

Exhibit 'A'



CITY OF KERMAN

**RULES OF PROCEDURE FOR THE CONDUCT
OF
CITY COUNCIL MEETINGS**

Adopted: _____

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CITY OF KERMAN
RULES OF PROCEDURE FOR THE CONDUCT
OF CITY COUNCIL MEETINGS

RULE 1. GENERAL.

- A. Authority and Purpose. The City of Kerman establishes these Rules of Procedure (“Rules”) for the conduct of City Council meetings pursuant to Government Code Section 36813. These Rules shall be in effect upon adoption by the City Council and shall remain in effect until such time as they are amended or repealed or new rules are enacted by the Council.
- B. Applicable Laws. These Rules of Procedure are in addition to, and not in place of, applicable ordinances and statutes. In the event of a conflict between any part of these Rules and applicable ordinances and statutes, the latter shall govern.
- C. Code of Conduct. Members of the Council and staff shall abide by the City’s Code of Conduct which was adopted by Council Resolution No. 24-04.
- D. E-mail, Text Messages, or Electronic Communications. Council Members shall not use email, text messages, or other electronic communication during Council Meetings to send or receive communications to each other concerning the subject matter before City Council at the time of the communication.

RULE 2. MEETINGS.

- A. Brown Act. All meetings are subject to the Brown Act. In the event these Rules are in conflict with the Brown Act, the Brown Act shall prevail. All meetings (except closed sessions authorized by the Brown Act) shall be open to the public. No member of the public shall be required, as a condition to attendance at a City Council meeting, to register his or her name, to provide other information or otherwise to fulfill any other condition precedent to attendance.
- B. Types of Meetings.
 - 1. Regular Meetings. Regular meetings are meetings occurring at the dates, times, and locations set forth by ordinance and these Rules or other formal action of the City Council. Regular meetings are subject to 72-hour agenda posting requirements. *See Rule 4.*
 - 2. Special Meetings. Special meetings are meetings called by the Mayor or majority of the Council to discuss only discreet items on the agenda under the Brown Act’s notice requirements for special meetings. Special meetings are subject to 24-hour notice and agenda posting requirements. Under the Brown Act, Special Meetings only require that members of the public be allowed to speak on items on the agenda. In other words, a general public forum is not required at Special Meetings.
 - 3. Emergency Meetings. Emergency meetings are a limited and rare class of meetings which may be held when immediate and prompt action is necessary due to actual or threatened disruption of public facilities. Emergency meetings may be

conducted as authorized in Government Code Section 54956.5 in the event of an “emergency situation” as defined in Government Code Section 54956.5. The special meeting provisions apply except for the 24-hour written notice requirement.

4. **Adjourned Meetings.** Adjourned meetings are regular or special meetings that have been adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted beyond those items on the agenda. Such orders of adjournment shall be posted.
- C. **Location of Meetings.** The Council ordinarily meets at City Hall, 850 S. Madera Avenue, Kerman, CA 93630. The Council may conduct its meetings at other locations within the City provided that the alternate location is duly noticed on the posted agenda.
- D. **Meeting Dates/Time.**
1. **Regular Meetings.**
 - a. Per Section 2.04.010 of the City of Kerman Municipal Code (KMC), the City Council regular meetings are held on the second and fourth Wednesday of each month. Regular meetings of the City Council shall begin at 6:00 p.m. in the Council Chamber of City Hall. In the event KMC Section 2.04.010 is amended, these Rules shall be deemed automatically amended. In the event a regular meeting falls on a holiday, the meeting shall be held the following day. To ensure a quorum will be available, a majority of the Council may change the date of a meeting.
 - b. The Council may meet at other locations within the City to accommodate members of the public, provided the alternate location is duly noticed in the posted agenda.
 - c. A Council meeting will not be held in the event that a regular meeting of the Council falls on a legal holiday. In such event, the meeting will be held the following day. In the event a quorum of the Council will not be present at a regular meeting, the Council may cancel the meeting or change the meeting date.
 - d. Council Members should inform the City Clerk as soon as possible if they intend to be absent from a meeting.
- E. **Teleconferencing.** As permitted by the Brown Act, arrangements may be made in order for Council Members to remotely participate in Council meetings provided that all requirements of the Brown Act regarding teleconferencing are met. There are instances when teleconferencing is required by law for certain public hearings. In such instances, the City will comply with teleconferencing requirements.
- F. **Quorum.** Three members of the Council constitute a quorum necessary to transact Council business. In the event a quorum is not in attendance, those attending will be named in the minutes. If no quorum is present, the Mayor, Mayor Pro Tem or any member of the Council

