

HANDBOOK OF RULES AND PROCEDURES

SONORA CITY COUNCIL



**CITY OF SONORA
CITY COUNCIL
RULES AND PROCEDURES**

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CHAPTER I - INTRODUCTION

As a City Councilmember, you work for the common good of the people. You recognize that stewardship of the public interest must be the primary concern and will assure fair and equal treatment of all persons, claims, and transactions coming before the Sonora City Council. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

The City of Sonora has prepared its own City Council Handbook of Rules and Procedures to assist City Councilmembers, and other interested parties, by documenting accepted practices and clarifying expectations. Through agreement of the City Council and Staff to be bound by these practices, administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council members in their actions.

As provided by California Government Code Section 36813, the City Council of the City of Sonora establishes the Handbook of Rules and Procedures contained therein. The Handbook shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended or new rules are adopted in the manner provided herein.

This handbook provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans and documents exist which bind the City Council to certain courses of action and practices.

In addition to the Handbook of Rules and Procedures, the City Council has included in this document other information which may be useful to the City Council, Administrative Staff, and the General Public. This document is to be known as "The Handbook of Rules and Procedures of the City Council of the City of Sonora."

Adopted by City of Sonora Resolution No. 03-05-2007-C

CHAPTER II - GENERAL, POWERS and DUTIES

A. **Legislative Body:**

The governing legislative body of the City of Sonora is a City Council consisting of a Mayor and four Councilmembers, all elected by the qualified voters of the City at-large (*the city is not divided into represented districts*). When reference to all the members of the City Council, inclusive of the Mayor and Councilmembers, is intended, use of the term "City Council" is an appropriate substitute for the term "Mayor and Councilmembers."

B. **City Council Basic Power:**

All powers of the City are and shall be vested in the City Council, subject to the provisions of the Sonora Municipal Code, the Constitution and statutes of the State of California, and other laws, plans, and documents that exist which bind the City Council to certain courses of action and practices.

The City of Sonora operates according to the Council - City Administrator form of government which vests authority in an elected City Council which, in turn, hires an appointed executive. This form of government separates legislative and executive responsibilities in a manner similar to state and federal governments. This system provides "checks and balances" of both policy and administrative branches of government by limiting the power of each. In the state of California there are nearly 500 cities of which more than 400 are the Council - City Manager or City Administrator form of government.

The City Council is the city's legislative and policy-making body. Acting as a whole, the City Council is responsible for passing ordinances and orders necessary for governing the city, as well as setting the direction of city policy. The City Administrator is responsible for the overall administration of the city. This responsibility includes implementation of the general policies set by the City Council in addition to the day-to-day operations of all city functions. The City Administrator, with the help of Staff, provides the City Council with the information needed to fulfill its policy making role.

C. **City Council:**

1. **Councilmembers:** Five Councilmembers are elected at-large for four year terms. Each Councilmember elected shall be sworn into office following certification of the general municipal election and continue in office until a successor qualifies.

Listed below are a representation of duties for Councilmembers, but are by no means limited to those listed.

- ▶ Attends regularly scheduled and special Council meetings as publicly noted in accordance with the open meeting laws of the State of California.

- ▶ Attends Committee, Community / Government Committees, Ad-Hoc and Commission meetings for which they are appointed by the Mayor and confirmed by a majority of Councilmembers.
- ▶ Attends community functions and events as deemed appropriate to represent the City.
- ▶ Periodically checks their assigned mail receptacle for incoming correspondence.
- ▶ May attend training sessions and conferences on behalf of the City, subject to the City's Travel and Training Policy and availability of funding.
- ▶ Upon invitation, speaks to service clubs, community organizations and other government agencies for the purpose of conveying City of Sonora information.
- ▶ Participates in League of California Cities legislative events when offered and as schedule allows.
- ▶ Enacts policies for which the City Administrator is the responsible authority, to ensure that approved policies are implemented.
- ▶ Works with and through the City Administrator when carrying out their duties.
- ▶ Seeks to render decisions consistent with the adopted General Plan, Redevelopment Plan, Code of Ethics, Vision Statement, Core Values Statement, and any other adopted Plans and Policies.
- ▶ Builds working relationships with other elected officials.
- ▶ Works with their constituency and brings forward recommendations to the full City Council for consideration.

