City Council may, as the Council deems necessary, cancel regular meetings provided that the City Council shall hold a regular meeting at least once each month

pursuant to Government Code Section 56803. The regular 6:00 p.m. starting time of a council meeting can be varied by the City Manager with the concurrence of the Mayor to commence earlier or later (but in no event past 7:00 p.m.) depending upon the volume or nature of business for the council to consider at any given meeting, provided the City Clerk gives appropriate prior written notice of the adjusted starting time to the press and public.

Regular Meetings shall be terminated at 10:00 P.M.; however, the Mayor may, by majority vote of the Council, extend the meeting past 10:00 P.M. whenever the Council deems such extension necessary.

**6.5 Cancelling Meetings.** Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed their unavailability to attend a meeting. The City Council may, as the Council deems necessary, cancel no more than four (4) Regular Meetings per calendar year, by majority vote, provided, however, that the City Council shall hold a Regular Meeting at least once each month pursuant to Government Code Section 36805.

**6.6 Special Meetings.** A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the City Clerk. Study sessions are scheduled to provide Council Members the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

**6.7 Closed Sessions.** The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is authorized by law. The Mayor or any three Council Members may call closed session meetings at any time.

**6.8 Quorum.** Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If fewer than three Council Members appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Council Member in the absence of the Mayor and Vice Mayor, or in the absence of all Council Members, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

**6.9 Minutes.** The City Clerk shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Council Member.

**6.10 Adjourned Meetings.** The City Council may adjourn any regular, adjourned regular, special, or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

## **SECTION 7. POSTING NOTICE AND AGENDA**

**7.1 Posting of Notice and Agenda.** For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to law.

**7.2 Location of Posting.** The notice and agenda shall be posted at City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

## **SECTION 8. AGENDA CONTENTS**

**8.1 Mayor's Responsibility.** The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. If the Mayor and the Vice Mayor are both unavailable to run a Council meeting, the Mayor shall, before the meeting, designate another councilmember to run the meeting. If the Mayor is unavailable to make this designation, the Vice Mayor shall do so. If the designation is not made before the meeting, the City Clerk shall, by lot, designate a council member to run a meeting. The Mayor, in consultation with the City Manager and his/her designee, and the City Clerk shall organize the agenda.

**8.2 Description of Matters.** All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. As stated in Section 4.2, if a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed.

**8.3 Availability to the Public.** The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.

**8.4 Limitation to Act Only on Items on the Agenda.** No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

(a) Upon a majority determination that an "emergency situation" (as defined by State Law) exists; or

(b) Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.



**8.5 "Timing" of Agenda.** Staff and/or the Mayor may "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.

**8.6 Order of Agenda.** The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Roll Call, Pledge of Allegiance, Invocation/Moment of Silence, Adoption of the Agenda, Closed Session Announcement (if needed), Presentations, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Business Items, City Manager and City Council Reports, Future Agenda Items, and Adjournment.

**8.7 Change in Order of Business.** The Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. Council Members shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.

**8.8 Agenda Request Policy.** Requests for placement of items on the agenda can be submitted to the City Clerk using the Agenda Request Form available by request. Also, a majority of the Council may direct staff to place an item on a future agenda by indicating their desire to do so under that portion of the City Council agenda designated, "Future City Council Agenda Items." Additionally, the City Manager may place items on the agenda.

**8.9 Consent Agenda.** All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items. Council Members or the City Manager may remove items from the Consent Agenda for separate discussion and action by City Council. Any item removed for separate discussion and action will be taken up following the motion to approve the Consent Agenda.

## **SECTION 9. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS**

**9.1 Role of Mayor.** The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Council Members and among Council, staff and public. The Mayor shall intervene when a Council Member, staff or other meeting participant is being verbally or otherwise attacked by a member of the public.

**9.2 Communication with Council Members.** Council Members shall request the floor from the Mayor before speaking. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.

**9.3 Communication with members of the public addressing the Council on agendized items.**

1. The Mayor shall open the floor for public comment as appropriate.

2. Council Members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.

3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council Members and among Council Members and members of the public.

4. Members of the public shall direct their questions and comments to the Council.

**9.2 Rules of Order.** The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

(a) A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agenda item so that a motion can more easily be made that takes into account what appears to be the majority position.

(b) All motions require a second.

(c) A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.

(d) A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council Members present.

**9.3 Appeal Procedures.** Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

**9.4 Applicants.** Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Council Members. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

**9.5 Staff and Consultant Reports.** In general, staff and consultant reports should be clear, brief and concise. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

**9.6 Public Comment.**

Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular City Council meetings, comments

may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.

The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. Speakers are not allowed to delegate their time to another speaker. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.

After the speaker has completed their remarks, the Mayor may direct the City Manager or City Attorney to briefly address the issues brought forth by the speaker. Council Members shall be respectful of the speakers and shall not enter into a debate with any member of the public nor discuss amongst themselves.