shall adjourn such meeting, and if no member of the Council is present, the City Clerk shall adjourn the meeting. *See Rule 7* for number of votes required for taking action. In the event a member of the Council must leave the room as required under the Political Reform Act because of a conflict of interest, that person may not be counted towards a quorum.

- G. Closed Sessions. Closed sessions may be held at any regular or special meeting for any purpose authorized under the Brown Act. Council actions shall be governed by the Brown Act. Public comments on any item to be heard in closed session shall be received prior to a closed session. No discussions in closed session shall take place without a quorum present.

When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. A place may be listed on the agenda for such announcements. After closed sessions, the Council will reconvene in open session and the City Attorney shall make any such required announcements prior to final adjournment of the meeting.

- H. Minutes of Proceedings. An account of all public proceedings of the City Council shall be recorded by the City Clerk and entered into the official Minute Book of the City Council. The minutes shall be posted on the website and shall be available for inspection by the public.

- I. Right of Floor. A member desiring to speak shall first be recognized by the Mayor and shall confine his or her remarks to the subject under consideration.

- J. City Manager. The City Manager shall attend all meetings of the Council unless excused. If absent, the City Manager shall designate a substitute. The City Manager may make recommendations and shall have the right to take part in all discussions of the Council, but shall have no vote.

- K. City Attorney. The City Attorney shall attend all meetings of the Council unless excused. If absent, the City Attorney shall designate a substitute. The City Attorney shall give opinions, either written or oral, on questions of law and shall serve as the Council's parliamentarian.

- L. City Clerk. The City Clerk shall attend all meetings of the Council unless excused. If absent, the Deputy City Clerk shall designate a substitute. The City Clerk shall prepare and post the agenda, record, prepare and maintain the official record of the Council and perform other related duties as prescribed by the Council and/or the City Manager.

- M. Department Directors/Employees. Department Directors and City employees, as directed by the City Manager, shall attend Council meetings.

RULE 3. DUTIES.

- A. Mayor. The Mayor shall be a member of the Council and shall have all of the powers of a Council Member. When the terms "Council" and "Council Member" are used in these Rules, they include the Mayor.

- B. Mayor Pro-Tem. The Mayor Pro-Tem shall perform the duties of the Mayor whenever the Mayor is absent or is unable to perform such duties.

- C. Presiding Officer. The Mayor shall serve as Presiding Officer at all Council meetings. In the Mayor's absence, the Mayor Pro-Tem shall serve as Presiding Officer. In the absence of both, the Council Members present shall select a Presiding Officer.
 - 1. Call to Order. The Mayor shall call the meeting to order at the hour appointed. In the absence of the Mayor and the Mayor Pro-Tem, the meeting shall be called to order by the City Clerk and those Council Members present shall proceed to select a temporary Presiding Officer.
 - 2. Preservation of Order. The Mayor shall preserve strict order and decorum, and shall confine debate to the item under discussion.
 - 3. Point of Order. The Mayor shall determine all points of order, subject to the right of any Council Member to appeal the decision to the full Council. If an appeal is taken, the question to the Council shall be: "Shall the decision of the Mayor be sustained?"
 - 4. Motion to be Stated. After a motion is made and seconded, the Mayor shall state the motion or ask the City Clerk to state the motion. After the vote, the Mayor shall announce the result of all votes. A roll call shall be taken at the request of any Council Member or, if required by law, for certain remote conferencing of meetings.
 - 5. Recess. The Mayor may call a recess at his or her discretion or upon the request of a Council Member, staff, or City Attorney.

RULE 4. AGENDAS.