2. **Mayor:** Every two years the City Council appoints the Mayor and Mayor Pro Tem from within their own ranks for a two year term.

Listed below are a representation of duties for the Mayor/Mayor Pro Tem, in addition to those listed for Councilmembers, but are by no means limited to those listed.

- ▶ The Mayor shall be recognized as the official head of the City of Sonora for all ceremonial purposes and by the Governor for military purposes.
- ▶ In a time of public danger or emergency, the Mayor may, with the consent of the City Council, cause order to be maintained and enforce laws.
- ▶ In a time of public danger or emergency, the Mayor shall be the director of emergency services, working with the City Administrator and City Management Staff.
- ▶ In a time of public danger or emergency, the Mayor, in coordination with the City Administrator, will be the chief spokesperson.

- ▶ The Mayor shall be the Presiding Officer of the City Council and shall preside at the meetings of the City Council. The Mayor shall possess no veto power.
- ▶ The Mayor shall preserve strict order and decorum at all times.
- ▶ The Mayor is to enforce “Roberts Rules of Order” when conducting City Council meetings.
- ▶ The Mayor may announce special rules for the consideration of a particular item on the agenda, such as, but not limited to: The length of time persons may speak, require that, if desirable, a spokesperson address the Council on behalf of a group of persons and, in the event of a hearing, provide time for arguments and rebuttals from proponents and opponents. The Mayor is eligible to vote on all motions, and shall direct the order of participation of Councilmembers. The Mayor shall, in all instances, have the last chance to speak. The Mayor will call for a vote and announce the decision of the Council.
- ▶ The Mayor is the signatory of all ordinances, resolutions, and duly authorized City documents approved by the City Council.
- ▶ The Mayor, with confirmation from a majority of the City Councilmembers, will make appointments to City Committees, Commissions, Community and Government Committees, as well as those Ad-Hoc Committees approved by the City Council.
- ▶ The Mayor, in consultation with the City Administrator, can call a special meeting or study session.
- ▶ The Mayor, with confirmation from City Councilmembers, may cancel a meeting. In emergency situations, the Mayor may cancel a meeting in consultation with the City Administrator.
- ▶ The Mayor represents the City at community functions and events as so invited. In the case where neither the Mayor nor the Mayor Pro Tem can attend, the Mayor can request a Councilmember attend in his/her absence.

D. Mayor Pro Tem:

In the absence of the Mayor, the Mayor Pro Tem shall possess and perform the power and duties of the Mayor. In that capacity, the Mayor Pro Tem shall sign ordinances and resolutions adopted in his or her presence.

E. Mayor Pro Tem Selection:

The Mayor Pro Tem shall be appointed by the Mayor, with confirmation from the City Council, for a two year term.

F. Rules Of Procedures:

1. The City Council shall determine its own procedural rules (Chapter V) and amend them from time to time, or adopt new rules as it deems necessary. Amendment to or adoption of new City Council Rules shall be accomplished by majority vote.

2. Any Councilmember may move the Mayor to enforce the rules and a majority vote of the City Council shall require the Mayor to so act.

G. Interference In Staff Functions:

The City Council shall deal with the administrative services of the City only through the City Administrator, except for the purpose of inquiry, and neither the City Council nor any member thereof, shall give orders to subordinates of the City Administrator. No member of the City Council shall publicly criticize or censure any Staff Member of the City, and shall instead relay any criticism of a Staff Member privately through the City Administrator.

The City Council shall deal with the Office of the City Attorney only through the City Administrator, except for purpose of inquiry, and neither the City Council nor any member thereof, should give order to subordinates of the City Attorney.

H. Protests

The Mayor and any Councilmember shall have the right to have the reasons for their dissent from or protest against, any action of the City Council entered into the minutes.

CHAPTER III – CITY COUNCIL MEETINGS

A. **Regular Meetings:**

Regular meetings of the City Council shall be open to the public and held on the first and third Mondays of every month at the hour of 5:00 p.m. in the Council Chambers, 94 North Washington Street, in the City of Sonora, California, or at such other place as the Council may from time to time prescribe within the City limits.

