

**CITY OF PLEASANT HILL**

**CITY COUNCIL RULES AND PROCEDURES**

Adopted: Resolution No. 19-00 – February 7, 2000

Amended: Resolution No. 2-01 – January 8, 2001  
Resolution No. 68-05 – November 7, 2005  
Resolution No. 76-05 – December 5, 2005  
Resolution No. 80-07 – December 3, 2007  
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## CITY COUNCIL RULES AND PROCEDURES

The following rules and procedures which were adopted by Resolution No. 19-00 on February 7, 2000, and amended by Resolution No. 2-01 on January 8, 2001, Resolution No. 68-05 on November 7, 2005, Resolution 76-05 on December 5, 2005, Resolution No. 80-07 on December 3, 2007, and Resolution No. 13-10 on February 22, 2010, in addition to the Brown Act and other applicable laws, shall govern the conduct of the City Council and staff with respect to City Council meetings.

### 1. GENERAL RULES FOR CITY COUNCIL MEETINGS

- 1.1 Meetings Open to the Public.** The City Council is subject to the Brown Act Open Meeting Law. (Government Code §§ 54950 et seq). All meetings of the City Council are open to the public, except for closed sessions which are authorized to be held in private under the Brown Act.
- 1.2 Time and Place of City Council Meetings.** Regular meetings of the City Council shall be held at the City Hall Council Chambers at 100 Gregory Lane, Pleasant Hill, California, except as otherwise provided from time-to-time. The regular meetings of the City Council shall be held the first and third Mondays of each month, unless any such Monday is a holiday, in which case the regular meeting shall be on the next non-holiday Monday. On the first regular meeting of the month, the City Council meeting will start at 7:30 p.m., preceding the Redevelopment Agency meeting. On the second meeting of the month, the City Council meeting will start after the Redevelopment Agency meeting, which will start at 7:30 p.m.
- 1.3 Adjournment of Meeting.** No new item will be commenced after 11:00 p.m. unless authorized by a majority vote of the City Council. Meetings will be adjourned by 12:00 a.m., unless extended by a majority vote of the City Council. Meetings may be extended in 30-minute increments. A motion for adjournment is always in order and, upon a second, shall be voted on without debate.
- 1.4 Quorum.** Three Councilmembers in attendance at a meeting shall constitute a quorum. If there is no quorum, the Mayor (see Section 3, below) or City Clerk shall adjourn such meeting to a stated time and place. If adjourned by the City Clerk, a written notice of the adjournment shall be given in the manner provided in Government Code § 54956 for special meetings, unless such notice is waived as provided therein. In considering any item subject to a vote, when a Councilmember disqualifies himself or herself on account of a conflict of interest pursuant to Government Code § 81000 et seq., contractual conflict pursuant to Government Code § 1090, incompatibility of offices pursuant to Government Code § 1126, or any other legal provision requiring abstention, his or her presence shall not be considered in determining the presence of a quorum. Once it is determined there is no quorum, consideration of such item shall be deferred until a quorum of non-interested

Councilmembers is present to discuss and vote on the item. Or, if no quorum is possible, the “rule of necessity” may apply. (See also Section 7 herein, Voting, and Section 3.5.b).

**1.5 Types of Meetings.** In addition to the regularly scheduled meetings, the City Council may conduct any of the following types of meetings:

- a. Adjourned Meetings.** The City Council may adjourn a regular or special meeting to a time and place specified in an order of adjournment. If all members are absent or there is less than a quorum, the Mayor or City Clerk may declare the meeting adjourned to a stated time and place and post notice of that fact consistent with Government Code § 54955.
- b. Continued Hearings.** The City Council may continue any hearing to a subsequent meeting, stating the specific date, time and place. (Government Code § 54955.1).
- c. Special Meetings.** A special meeting may be called by the Mayor or by a majority of the City Council. Notice must be given in conformance with Government Code § 54956. The notice shall state the business to be discussed. No other business may be considered at the special meeting. (See Government Code § 54956.)
- d. Study Sessions.** The City Council may meet in study session, open to the public at a time and place designated by the Mayor or a majority of the City Council. No vote shall be taken at a study session, but the Mayor may ask the City Councilmembers to express their opinions for the purpose of giving guidance to the staff on specific questions.
- e. Closed Sessions.** The City Council may meet in closed session (not open to the public), as provided by California law. No member of the City Council, City employee or person present during a Closed Session, shall disclose to any third person or party not present at the Closed Session, the content or substance of any confidential discussions which took place during said session, unless the City Council votes to authorize disclosure of such information by a majority vote, except as otherwise required by law.
- f. Emergency Meetings.** The City Council may hold an emergency meeting pursuant to Government Code section 54956.5 if a majority of the members of the City Council determine that there is 1) a work stoppage or other activity which severely impairs public health, safety, or both, or 2) a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the City Council. Notice shall be given as provided in Government Code section 54956.5.

- g. Teleconferences.** The City Council may use teleconferencing for the benefit of the public and the Councilmembers for any City Council meeting. Teleconference locations shall be open to the public and agendas shall be posted at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting. At least a quorum of the City Councilmembers must be present at locations within the City's jurisdiction. All votes taken during a teleconferenced meeting shall be by roll call vote. (Government Code § 54953.)
  
- 1.6 Meetings with City Commissions and Committees, etc.** The City Council may from time to time adopt a schedule of meetings with the various City commissions and committees, and attempt to meet at least once a year with each committee or commission. Also, it may meet one or more times a year with the Pleasant Hill Recreation and Park District Board, the Mount Diablo School District Board, or any other public agency. Notice of such meetings shall be given as set forth in Government Code § 54956, except that notice of these meetings shall be posted and received at least 72 hours before the time of the meeting.
  
- 1.7 Regulations for Public Participation.** Anyone may record a meeting as long as it does not constitute a disruption of the proceedings. The Mayor or a majority of the City Council may adopt reasonable regulations for public participation, including time limits for public testimony and comment. Writings which are public records and which are distributed at a public meeting shall be made available for public inspection at the meeting if prepared by the City, or after the meeting if prepared by some other person. (Government Code §§ 54953 - 54954.3, 54957.5) (See also sections 5 (Decorum), 6.4 (Public Comment), 6.6 (Public Hearings) and 6.7 (Rules).
  
- 1.8 Minutes; Record Keeping.** It is the policy of the City Council that all meetings of the City Council shall be recorded on audiotape and videotape, where possible. These recordings shall not be considered as minutes and shall be used only to assist the City Clerk in preparation of minutes or for general reference and informational purposes. The recordings shall be maintained by the City Clerk and retained for a period of not less than five years, after which they may be erased. Members of the general public may refer and listen to these tapes, provided that the tapes shall remain under the supervision and custody of the City Clerk or other designated employee during such time, and provided that listening shall be during normal working hours.

  - a. Transcripts of Recordings.** The City Clerk shall not be required to provide transcripts of such records. However, private arrangements to secure such transcripts may be made with the City Clerk.
  
  - b. Recordation of Votes.** If all five Councilmembers are present and there are five "aye" votes, the minutes may indicate a unanimous vote. In all cases, the minutes shall indicate the names of Councilmembers voting "aye" and those voting "no." Also, those absent and those abstaining shall be included. In the case of a member

who is disqualified from voting and has absented himself or herself from the dais during the discussion and voting, the minutes shall indicate his or her abstention.

- c. **Appointments.** Minutes shall reflect appointments to or removals from City commissions and committees.
- d. **Tentative Minutes.** Tentative minutes are those yet to be approved by the City Council.

**1.9 Parliamentarian.** The City Attorney shall act as Parliamentarian for all City Council meetings and shall respond to questions regarding procedures and compliance with these Rules and Procedures. The Mayor, or a majority of the City Council, shall maintain the authority to make final decisions regarding order and compliance with these Rules and Procedures.