- A. General. The term "Agenda" as used in these rules apply to regular meeting agendas and to special meeting notices and agendas.

- B. Regular Meeting Agendas. The following shall be the general order of business. The Council may decide to change the order during the Approval of the Agenda or as deemed necessary during a meeting. The City Manager may also direct that an agenda be prepared with a different order to meet needs of Council Members or consultants.
 - 1.
 - 1. Opening Ceremonies (Call to Order, Roll Call, Invocation, Flag Salute)
 - 2. Agenda Approval/Additions/Deletions
 - 3. Presentations/Ceremonial Matters (*No action may be taken on such matters*)
 - 4. Public Forum (*for matters not on agenda*)
 - 5. Consent Calendar
 - 6. Public Hearings

7. Department Reports
8. City Manager/Staff Communications
9. Mayor/Council Reports/Announcements/Future Agenda Items
(This portion of the meeting is reserved for the Mayor and Council Members (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items at the request of a Council Member with consensus of the Council, and (iv) to take action on matters initiated under this section of the agenda. items. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.)
10. Closed Session
11. Adjournment

C. Special Meeting Agendas. The following outlines the general order of business for special meetings. Under the Brown Act, the general public comment section is not required but the agenda shall note that members of the public shall have an opportunity to provide comments on agenda items. For Special Meetings, only those matters specified in the Special Meeting Notice and Agenda may be discussed at the meeting. The Special Meeting Notice and Agenda shall provide an opportunity for members of the public to address the Council on any items on the agenda before action is taken.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Express Notice that Public May Comment on Items on the Agenda
6. List of Items to be considered by Council
7. Adjournment

D. Content of Agenda for Meetings.

1. The Agenda is prepared by the City Clerk under the direction of the City Manager. The City Clerk works with the City Attorney to ensure that items are worded correctly and meet legal requirements and to ensure that required notices, publication, and hearing requirements have been met prior to placement of items on the agenda. The agenda shall be posted and transmitted to the Mayor and City Council at least 72 hours before a regular meeting and 24 hours before a special meeting. The agenda may not be amended within 72 hours of a regular meeting and within 24 hours of a special meeting.
2. The Agenda shall specify the time, date, and location of the meeting and contain a brief description and recommendation of each item of business to be transacted or discussed at the meeting items.

E. Placing Items on the Agenda.

1. General: The City Manager shall determine items for placement on the agenda except for Closed Sessions at the request of the City Attorney.
2. City Council:

At a City Council meeting, a member of the Council may request that items be placed on a future meeting agenda and request Council consensus. Such direction will be made during the part of a Regular Meeting Agenda called “Matters Initiated by Council Members.” The City Manager in consultation with the City Attorney will determine whether an item requested by the Council requires that other procedures be followed prior to placement on the Agenda. For example, some action items require a notice of public hearing by publication or consideration by the Planning Commission. The City Manager will advise the Council of such requirements and place the item on the Agenda when such requirements have been met.

3. Members of the Public: Requests by members of the public for placement of an item on the Agenda shall be made to the City Clerk. The City Clerk will consult with the City Manager who shall determine if and when such matters shall be placed on the Agenda. If the matter is not placed on the Agenda, the member of the public may make a request to a Council Member or to the Council at a regular meeting during public comment.
- F. Posting of Regular Meeting Agendas and Special Meeting Notices. Per the Brown Act, the City Clerk shall post the Agenda for regular meetings at the front entrance of the City Hall, and the City website at least 72 hours before any regular meeting. The same process shall be followed for the posting of Special Meeting Notices except that the posting is to be done at least 24 hours prior to the meeting as required by the Brown Act and the posting will be referred to as Special Meeting Notice and Agenda.
- G. Availability of Agenda Documents. The documents and materials regarding the agenda items will be posted on the City’s website with the Agenda and are available in the City Clerk’s office. Documents not posted at the time the Agenda is posted will be distributed as described below. A binder with the documents and materials regarding the agenda will be made available in the City Clerk’s Office at City Hall.
1. Per the Brown Act under Government Code 56957.5, if a writing is a public record related to an agenda item (hereafter ‘writing’) for an open session of a regular meeting of the Council and is distributed to all or a majority of all of the members of the Council less than 72 hours before that meeting, the writing shall be made available for public inspection and the following requirements apply:
 - a. City shall make available any writing described above for public inspection at a public office or location that the City designates for that purpose.
 - b. Agendas shall list the address where such writings are available for public inspection.
 - c. Posted on the City website.
 2. If the foregoing requirements are not met, the following requirements apply:

- a. The initial staff report containing an executive summary and recommendation regarding the agenda item must be made available to the public at least 72 hours before the meeting. This requirement is satisfied by posting both the agenda and staff report with a recommendation on the City website.
 - b. The writing is posted on the City website in a position and manner that makes it clear that it relates to an upcoming agenda item.
 - c. The City must list the City's web address of the City's internet website on the agendas for all meetings of the City Council.
 - d. The City must make physical copies available for public inspection at City Hall at least 24 hours before the Council meeting.
3. Writings that are public records and distributed during the Council meeting shall be made available for public inspection at the meeting if prepared by the City or a member of the Council, or after the meeting if prepared by some other person.
- H. Additions to Agenda. In accordance with the Brown Act, at a regular meeting, the Council may add items of business to the Agenda under the following limited circumstances, after the Mayor publicly identifies the item if the following requirements are met:
1. Upon a majority vote that an "emergency situation" as defined in Government Code Section 54956.5 exists; **or**
 2. Upon a determination by a two-thirds vote (4 votes) or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action **and** that the need for action came to the attention of the City after the Agenda was posted; **or**
 3. The item was posted for a prior meeting of the Council not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
- I. Minutes. The City uses Action Minutes. The minutes may be approved without reading under the consent calendar if the City Clerk previously furnished a copy to each member via the agenda packet.
- J. Public Hearings. Items requiring a public hearing will be noticed as required by law. *(Requirements for noticing hearings may differ. Staff responsible for public hearing agenda items shall coordinate with the City Clerk and City Attorney to insure proper notice requirements have been met; See also Rule 8.)*
- K. Consent Calendar. Items listed under the Consent Calendar are those items staff believes do not require Council discussion and are routine in content. The Consent Calendar may be approved by one motion. Also listed under the Consent Calendar are resolutions confirming action from previous meetings which are brought back for approval of form

rather than approval of action or for minor correction and ratification. Items may be pulled from the Consent Calendar for separate discussion and action upon the request of any Council Member or member of the public.

- L. Action Limited to Posted Agenda. No action or discussion may be taken on any item not appearing on the posted Agenda, except that Council Members or the City Manager may “briefly respond” to statements made or questions posed by persons exercising their public testimony rights under the Public Forum portion of the Agenda. (*See Rule 4B and Rule 5B*). In addition, on their own initiative, or in response to questions posed by the public, Council Members may ask questions for clarification, provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda.

RULE 5. PUBLIC PARTICIPATION.

- A. Public Comment on Agenda Items. Pursuant to the Brown Act, members of the public must be given an opportunity to comment on action items on the Agenda of a regular meeting or special meeting. Each person’s comments will be limited to three (3) minutes except that where translations are required and are not simultaneous, the time will be extended to six (6) minutes to allow for translations. Members of the public shall be afforded an opportunity to comment before a motion is made on an agenda item. However, members of the public do not have the right to give testimony outside the scope of or unrelated to the agenda item under consideration. Additionally, members of the public should strive to avoid unduly repeating their own or others’ testimony. Members of the public may not be prohibited from criticism of the policies, procedures, programs, or services of the City or acts or omissions of the City Council.
- B. Public Comment on Matters Not on Agenda (Public Forum). At a regular meeting, members of the public shall have an opportunity to comment on any matter which is not on the Agenda but is within the City Council’s jurisdiction. For Non-Agenda Items, each person’s comments will be limited to three (3) minutes except that where translations are required and are not simultaneous, the time will be extended to six (6) minutes to allow for translations. Members of the public may not be prohibited from criticism of the policies, procedures, programs, or services of the City or acts or omissions of the City Council. The City Council may not take action on any matter raised during the Public Forum.
- C. Manner of Addressing the City Council. After being recognized by the Mayor, each member of the public addressing the City Council shall go to the podium and will be requested but not required to state their name and whom they represent. Each member of the public is encouraged, but not required, to also state his or her address. All remarks shall be addressed to the City Council as a whole and not to any individual member thereof. After public comment has been closed, no member of the public shall address the City Council on the matter under consideration without first securing Council approval.
- D. Time Limits for Public Comments. Members of the public shall limit their remarks to three minutes per agenda item and three minutes under the Public Forum part of the agenda. Time will be adjusted for speakers utilizing translation assistance as required by law.