Whenever the day fixed for any regular meeting of the City Council falls upon a day designated as a holiday, such meeting may be held at the same hour on the next succeeding day not a holiday.

B. **Special Meetings:**

A special meeting may be ordered at any time by the Mayor, in consultation with the City Administrator, whenever the public business may require it or upon the request from three members of the City Council. Whenever a special meeting shall be called, notice of such meeting shall be provided pursuant to State law.

C. **Adjournment: Adjourned Meetings:**

The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn.

D. **Emergency (Special) Meetings:**

The notice requirement for a special meeting may be dispensed with under the following emergency conditions:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Council.
2. A crippling disaster which impairs public health, safety, or both, as determined by a majority of the Council.

E. **Closed Sessions:**

The Council may hold a closed session as defined in the California Government Code section 54954.5, as amended from time to time. Closed sessions may be held during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized to exclude from such closed session.

F. **Study Sessions:**

The City Council may meet in a “study session” called as a Special Meeting for the purpose of acquiring information on a particular subject(s). Study sessions shall be open to the public. Study sessions are not public hearings, however public input will be received. The City Council may not vote or otherwise express consensus or intent, and will not take any final action at a study session.

G. Agenda:

In order to facilitate the orderly conduct of the business of the citizens of Sonora, the City Administrator shall arrange an agenda of such matters as may have been timely provided for inclusion in the agenda. Each member of the Council shall be provided with a copy of the City Council agenda on the Thursday prior to the City Council meeting. In order for this to occur the City Administrator shall provide deadlines for the submittal of Staff reports for inclusion in agendas.

H. Call To Order:

The meetings of the City Council shall be called to order by the Mayor, or in the Mayor's absence, by the Mayor Pro Tem. In the absence of the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the most senior Councilmember present. This person shall serve as the Council's presiding officer until the arrival of the Mayor or Mayor Pro Tem, or until adjournment of the meeting.

I. Roll Call:

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the City Council and the names of those present and those absent shall be entered into the minutes of the meeting. The City Clerk shall announce that a late Councilmember has arrived for the benefit of the television audience.

J. Quorum:

Three members of the City Council shall constitute a quorum for the transaction of business. A majority of a quorum shall be sufficient to pass any action taken by the City Council except on such matters, which, by law, require a greater majority. All ordinances, all resolutions, and all orders for the payment of money, require at least 3 affirmative votes.

K. Lack Of Quorum:

If a majority of the City Council are absent from any meeting, the remaining members of the City Council may declare the meeting adjourned.

L. Recognition To Speak, Councilmember:

Every Councilmember desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine his or her remarks to the question under debate.

1. Interruptions:

A Councilmember, once recognized, shall not be interrupted while speaking unless called to order; unless a motion to raise a point of order is raised by another Councilmember, or unless the Councilmember speaking chooses to yield to questions from another Councilmember.

2. ***Challenged While Speaking:***
A Councilmember, challenged while speaking, shall cease speaking until the point of order is determined. The Councilmember shall be permitted to proceed if ruled to be in order.
 3. ***Public Hearings:***
Councilmembers should not speak to the merits of an issue, other than to ask questions, until the public hearing has been closed.
- M. Councilmembers' Obligation After Absence:**
When a Councilmember is absent from an earlier meeting at which a matter was discussed, it shall be the duty of that Councilmember to become acquainted with the issues discussed by reading the documents presented and when possible, listening to or viewing the taped recording of the meeting missed.
- N. Business Items Out Of Order:**
The Mayor may, with the consent of the City Council, modify the order of the agenda.
- O. Tape Recordings:**
All regular meetings (except closed sessions) of the City Council shall be audio recorded and video taped.
- P. Agenda Format For Regular Meetings:**
Agenda format for regular meetings will be determined by the City Administrator.
- Q. Components Of A Regular Meeting:**
The published agenda shall consist of an agenda and summary statements providing sufficient information needed for deliberation and action.
1. ***Consent Calendar:***
Items of a routine, non-controversial nature, may be placed on the consent calendar at the City Administrator's discretion. All items may be approved by one motion and one vote. Any Councilmember, the City Administrator, the City Attorney, or member of the public or their representative may request any item be withdrawn from the consent calendar for separate consideration in its regular order of business. Prior to the approval of the Consent Calendar, corrections to item(s) on the Consent Calendar may be stated and corrected and Councilmembers may register a "No" vote on specific item(s) without removal from the Consent Calendar.