## **2. ELECTION OF CITY COUNCIL OFFICERS**

- 2.1 Election of Officers.** The City Council shall elect a Mayor and Vice Mayor for one year terms at the first regular meeting in the month of December.
- 2.2 Filling Vacancies.** If the office of Mayor or Vice Mayor becomes vacant for any reason, including resignation, death, recall, municipal election, or removal by majority vote, the City Council shall elect one of its members to fill the vacancy at the next regular meeting.
- 2.3 Election or Removal.** The election or removal of Mayor or Vice Mayor shall require three affirmative votes.
- 2.4 Term Limits.** Councilmembers may serve as Mayor or Vice Mayor for any number of terms, but may not serve as either for more than two consecutive terms.

## **3. DUTIES OF OFFICERS AND COUNCILMEMBERS**

- 3.1 Mayor's Duties.** The Mayor shall be the official head of the City for all ceremonial purposes and shall be the presiding officer at City Council meetings. The Mayor shall assume his/her duties immediately upon the election of City Council officers at the City Council's reorganization meeting.
- 3.2 Mayor's Powers.** In presiding at a City Council meeting, the Mayor shall facilitate and guide the meeting, establish seating assignments for City Councilmembers at the dais, preserve order and decorum, and ensure that the meeting runs smoothly, fairly, and in accordance with these Rules and Procedures. The Mayor shall exercise the power to limit the time of any person speaking from the floor, state questions coming before the City Council, announce its decision on all subjects and decide all questions of order, subject,



however, to an appeal to the City Council as a whole. In the event of an appeal to the City Council as a whole, a majority vote shall govern and conclusively determine questions of order. The Mayor may make motions, vote or abstain on all motions. The Mayor, or if the Mayor is unavailable, the Vice-Mayor, shall sign all ordinances, resolutions and other documents adopted and approved by the City Council, unless the City Council designates otherwise. (See paragraph 6.9.b)

**3.3 Vice Mayor's Duties.** The Vice Mayor shall assume the duties of and serve as the Mayor whenever the Mayor is temporarily unable to serve.

**3.4 Temporary Presiding Officer.** In the absence of both Mayor and Vice Mayor from a City Council meeting, the City Clerk shall call the City Council to order, whereupon the City Councilmembers present shall elect a temporary presiding officer to serve as Mayor until the arrival of the Mayor or Vice Mayor, or until adjournment.

**3.5 Councilmembers' Duties.** It is the duty of each Councilmember to attend meetings, adhere to these Rules and Procedures and to cast votes, (unless excused) as outlined below.

**a. Notice of Absence.** A Councilmember should give notice to the Mayor, City Clerk or City Manager at least three hours in advance of the meeting if the City Councilmember intends to be absent or late in arriving at a Council meeting.

**b. Abstention from voting.** A Councilmember must abstain from voting if:

- 1) the City Councilmember has a personal or financial interest in the matter as defined in the California Political Reform Act (Government Code §§ 81000 et seq.); or
- 2) the law otherwise declares the City Councilmember's participation to be a conflict of interest (See e.g., Government Code §§ 1090, 1126, 81000 et seq.); or
- 3) the member is disqualified as to that matter because of his or her absence from the hearing on the matter and failure to review the testimony and evidence presented.

If a Councilmember is disqualified, he or she shall declare this fact and the reason for it on the record, and shall leave the dais until the matter is concluded.

**c. Committee Work and Reporting.** The business of the City Council will from time to time require work in Council Subcommittees or Ad Hoc Committees, and through Councilmember participation on Boards of other governmental agencies. It shall be the duty of any Councilmember sitting on such Subcommittees, Committees or Boards to make periodic reports to the City Council as a whole and to the general public at regular City Council meetings. It shall also be the duty

of any such Councilmember to timely advise his or her alternate, if any, if the Councilmember will be absent from any Subcommittee, Committee or Board meeting.

- d. **Councilmembers' Duties concerning Out-of-State Travel.** It is the duty of every Councilmember, when conducting or undertaking City business with out-of-state travel that involves the expenditure of City funds, to be accountable to the public and the City Council by strict adherence to the letter and spirit of both Resolution 22-88 and Section 10 of these Rules and Procedures.