If a speaker is being repetitious or discussing matters that are not relevant to the issue under

consideration, the Mayor may limit the time period. The Mayor, with the City Council's consent, may shorten the time to accommodate a very lengthy agenda or when there is undue repetition on an item. The Mayor, with the City Council's consent may also lengthen the time limit for complicated matters. The City Clerk shall monitor the time for each speaker and the Mayor shall be responsible for enforcing the time limit. When a group wants to present the position of the group, the group may identify itself and request to have their spokesperson speak for ten minutes. The Council will not entertain ad hoc requests to have one member of the public yield his or her time to another member of the public.

E. Rules of Order and Decorum at Meetings. This section of the rules has been prepared in a manner consistent with Government Code Section 54957.95 of the Brown Act.

1. Meetings of the City Council must be conducted in an orderly manner to ensure that the public has an opportunity to be heard and that the Council's deliberative process is not disrupted.
2. The Presiding Officer at Council Meetings shall be the Mayor, Mayor Pro Tem, or, in their absence, another member so designated by the Council. The Presiding Officer is responsible for maintaining the order and decorum of meetings. Rules of Decorum and Order are intended to preserve the rights of persons addressing the Council and members of the audience at the meeting. This will allow the City Council to continue its work on behalf of the public.
3. While any meeting of the City Council is in session, the Rules of Decorum must be observed as follows:
 - a. A person, other than members of the Council and the person having the floor shall not be permitted to enter into the discussion or make comments unless requested by the Presiding Officer to speak.
 - b. All remarks shall be directed to the Council as a body, and not to any particular Council Member or member of staff.
 - c. Members of the Council shall wait until a person completes his/her/their public comments before asking questions or commenting. The Presiding Officer shall then ask Council Members if they have comments or questions.
 - d. While the City Council is in session, all persons addressing the Council and all persons in attendance must preserve order and decorum and not engage in disruptive behavior.
 - e. The Council Chamber is small. Signs, placards, banners, or other similar items shall not be permitted in the audience if the presence of such item disturbs, disrupts or otherwise impedes the orderly conduct of the meeting.
 - f. A person who attends a City Council meeting or who addresses the Council

under public comment for a specific agenda item or under the general public comment section of the agenda may not engage in speech or conduct which:

- i. disturbs the peace of the meeting by loud and unreasonable noise,
 - ii. is irrelevant or repetitive,
 - iii. goes beyond the time allowed for public comment,
 - iv. disrupts, disturbs, impedes or renders infeasible the orderly conduct of any City Council meeting, or
 - v. is likely to provoke others to violent or riotous behavior.
4. **Disruptive Behavior.** The Presiding Officer is authorized to remove, or cause the removal of, an individual for disrupting a Council meeting. The term “disruptive” as used in this section means: (i) a failure to comply with reasonable and lawful regulations adopted by the Council including the Rules in this Section and rules adopted in the Kerman Municipal Code, and/or (ii) engaging in behavior that constitutes the use of force or a true threat of force.
 5. **Enforcement.** The Presiding Officer shall be responsible for maintaining the decorum of the public meeting in a fair manner and for enforcing the rules of decorum.
 6. **Enforcement Warning Required.** In the event a person breaks the rules of decorum in a manner that disrupts the meeting, the Presiding Officer shall warn a person who is breaching the rules of decorum to cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Presiding Officer may request the Police Chief or Police Chief’s designee to remove the person from the Council meeting. In the event there is no one from law enforcement present, the Presiding Officer may direct the City Manager to contact law enforcement.
 7. **No Warning for Use of Force or True Threat of Force.** The Presiding Officer is not required to give a warning to a person who is breaching the rules of order and decorum when the individual engages in behavior that constitutes use of force or a true threat of force. The Presiding Officer may order the person to leave the City Council Meeting. If the person does not leave, the Presiding Officer may request the Police Chief or Police Chief’s designee to remove the person from the Council meeting. In the event there is no one from law enforcement present, the Presiding Officer may direct the City Manager or other staff person to contact law enforcement. The term “true threat of force” means a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.
 8. **Penalties.** Depending on the nature of the disruptive conduct, a person engaging in disruptive conduct may be subject to an infraction or misdemeanor for violation of