2. ***Minutes:***

a. *Description:*

The minutes of a City Council meeting shall be “action minutes” which include the motions made, actions taken, and a brief summary of public comments.

b. *Reading Of Minutes:*

If each Councilmember has been furnished with a copy of the minutes prior to the meeting, the minutes may be approved without reading. If a Councilmember raises a point of correction to the minutes of a City Council meeting, that correction may be approved at that meeting.

3. ***Legislative Matters:***

Generally, public hearings shall be conducted in the following order:

a. *Regular Hearings And Appeals:*

Staff presentation
Questions of Staff by Councilmembers
Hearing opened by Mayor
Public Comments
Rebuttals
Hearing closed by Mayor
Questions by Councilmembers
Discussion by Councilmembers
Action by City Council

4. ***City Council Referrals:***

- a. Any Councilmember may, prior to the posting of the agenda for a regular City Council meeting, bring any matter to the attention of the City Council which is not otherwise scheduled on a City Council agenda.

The City Council, after considering the referral, may do any of the following:

- (1) Take no action;
- (2) Refer the matter to Staff, who will forward it to the appropriate Committee and then schedule it as a future City Council agenda item;
- (3) Take action if Council finds that sufficient notice to the Council and the public has been provided by the published agenda, sufficient information has been received by the

Council, and no formal published notice of a public hearing is required.

5. ***Appointments:***
Appointments to City Committees, Community/Government Committees, Ad-Hoc Committees, and Commissions shall be made by the Mayor, with confirmation from a majority of the City Councilmembers.
6. ***Items From The Audience (Public Communications):***
 - a. ***Citizen's Forum:***
Per California state law, matters raised by the public will be automatically referred to Staff or placed on the next meeting's agenda. Anyone wishing to address the City Council will be limited to five (5) minutes.

R. Addressing The City Council:

1. ***Speaker Form:***
Each person shall stand at the podium, if one is available, and is requested to give his or her name and address for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the City Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without the permission of the Mayor. No question shall be asked of a Councilmember or a member of City Staff except through the Mayor.
2. ***Speaker Time:***
The Mayor can limit the time for individual comments.
3. ***Questions And Comments From The Public:***
Questions and comments from the public shall be limited to the subject under consideration.
4. ***Addressing The City Council After A Motion Is Made:***
No person in the audience may address the City Council after a motion is made without first securing permission to do so. Upon recognition by the Mayor and permission being granted by the City Council, the person so recognized shall confine him or herself to the question under discussion.

S. Continued Agenda Items:

It is City Council practice and policy that matters scheduled on an agenda will be heard at the meeting scheduled. When unforeseen circumstances mandate a request for continuance of an agenda item by an applicant, appellant, or other interested parties, the request must be made to the City Council at the outset of

the consideration of the item. In addition, any person intending to make a request for a continuance shall inform the City Clerk, orally or in writing, as soon as possible prior to the meeting that such a request for continuance will be made. The City Clerk shall inform the Mayor. The City Council will consider the request for continuance prior to discussing the substance or merits of the agenda item. The interested parties may speak to the issue of a continuance without forfeiting the right to speak later to the merits of the issue if a majority of the Council so rules. Comments may be presented by persons not able to attend the meeting for which the item is finally scheduled if the City Council agrees to continue the item.

City of Sonora Resolution No. 09-02-2003-A establishes a policy that the City Council will not consider a proposed development project when the project applicant and/or representative is not in attendance, and therefore will be continued.

T. Public Hearing Closed:

Once a hearing is closed it is inappropriate for the public to speak except to answer an inquiry of a Councilmember addressed through the Mayor. However, a public hearing may be re-opened by the Mayor to hear new information.

U. Cancellation Of Meeting:

If the City Council considers and then decides to cancel a future regularly scheduled or special meeting it should take such action at the earliest prior meeting possible.