All Council Members shall listen to all public discussion as part of the Council's community responsibility. Individual Council Members should remain open-minded to informational comments made by the public.

The Mayor has the right to ask a member of the public to step down if over the allotted time or if the speaker's comments are not within the city's jurisdiction.

**9.7 Motions.** It will be the practice of the City Council for the Mayor to provide Council Members an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Council Member may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Council Member recognized by the Mayor. Customarily, the Mayor will take the floor after all other Council Members have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Council Member may request the Mayor or moving party divide the motion into separate motions to provide Council Members an opportunity for more specific consideration.

**Tie Votes:** Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council, who may legally participate in the matter are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

**9.8 Reconsideration.** Requests for reconsideration.

1. Request by a member of the public.

Notwithstanding *Rosenberg's Rules of Order*, a request for reconsideration may be made by a member of the public to the City Council at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

**2. Request by a member of the City Council.**

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

**3.** The member of the public or City Council Member making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

**Reconsideration at the same meeting.**

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting).

A motion to reconsider an action taken by the City Council may be made only by a Council Member who voted on the prevailing side, but may be seconded by any Council Member and is debatable. The motion must be approved by a majority of the entire City Council.

**Reconsideration at a subsequent meeting.**

If an intent to request a motion for reconsideration is communicated to the City Council prior to the deadline for posting the City Council meeting agenda, then the request for reconsideration may be agendaized if support for said action exists in accordance with the *Council Norms* Section 10.8. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda (urgency agenda item). At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

**Effect of approval of motion.**

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Norms and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

## **9.9 Discussion.**

The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Council Members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Council Members should disclose any ex parte communication prior to discussion on an item. Ex parte communications are those made in private between an interested party and an official in a decision-making process.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should make their comments clear, brief and concise.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council Member has already spoken, other Council Members wishing to speak shall then be recognized. No Council Member shall be allowed to speak a second time until after all other Council Members have had an opportunity to speak.

All discussion must be relevant to the issue before the City Council. A Council Member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Council Members shall avoid repetition and strive to move the discussion along.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Council Member who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

Arguments for or against a measure, should be stated as concisely as possible. It is the responsibility of each Council Member to maintain an open mind on all issues during discussion and deliberation.

It is not necessary for all City Council Members to speak or give their viewpoints if another Council Member has already addressed their concerns. However, issues with potential to be litigated or otherwise appealed should have comments by each Council Member on the record.

The Mayor has the responsibility of controlling and expediting the discussion. A Council Member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

**9.10 Council Member Respect.** At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

**9.11 Council and Staff Reports and Directions on Future Agenda Items.** Council and staff reports at the end of Council meetings shall be limited to announcing Mayor-appointed Regional Board activities on which Council Members serve, City and City-sponsored activities and items which directly affect the City. Community groups may announce their activities during Public Comments at the beginning of Council meetings. Council Members should refrain from making personal comments, stating personal activities, or items that do not impact their role as a Council Member.

## **SECTION 10. CLOSED SESSIONS**

**10.1 Purpose.** It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City's position, and could cost the taxpayers of Clearlake financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the Mayor shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Council Members shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City's position is not compromised. No mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager, except where authorized by a majority of the City Council. All written materials provided to Council Members during closed session shall be returned to the City Manager at the conclusion of each closed session.

**10.2 Rule of Confidentiality.** The City Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council Members and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

**10.3 Breach of Rule of Confidentiality.** No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.

**10.4 Agenda.** The City Council agenda will contain a brief general description of the items to be discussed at the closed session, as required by law.

**10.5 Permissible Topics.** All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.

**10.6 Rules of Decorum.**

The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Council Members to disagree. Council Members shall strive to make each other feel comfortable and safe to express their points of view. All Council Members have the right to insist upon strict adherence to this rule.

Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Council Members.

The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

**10.7 Conduct of Meeting.**

(a) The Mayor will call the closed session to order promptly at its scheduled time.

(b) The Mayor will keep discussion focused on the permissible topics.

(c) The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.

(d) If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Council Member, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative

concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

### **10.8 Public Disclosure After Final Action.**

The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, at a publicly noticed meeting as follows:

- \* Real Estate negotiations: After the agreement is final and accepted by the other party;
- \* Litigation: After approval to defend or appeal a lawsuit or to initiate a lawsuit;
- \* Settlement: After final settlement of litigation or claims;
- \* Employees: Action taken to appoint or dismiss a Council-appointed employee;
- \* Labor relations: After the Memorandum of Understanding is final and has been accepted by both parties.

The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

## **SECTION 11. DECORUM**

**11.1 Council Members.** Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. The City Manager or his/her designee shall act as the sergeant-at-arms.

**11.2 City Employees.** Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Council Members and members of the public.

**11.3 Public.** Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. These Norms and Procedures shall apply to all City Council Meetings.