Kerman Municipal Code and/or subject to prosecution under the California Penal Code.

9. Adjournment. If a meeting of the Council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the Presiding Officer, or by a majority of the Council, and any remaining Council business may be considered at the next meeting.

RULE 6. DISCLOSURE OF CONFLICTS OF INTEREST AND CAMPAIGN CONTRIBUTIONS.

A. Conflicts of Interest.

The Political Reform Act prohibits any public official from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision in which the public official knows or has reason to know he or she has a financial interest.

Public officials who must comply with this Rule include, but are not limited to City Manager, City Attorney, Department Directors, City Clerk, and City Engineer (collectively referred to as “Staff” in this Rule) and Members of the City Council.

1. Requirements for Members of City Council with Conflict of Interest.

A public official who holds an office specified in Government Code Section 87200, and has a disqualifying financial interest in a decision, shall identify the conflict of interest or potential conflict of interest, and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public.
- b. Recuse himself/herself from discussing, participating and voting on the matter, or otherwise acting in violation of Government Code Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless a matter is on the Consent Calendar.

2. Requirements for Staff. Staff with a conflict of interest shall be required to recuse themselves from all participation in the subject matter.

B. Levine Act.

Pursuant to the Levine Act (Government Code Section 84308), members of the City Council and any party to a permit, license, contract, or other entitlement before the Council is required to disclose on the record any contribution, including aggregated contributions, of more than \$250 made by the party or the party’s agents within the preceding 12 months to any City official.

Participants and agents are asked to make this disclosure as well. The disclosure must include the name of the party, participant, or agent, and any other person making the contribution, the name of the recipient, the amount of the contribution, and date the contribution was made.

RULE 7. ORDINANCES, RESOLUTIONS AND CONTRACTS.

- A. Document Approval. All ordinances and contracts shall be approved as to form and legality by the City Attorney and as to content by the City Manager before submission to the Council and before execution.
- B. Ordinance Introduction/Adoption. Unless a member requests a full reading, a proposed ordinance will be read by title only.
- C. Number of Votes Required. Per Government Code Section 36936, an affirmative vote of at least three members of the full Council shall be necessary to adopt any ordinance, resolution, or orders for payment of money. Urgency and emergency ordinances must be adopted by at least 4 votes of the Council. Resolutions of necessity (to command eminent domain) must be adopted by 4 votes of the Council. Other motions and other matters may be adopted or approved by the majority of those present except as required by State law.
- D. Ordinance Preservation. The City Clerk will assign a number ordinances and publish and post the ordinance or a summary thereof as required by law. The ordinance shall be filed and preserved in the City Clerk's office. The City Clerk shall also send copies of approved ordinances to the Municipal Code Publisher.

RULE 8. PROCEDURES REGARDING PUBLIC HEARINGS.

Public hearings are matters which require a notice of publication or mail and are required to be heard on a set date and time. If specific local or state statutes require different requirements, those statutes shall prevail.

- A. Hearing Opened. Mayor announces subject of the public hearing and declares the public hearing open.
- B. Order of Proceedings. Generally, public hearings shall be conducted in the following order:
 - Mayor announces the Agenda item and opens the hearing
 - Staff Report/Presentation
 - Presentation by Proponent, Applicant or Appellant
 - Questions of Staff, Proponent, Applicant or Appellant by Council
 - Public Testimony
 - Questions of public by Council
 - Staff clarification of issues raised
 - Mayor shall close the hearing
 - Deliberations by Council
 - Action by Council

C. Testimony Time Limits.

Notwithstanding the public comment period in Rule No. 5, a project or entitlement applicant or an appellant shall have such time necessary for a fair and reasonable presentation in connection with the particular Noticed Public Hearing item. In general, the time limit shall be set depending upon the complexity.