CHAPTER IV - DECORUM

A. **Enforcement Of Decorum:**

The City Administrator shall assign a sergeant-at-arms when necessary to attend City Council meetings for the purpose of maintaining order and decorum in the City Council Chambers and in the lobby. Upon instructions from the Mayor, the sergeant-at-arms shall eject any person from the City Council Chambers, in conformance with State law.

B. **Courtesy:**

1. ***Councilmembers:***

Councilmembers shall accord the utmost courtesy to each other, City employees and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of Staff, remarks as to integrity, abusive comments and statements as to motives and personalities.

2. ***City Employees:***

Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

3. ***Public Speakers:***

Members of the public attending a City Council meeting shall be encouraged to observe the same rules of order and decorum applicable to the City Council. Any person who behaves in such a way as to be disruptive of the meeting, shall be removed from the room if the sergeant-at-arms is so directed by the Mayor and such person may be barred at that meeting from further audience before the City Council. Further procedures may be taken in accordance with Government Code §54950.

4. ***Appointed Members Of Commissions And Committees:***

Appointed members of Commissions and Committees of the City shall observe the same rules of order and decorum applicable to the City Council.

C. **Noise In The Lobby:**

Noise emanating from the lobby outside the City Council Chambers which disrupts City Council meetings shall not be permitted.

D. **Crowd Control In Council Chambers:**

If the City Administrator, or the City Administrator's designee, anticipates in advance a crowd larger than the maximum number of attendees allowed in the City Council Chambers, he or she shall provide for appropriate crowd control or a larger location to conduct the meeting.

- E. Distribution Of Literature And Other Materials In City Council Chambers:**
No person shall distribute flyers, leaflets, placards or other literature or circulate any petition within the City Council Chambers other than City Staff pertaining to City business. Such other literature may be displayed or distributed outside the City Council Chambers area.

CHAPTER V - PROCEDURAL RULES

A. Rules Of Order:

The City Council rules of order are derived from Roberts Rules of Order, which are attached to this handbook as Appendix A, and shall assist the City Council's processing of motions.

B. Rules Of Discussion:

1. *Withdrawal Of Motion:*

A motion may not be withdrawn by the maker of the motion without the consent of the Councilmember who seconded the motion.

2. *Voting:*

The City Council shall vote by "voice vote" on all matters before it unless a roll call vote is required by law or is requested by the Mayor. Silence shall be recorded as an affirmative vote, unless abstention is required by law, in which case silence shall be recorded as an abjection. The Mayor shall announce the results of the vote. The City Clerk shall show on ordinances and resolutions, the names of Councilmembers and their respective votes.

3. *Failure To Vote:*

Absent a disqualification under State law, including conflict of interest provisions and prohibitions on participating when personal bias would prohibit a fair decision, it is the responsibility of every Councilmember to vote. A failure to vote, that is not compelled by a legal disqualification, shall constitute an affirmative vote. A Councilmember who fails to vote shall nonetheless be counted towards making up a quorum, unless otherwise required by State law.

4. *Abstaining From Vote For Reasons Other Than An Identified Legal Disqualification:*

A Member of the City Council who abstains, determines not to vote "yes" or "no". A vote to "abstain" except for an identified legal disqualification shall be counted as an affirmative vote. A Councilmember shall state a reason for abstaining prior to doing so; failure to do so will constitute the same action as silence or failure to vote. A Councilmember who abstains from voting for other than an identified legal disqualification shall nonetheless be counted toward making up a quorum.

5. *Abstention/Recuse: Conflict Of Interest:*

Councilmembers shall disqualify themselves and abstain from voting if they have a financial conflict of interest or any other disqualification prescribed by law in a matter before the City Council. In such event, they may not participate in the discussion or the vote. Councilmembers shall

state the specific reason for such disqualification. Unless the matter is on the consent calendar, the abstaining Councilmember shall leave the Council dais until the conclusion of the agenda item. The matter will then proceed as though the member is not present, and the member shall not be counted toward making up a quorum. Further requirement on abstention and absence from the Chambers may be imposed by State law. The City Attorney should be contacted prior to the meeting to confer on any potential conflict of interest matter.