#### **4. CITY COUNCIL AGENDA PREPARATION; CONTENTS**

- 4.1 **Policy.** The City Council will not discuss any item of business not placed on the written agenda unless: (1) the item was continued to a specific date during a prior meeting, (2) by a two-thirds vote the City Council determines that there is a need to take immediate action and that such need arose after the agenda was posted (Government Code § 54954.2), or (3) the Mayor or City Manager has called an emergency meeting pursuant to Government Code § 54956.5, and a majority of the City Council votes that an emergency situation exists (Government Code § 54954.2). If other matters are raised by the public under the "Public Comment" portion of the agenda, the City Council or staff may briefly respond and may refer the matter to staff or to a subsequent meeting. (Government Code § 54954.2).
- 4.2 **Agenda Preparation.** There shall be a written agenda for each City Council meeting. The agenda shall contain a brief general description of each item of business to be transacted or discussed and shall include other matters as set forth in this Section 4 of these Rules and Procedures. The City Manager's office shall prepare the agenda and packets for City Council meetings in cooperation with the Mayor. The City Manager and the Mayor shall attempt to balance the agenda scheduling, so that if an agenda date is filled to reasonable capacity (approximately 3 hours), then subsequent items will be scheduled for the next available meeting, when possible.
  - a. **Agenda Calendar.** The City Manager's office shall maintain and update a City Council agenda calendar covering a two-month period. Department heads and Councilmembers should notify the City Council's secretary of items they intend to submit for Council consideration and indicate the agenda date for which they intend to schedule the item.
  - b. **Tentative Agenda.** A tentative agenda shall be submitted to the Mayor or, in his or her absence, the Vice Mayor, for review and approval no later than 5:00 p.m. on the Tuesday preceding the next scheduled City Council meeting. The Mayor shall exercise sound discretion in approving the final agenda, and shall not remove an item from the tentative agenda absent good cause. Items on the tentative agenda pursuant to a request of any Councilmember may only be removed from the

tentative agenda either (1) at the request or advice of the City Attorney or City Manager or (2) due to valid time considerations (e.g., agenda date filled to reasonable capacity, additional time needed by staff or consultant for preparation of report, or failure to meet agenda time deadlines). At the request of any Councilmember, any removed item shall be agendized for the next regular City Council meeting.

- c. **Ceremonial Items.** The Mayor shall have the discretion to schedule Ceremonial Items (proclamations, presentations, etc.) at the beginning of City Council meetings as indicated in the Order of Business below. On the second meeting of the month when the Redevelopment Agency meeting commences first at 7:30 p.m., the Mayor shall have the discretion to schedule a recess to the City Council meeting at the beginning of the Redevelopment Agency meeting so that the ceremonial items can be heard at the beginning of the evening.
  
- d. **Agenda Contents.** The agenda shall include general information, a brief description of items of business, and the order of business (See Government Code § 54954.2).
  - 1) **General Information.** The agenda shall contain: an explanation of the consent calendar; an explanation of public participation procedure; the City’s telephone number; the location of the meeting, speaker time limits; a statement that “No new matter will be commenced after 11:00 p.m. unless authorized by a majority vote of the City Council. Meetings will be adjourned by 12:00 a.m., absent a vote to extend”; a notification of special Council Chamber equipment; and a notification that City Council meetings are televised, with broadcast information.
  
  - 2) **Brief Description of Items.** The agenda shall contain a brief general description of each item of business to be transacted or discussed. (Government Code § 54954.2)
  
  - 3) **Order of Business.** The agenda shall identify the order in which the business of the City Council shall be taken up, which shall be as follows, subject to change by the Mayor, Vice-Mayor, City Manager or by a majority vote of the City Council:
    - A. Call to Order and Pledge of Allegiance to the Flag
  
    - B. Roll Call
  
    - C. Ceremonial Matters, Proclamations and Presentation of Plaques of Appreciation

(These may be included on "Consent Calendar" if they are not to be presented to an organization or representative at the meeting.)