The Mayor may inquire as to the number of persons wishing to speak for or against the matter under consideration. If more than seven (7) persons wish to address the Council on the same side of the item, the Mayor may direct such persons to designate a limited number of speakers (the number to be determined by the Mayor based on the complexity and controversial nature of the issue) to represent that side of the issue. If such persons are unable or refuse to designate representative speakers, the Mayor and Council may after 25 minutes ask persons to raise their hands if they are for or against the matter under consideration. The number shall be noted on the record. The Mayor will then ask if there is anyone in the public who has something different to say. If so, those persons may address the Council. In complex or controversial matters, the Council may extend the time limits commensurate with the amount of time reasonably necessary to present the matter fully and may allow a 5-minute rebuttal to the Applicant/Appellant.

D. Motions. No motions may be made until a hearing is closed.

E. Public Hearing Closed.

After the Mayor has determined that no other member of the public wishes to speak, or that all other speakers will be repetitious of the matters previously stated, and that members of the Council have asked questions of staff and speakers, the public hearing may be closed and the item shall be returned to the Council for deliberation. Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration as described below. However, the Council may direct questions to staff, the applicant, or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record at the hearing.

After the hearing is closed, the Council may:

1. Continue the matter to a later date for consideration (deliberations and a decision). No additional reports or testimony may be received under this option; OR
2. Proceed to deliberate and vote on the matter or vote in concept only and direct City Attorney and staff to return with specific findings/decision that conforms with the vote; OR
3. Continue the public hearing to a specific date if it wishes to receive additional information (e.g., a supplemental staff report). In the event that public testimony is reopened to allow additional information or additional speakers, the Council shall permit a reasonable time for rebuttal.

RULE 9. BOARDS, COMMISSIONS AND COMMITTEES.

- A. Creation. The City Council may create such ad hoc advisory boards, commissions, and committees as the Council deems appropriate. See Chapter 2.26 of the Kerman Municipal Code. As to committees of the Council, whether standing or ad hoc, a resolution should be adopted noting the purpose and duration.
- B. Appointments. The Mayor shall make all appointments to boards, commissions and committees with the consent and approval of each appointment by the City Council (Government Code 40605). All boards and commissions, as well as Council standing committees shall conduct their business activities consistent with the requirements of the Brown Act and other relevant provisions of State Law.

RULE 10. SUSPENSION AND AMENDMENT OF RULES.

- A. Suspension. Any provision of these Rules not governed by the Kerman Municipal Code or State law may be temporarily suspended during a meeting by four (4) votes of the Council Members present at the meeting.
- B. Amendment. Any provision of these Rules not governed by the Kerman Municipal Code or State law may be amended by resolution adopted by a majority vote of the full Council (three (3) votes) if such an action item is on a regular meeting agenda.

RULE 11. MISCELLANEOUS RULES.

- A. Votes. After a motion is made, the Mayor shall state the motion or ask the City Clerk to read the motion, ask for a vote, and shall announce the result of all votes including the names of Council Members voting and how they voted. Alternatively, the Mayor may ask the City Clerk to announce the result of all votes including the names of Council Members and how they voted. A roll call vote shall be taken upon the request of any Council Member or upon the City Attorney's recommendation. The Mayor's name shall be called last by the City Clerk. Members shall not give explanations for their vote during a roll call.
- B. Silence. During a collective vote (Ayes & Nays), silence of any member denotes an affirmative vote.
- C. Abstentions. Council Members wishing to abstain from a particular vote shall orally state their abstentions. Abstentions do no count in tallying the vote negatively or positively.
- D. Continuance of Agenda Item. Requests for Continuances by Persons Other than Council Members may be made. If the request is on an item which is not subject to a deadline, the Council, by a majority vote of those present, may grant the continuance.

RULE 12. RULES OF DEBATE.