6. ***Tie Votes:***

When one Councilmember is absent and a matter under discussion remains unresolved as the result of a tie vote on all motions made on such matter, the matter shall be automatically continued to the next Council meeting when it is reasonably known that all Councilmembers will be present, provided that this rule shall not apply to matters involving the appellate jurisdiction of the City Council. The City Council exercises "appellate jurisdiction" when it considers matters in which a subordinate body such as the Planning Commission could, but for an appeal to the City Council, confer final approval.

7. ***Appeal From The Mayor's Decision:***

When the rules are silent, the Mayor shall decide all questions of order, subject to appeal by any Councilmember. When in doubt, the Mayor may submit the question to the City Council and/or City Attorney. Any decision or ruling of the Mayor may be appealed by request of any Councilmember. The Mayor shall immediately call for a vote to determine if the Mayor's ruling shall stand.

CHAPTER VI
COMMISSIONS And COMMITTEES ~ CITY REPRESENTATIVES ~
AD-HOC COMMITTEES

A. Commissions And Committees – City Representatives – Ad-Hoc Committees:

1. *Definitions:*

a. *Commissions And Committees:*

The City Council shall establish by Ordinance all Commissions which shall advise the City Council and perform minute orders or such other functions and duties as prescribed by the City Council. Unless otherwise directed, Committees and Ad-Hoc Committees shall be established by Resolutions or minute orders.

b. *City Representatives:*

Councilmembers and citizens may be appointed by the Mayor to serve on Committees, Community/Government Committees and Commissions to represent the City.

2. *Application And Appointment Process:*

Members shall be appointed by the Mayor, and confirmed by a majority of the City Council, in accordance with the following procedure:

a. *Vacancy, Announcement, Interview And Applicant Pool:*

The City Administrator shall notify the Mayor of each vacancy.

When a vacancy occurs, the Mayor shall announce the vacancy at a Council meeting and have the City Administrator or his/her designee advertise the opening in the local newspaper.

- ▶ The final date for receipt of applications and the final date for receiving applications shall be at least one week following the Mayor's announcement.
- ▶ At the meeting scheduled where the Mayor makes appointments, the City Administrator shall provide a copy of all applications received to the City Council.

b. *Application Required:*

No person shall be appointed to a Commission or Committee without filing a written application/letter of interest for appointment with the City Administrator on the date of the deadline for receipt of applications.

- c. *All Applications And/Or Letters Of Interest Provided To All Councilmembers:*

The City Administrator shall include in the City Council's agenda packet for the Council meeting at which the Mayor's appointment is scheduled, all current applications and/or letters of interest filed for appointment to the Committee or Commission designated by the City Council.

B. Appointment To Outside Agencies

1. *Citizen Appointments:*

Any appointment of any person, except a Councilmember, as a member of a Committee, Community/Government Committee, Commission, or other outside agency, shall be accomplished in the same manner as appointments to Commissions and Committees. Any appointment of any person, except a Councilmember, as a representative or liaison of the City to any Commission or Committee, shall be in the same manner as appointments to Commissions and Committees.

2. *Councilmember Appointment:*

The Mayor shall, instead of nominating, announce the appointment of the designated Councilmember as a member of a Committee, Community/Government Committee or Commission.

C. Removal Of Member Of Commission Or Committee Or City Representative.

Any member of a Committee, Community/Government Committee or Commission and any City representative or liaison to an outside agency, may be removed by a vote of not less than three (3) Councilmembers, initiated by the Mayor. Any proposed removal shall be scheduled as a Council Referral on the agenda of a regular Council meeting, with the name of the person proposed to be removed printed on the agenda.

D. Waiver Of Requirements:

In the event compliance with any of the above requirements would seriously interfere with or interrupt the important business of the City, the City Council may, with the approval of four Councilmembers, waive one or more of said requirements.

PROCEDURAL RULES

A. RULES OF ORDER:

The following rules shall be used as a guide to the conduct of the meetings of the City Council; provided, however, that the failure of the City council to conform to said rules shall not, in any instance, be deemed to invalidate the action taken. It should be noted here the identities of some of the motions listed in these Rules differ from the same or equivalent rules identified in Robert's Rules of Order. In the event that these rules are not sufficient to guide the Council's determination of any matter, the most recent edition of Robert's Rules of Order shall control.