**11.4 Noise in the Chambers.** Noise emanating from the audience, whether expressing opposition or support within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cell phones and other electronic devices shall be muted while in the chambers. Refusal is grounds for removal.



### **11.5 Removal of Individuals or Groups Engaging in Disruptive Behavior.**

City staff shall post these standards at a public location in City Hall and at the dais.

**(a) Definition.** Disruptive behavior is any action that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. Verbal conduct is disruptive when it meets the standards described below.

**(b) Disruptive verbal conduct based on identity.** Continued use of loud, threatening, profane, or abusive language or verbal conduct that denigrates an individual because of race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category after a verbal warning from the presiding officer impedes the orderly conduct of the meeting. It interferes with the Council's ability to accomplish its functions in a reasonably efficient matter by causing a distraction from City business, chilling other members of the public's participation, interfering with the ability of those present to listen and understand the business and proceedings of the City or Council, and may constitute or contribute to employment or other types of discrimination.

**(c) Removal procedure (general).** The Mayor or presiding member of the Council has the authority to remove, or designate the sergeant-at-arms to remove, an individual or group for disrupting the Council meeting. Before taking this action, the Mayor/presiding member shall warn the individual or group that their behavior is disruptive and that failure to cease this behavior may result in their removal. If the behavior does not promptly cease, the individual may be removed.

No warning is required to precede removal if an individual engages in behavior that is a true threat of force. A true threat of force has sufficient indicia of intent and seriousness so that a reasonable observer would perceive it to be an actual threat to use force by the person who makes the threat.

**(d) Removal procedure (disruptive verbal conduct based on identity).** When a person engages in verbal conduct that denigrates an individual because of their race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category, the Mayor or presiding member of the Council shall take the following actions:

1. The Mayor/presiding member shall stop the speaker and read the relevant portions of the City's Harassment-Free Workplace Policy. The Mayor/presiding member shall state that the City does not condone comments in violation of the City's Policy and that the speaker's harassment is unwanted and unwelcome and impedes the orderly conduct of the meeting by interfering with the Council's ability to accomplish its functions in a reasonably efficient matter by causing a distraction from City business, chilling participation from other members of the public, interfering with the ability of those present to listen and understand the business and proceedings of the City, and may constitute or contribute to employment or other forms of discrimination.

2. The Mayor/presiding member shall state that any City employee present may be excused from attendance at the meeting during the speaker's remarks.

3. The Mayor/presiding member shall hold the speaker's time and the speaker may resume speaking after the Mayor/presiding member's statement, unless the speaker's comments continue to disrupt, disturb, or impede the orderly conduct of the meeting. If the speaker continues to disrupt, disturb, or impede the orderly conduct of the meeting, the Mayor/presiding member may prohibit the speaker from further commenting or may order the speaker to be removed from the meeting.

4. After the end of the speaker's comments, any Councilmember may make a brief response to such comments, if desired.

**(e) Removal procedure (disruptive group).** If a meeting is willfully disrupted by a group of people so as to render the orderly conduct of the meeting infeasible, the Mayor/presiding member shall first attempt to maintain order. If unsuccessful, the Mayor/presiding member may call a recess, adjourn the meeting to another date, or order the removal of the people disrupting the meeting. If order is not restored by removing the people disrupting the meeting, the Mayor/presiding member may order the meeting room cleared and continue holding the meeting. Representatives of the media, except those participating in the disturbance, shall be allowed to continue attending the meeting.

**11.6 Dangerous Instruments.** No person may enter the chambers of a legislative body as defined in Section 54852 of the Government Code of the State of California or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.

**11.7 Prosecution.** Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor/Presiding Officer.

## **SECTION 12. VIOLATIONS OF PROCEDURES**

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

APPROVED: November 12, 2015.

Amended: March 10, 2016

Amended: June 22, 2017

Amended: April 12, 2018

Amended: December 12, 2019

Amended: February 16, 2023

Amended: November 21, 2024



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand 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's 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 education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not 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 for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, 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*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been 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. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of 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 the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, 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, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often 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 roadmap for the meeting. 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 agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

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

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

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body 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 of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding 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 vote on a 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 body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. 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), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, 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 a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body 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 a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day 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 should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



**The motion to amend.** If a member wants to change a basic motion that is before the body, they 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.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they 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 their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but 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 if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. 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 *passed*, 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 completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, 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 then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**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). 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):

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

**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 be a few minutes or an hour. It requires a simple majority vote.

**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.



**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 can 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 can 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.

**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 the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), 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, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** 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 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, a simple majority vote determines a question. 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 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 come up when the body is taking an action which 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,” or “I move the question,” or “I call 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.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since 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 suspend 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.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## 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 consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, 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. 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 — including a member who voted in the minority on the original motion — 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 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 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. 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 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 focuses on the item and the policy in question, not 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, is too loud, or is 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 privilege 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 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, “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.

**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.

## Special Notes About Public Input

The rules outlined above will 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.



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