- A. Rules of Order. These Rules and applicable laws will govern the proceedings of the City Council. The City Council may utilize Robert's Rules of Order as a non-binding guide and only where such rules are not inconsistent with the Brown Act, other applicable law, or these Rules of Procedure.

- B. Obtaining the Floor. Any member of City Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Council Member who seeks the floor when appropriately entitled to do so. The member must confine his or her remarks to the subject matter under consideration.
- C. Motions. The Mayor and Council Members may make Motions. The City Clerk shall record all motions and read them back when requested. Upon request or if necessary, the City Attorney shall assist in the formation of motions. Any motion that does not receive a second shall die and another motion may be made.
- D. Questions of Order and Appeals to Rulings of Presiding Officer. A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes on a vote are called for. Such question shall be decided by the Mayor, without debate, subject to an appeal to the Council.
- E. Point of Order. The Presiding Officer shall determine all points of order, subject to the right of any Council Member to appeal the decision to the full Council. If an appeal is taken, the appeal to the Council shall be generally as follows: "I appeal the decision of the Mayor to the City Council."
- F. Appeals. Any ruling of the Mayor may be appealed at the request of any Council Member. The mayor shall call for a roll call vote to determine if the ruling is upheld.
- G. Types of Motions.
1. Main Motion. This motion (and second) puts forward a substantive decision for Council consideration. Only one main motion may be on the floor at one time.
 2. Motion to Amend. This motion seeks to modify the main motion before the Council. A motion to substitute a motion with another motion shall be treated as a motion to amend. Only one motion to amend may be on the floor at one time, unless the Mayor allows Council Members to state two or more motions to amend, which may be accumulated and then voted upon in a series in the order made. All motions to amend shall be resolved prior to voting on the main motion.
 3. Procedural Motion. This motion is to address a rule of procedure, postpone, or take some other action. Procedural motions take priority over main motions and motions to amend. Only one procedural motion may be on the floor at one time. A "point of order" may be raised at any time, interrupting a speaker when recognized by the Mayor, to make a procedural motion.
 4. Motion to Recess. This motion, if passed, requires the Council to immediately recess. The Mayor determines the length of the recess. It is not subject to debate and requires a majority vote. Note, that a recess may also be called per Rule 3.C.5
 5. Motion to Adjourn. This motion is not subject to debate and requires a majority vote.

6. Motion to Table. This motion, if passed, requires the discussion of the agenda item to be halted and the agenda item placed on hold.
 - a. The motion can contain a specific date and time in which the item can come back to Council.
 - b. If the motion does not contain a specific date and time for the return of the item, a motion to take the item off the table will have to be taken at a future meeting to bring it back to Council.
 - c. A motion to table or to bring it back to the Council requires a simple majority vote.

7. Motion to Continue. This motion, if passed, requires the particular agenda item to be withdrawn from the Agenda at that time and postponed either indefinitely or to a certain time and/or date, or to a time later in that meeting, as stated in the motion. A motion to continue may be made by any member of the Council, is debatable, and requires a simple majority vote.

8. “Friendly Amendment.” This is a “request,” rather than a formal motion. The speaker asks whether the maker of the main motion would agree to amend the motion, as suggested. If agreed, and if the member providing the second also agrees, or another second is offered, then the main motion is replaced with the amended motion. If an offer for a “friendly amendment” is rejected, then a formal motion to amend may be made.

9. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made on the day such action was taken. It may be made immediately after a vote is taken. Such motion must be made by one of the members on the prevailing side, but may be seconded by any member; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making a motion to reconsider at a subsequent meeting of the Council so long as the ability to make such motion meets the requirements of applicable laws.

10. Tie Votes. Tie votes result in a lost motion. If the agenda item involves an appeal, and a tie vote occurs the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken unless the Kerman Municipal Code provides otherwise.

If a tie vote occurs, the result is no action. Any member of City Council present may offer a new motion for action. If there is no action by an affirmative vote, the result is no action.

If an action item results in a tie vote and no action is taken, the matter will be placed on the next regular meeting when the full Council is present and within thirty days. This provision will not apply if the member absent recused himself or herself.