B. PROCESSING OF MOTIONS:

The Mayor shall state the motion. When a motion is made and seconded, it shall be restated by the Mayor before discussion or debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it. The Mayor shall restate the motion prior to voting.

C. PRECEDENCE OF MOTIONS:

When a motion is before the City Council, no other motion shall be entertained except to:

- (1) Fix the time to adjourn to
- (2) Adjourn
- (3) Take a recess
- (4) Raise a question of privilege
- (5) Raise a Point of Order (or call for agenda adherence)
- (6) Table
- (7) Close discussion (or close debate or call the previous question)
- (8) Limit or extend limits of discussion
- (9) Postpone to a time certain (or continue to a time certain)
- (10) Refer to Staff, commission, committee or officer
- (11) Substitute the motion
- (12) Amend the motion
- (13) Postpone indefinitely
- (14) Motion to reconsider
- (15) Motion to reschedule

D. PURPOSE OF MOTIONS WHEN USED:

- (1) **Motion To Fix Time To Adjourn To:** A motion to fix the time to which to adjourn requires a second, is amendable and is debatable only as to the time (and date) to which the meeting is to be adjourned, and at which time (and date) any unfinished business will be considered. The purpose of the motion to fix the time (and date) to which to adjourn, is to set a time for duration and termination (adjournment) of the meeting, taking into consideration the completion of any unfinished business which may remain at adjournment. The time and date to which unfinished business will be considered may or may not be the next regular meeting.
- (2) **Motion To Adjourn:** A motion to adjourn requires a second and is not debatable except to set the date and time to which the meeting is adjourned to consider the unfinished business. The purpose of a motion to adjourn is to terminate the meeting forthwith, notwithstanding that the business on the agenda has not been completed, and notwithstanding a time fixed for adjournment has not yet arrived. A motion to adjourn shall be in order at any time, except as follows: (I) when repeated without intervening business or discussion; (ii) when made as an interruption of a Councilmember while speaking; (iii) when a motion to close discussion has been made; and (iv) while a vote is being taken.
- (3) **Motion To Take A Recess:** A motion to take a recess requires a second, is amendable, but is not debatable. The purpose of a motion to take a recess is to interrupt the meeting. The custom and practice of the City Council is that the Mayor will sense the need for and consensus for short recesses and declare such without formal motion; a formal motion is intended to be used when there is not an apparent consensus.
- (4) **Motion To Raise A Question Of Personal Privilege:** The right of a Councilmember to address the City Council on a question of personal privilege shall be limited to cases in which the Councilmember's integrity, character, or motives are questioned, or to when the welfare of the City Council is concerned; the maker of the motion may interrupt another speaker if the Mayor recognizes the "privilege." The motion does not require a second, is not amendable, and is not debatable.
- (5) **Motion To Raise A Point Of Order (Call For Agenda Adherence):** A motion to raise a point of order or call for agenda adherence does not require a second, is not amendable, and is not debatable. The purpose of the motion is to question whether a matter being discussed is adhering to the agenda item being considered. The custom and practice of the City Council is that the Mayor will sense the consensus of the City Council to take agenda items out of order, in order to expedite the efficient conduct of the meeting. A formal motion to change the agenda order of business

or a formal motion to call for Council agenda adherence is intended to be used when there is no apparent consensus.

- (6) **Motion To Table:** The purpose of the motion is to terminate further consideration of the subject being discussed, without qualification. The effect of the motion, if approved, is to not only end discussion on any other motion being considered, but to preclude any other motion being made. A motion to table requires a second, is not amendable, and is not debatable. If the intent of the motion is actually to interrupt business for more urgent business, a motion to postpone or continue to a time certain at the same or another meeting shall be used instead of a motion to table. If the intent is to postpone indefinitely, a motion to postpone indefinitely shall be used in place of a motion to table. If the intent of the motion is to actually qualify termination of any further consideration, a motion to postpone or continue, or some other main motion should be used instead of a motion to table. No motion to “take from the table” shall be recognized, either at the same or subsequent meeting. The foregoing shall not preclude any Councilmember from placing the subject on an agenda for a later City Council meeting, under Council Referrals.
- (7) **Motion To Close Discussion Or Debate:** A motion to close discussion requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If the motion to close discussion fails, discussion is reopened; if the motion passes, then the Mayor shall call for the vote on the pending motion. The purpose of the motion is to close discussion on pending motions without qualification. The custom and practice of the City Council permits the Mayor to terminate discussion upon sensing the consensus of City Council to do so without a formal motion. The custom and practice of the City Council also permits the Mayor, reflecting the consensus of the City Council, to consider a motion to close discussion, to state such consensus and declare that the vote will be on the pending motion.
- (8) **Motion To Limit Or Extend Discussion Or Debate:** A motion to limit or extend discussion or debate requires a second, is amendable and is not debatable. The purpose of the motion is to limit the time individual members of the City Council may speak on the subject or motion being considered, or to extend the time limit previously fixed.
- (9) **Motion To Postpone To Time Certain Or Continue To A Certain Time:** A motion to postpone to time certain or continue to a certain time is amendable, and is debatable as to the propriety of postponement and as to time set in the motion. The purpose of the motion is to postpone the subject under discussion to another specified time and date if the continuance is to another date and meeting.

- (10) **Motion To Refer To Staff Advisory Body Or Officer:** A motion to refer requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made. The purpose of the motion is to send the subject to the City Administrator, advisory body or other City officer for further study and report back to City Council, at which time the subject will be fully discussed.
- (11) **Motion To Substitute Motion:** A motion to substitute the motion under consideration with another motion requires a second, is not amendable, and is debatable. A motion to substitute must be germane to the subject and compatible with the underlying purpose of the motion under consideration; and if passed, the substitute motion will, by its own action, eliminate the necessity to vote on the motion being substituted. If the substitute motion fails to pass, debate will resume on the motion previously being considered.
- (12) **Motion To Amend Motion:** A motion to amend a motion requires a second, is amendable, and is debatable only when the motion to which it applies is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order, but an amendment raising an independent question or one that is not germane to the main motion shall not be in order. Amendments take precedence over the main motion and the motion to postpone indefinitely. Amendments to amendments are voted on first, then the amendment, then the main motion as amended.
- (13) **Motion To Postpone Indefinitely:** A motion to postpone indefinitely requires a second, is not amendable, and is debatable. If the motion is adopted, the principal question shall be declared lost. The purpose of the motion to postpone indefinitely is to avoid a direct vote on the main motion or on any other motion on the subject under discussion. Its correct use is when the intent is to specify qualifications or conditions upon which the City Council would again consider the subject. It should not be confused with the motion to table, which is a means of terminating consideration of a subject without qualification.
- (14) **Motion To Reconsider:** A motion to reconsider any action taken by City Council may be made only immediately following the final action on the agenda subject under discussion and prior to the City Council taking up another agenda subject for consideration. A motion to reconsider requires a second, is debatable, and is not amendable. Such motion must be made by a Councilmember who voted on the prevailing side of the final action, but may be seconded by any Councilmember. A motion to reconsider shall have precedence over all other motions. The purpose of a motion to reconsider is to bring back the matter for consideration. If a motion to

reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion.

- (15) **Motion To Reschedule:** Notwithstanding paragraph (14), a Councilmember who voted on the prevailing side of a motion which disposed of an agenda item, may at any time during the next meeting following the action taken, make a motion to reschedule the subject for further consideration at a future meeting; provided the Mayor may postpone the motion until the conclusion of whatever other agenda item is under discussion. The motion to reschedule requires a second, is not debatable, and is not amendable. The maker of the motion may make a very brief statement of reason for the motion. If the motion passes, the Mayor shall determine by consensus or vote, the meeting date at which the subject shall be rescheduled, which shall take into consideration whatever publication of notice and any special notice to interested parties that may be required. If a Councilmember, whether or not voting on the prevailing side, wants the City Council to "reconsider" a subject upon which final action has been taken by the City Council, and the Councilmember is precluded from making a motion to reconsider or reschedule pursuant to paragraph (14) and the foregoing provisions of paragraph (15) the Councilmember may seek such "reconsideration" by scheduling the subject as a "Council Referral" on a subsequent agenda.