- D. City Manager Comments  
(Brief updates on pending City business without discussion by the City Council.)
- E. Mayor's and Councilmembers' Announcements and Reports  
(Including reports of Subcommittees, Ad Hoc Committees and representatives to Boards of other public agencies.)
- F. Public Comment  
(Not to include items scheduled for public hearings. Public comment may be submitted to City Clerk in writing on forms provided.)
- G. Consent Calendar  
(Consent items may include warrants, minutes, and non-controversial ordinances, resolutions and public hearings.)
- H. Discussions Items
  - 1. Continued Public Hearings
  - 2. New Public Hearings
  - 3. Continued Items (other than public hearings)
  - 4. New Items  
(Requests to City staff for preparation of agenda reports and materials must be approved by a majority vote of the City Council.)
- I. City Commission and Committee Reports  
(The City Council may hear brief reports from some of its committees and commissions on the first meeting of the month, and some on the second meeting of the month.)
- J. Closed Session
- K. Adjournment

- e. **Agenda Posting.** Agendas for regular meetings shall be posted, as set forth in Government Code Section 54954.2, at least 72 hours before a regular meeting, in a location that is freely accessible to the public -- City Hall and the Police Services Building. The City Manager's office shall endeavor to have the agendas posted as early as practicable.

#### **4.3 Item/Packet Deadlines:**

- a. Department heads and City Councilmembers shall give tentative agenda titles to the City Manager's office and agenda reports with draft resolutions and ordinances to the City Attorney by 6:00 p.m. on the second Thursday before the City Council meeting (11 days before the City Council meeting).
- b. Agenda cover sheets shall have the signatures of the sponsoring department head and ordinances and resolutions shall have the City Attorney's approval as to form.
- c. Completed agenda packet items with cover sheet signed by appropriate personnel shall be submitted to the City Manager's office by 5:00 p.m. on the Wednesday preceding the City Council meeting.
- d. Failure to adhere to the time deadlines may result in the item being continued to a later agenda.
- e. Deadlines may be changed for holidays or other special circumstances as approved by the City Manager.
- f. The City Council will not accept written packet material submitted at the time of the meeting (except evidence at a duly noticed public hearing) unless a majority of the City Council grants an exception.

**4.4 Packet Delivery.** The City Manager's office shall be responsible for the delivery of the packets to Councilmembers by 7:00 p.m. on the Thursday preceding the date of the City Council meeting. The Mayor may authorize delivery on the Friday morning preceding the City Council meeting, if necessary.

**4.5 Packet Availability to the General Public.** It being the intention of City Council that its actions and deliberations be conducted openly, agenda packets shall be mailed to any member of the general public who requests mailing and is willing to pay for the costs of copying and delivery. If the request is made pursuant to Government Code § 54954.1, the mailing shall occur at the time the agenda is posted. Otherwise, the mailing shall occur within one (1) business day of the request, but at the earliest practicable time. Agenda packets shall also be available for inspection and, upon payment of a fee, copying, as the City Council may from time to time direct.

## **5. DECORUM**

- 5.1 Decorum Generally - City Councilmembers.** The Mayor and all City Councilmembers shall preserve order and decorum at City Council meetings. City Councilmembers shall confine their remarks to the agenda item under consideration and speak only when recognized by the Mayor, except as otherwise provided in these Rules and Procedures. Once a City Councilmember is recognized, he or she shall not be interrupted unless called to order by the Mayor. A City Councilmember shall not, by conversation or otherwise, disturb or disrupt the proceedings or the peace of the City Council in any way, nor disturb any other Councilmember or member of the public while speaking, nor refuse to obey the orders of the Mayor or City Council, except as otherwise provided herein.
- 5.2 Decorum Generally - Public.** While the City Council is in session, any members of the public may be invited by the Mayor to approach the City Council podium on any item on the agenda prior to City Council voting while the City Council is in session, unless otherwise prohibited by law. Written messages to any Councilmember while the City Council is in session shall be through the City Clerk. In the event any meeting is willfully interrupted by any individual, group or groups of people so as to render the orderly conduct of such meeting unfeasible, the Mayor may recess the meeting and require the removal of individuals who are willfully interrupting the meeting.

## **6. CONDUCT OF BUSINESS**

- 6.1 Policy.** At the time set for regular meetings, the City Councilmembers, City Manager, City Clerk, City Attorney and such department heads and other persons as have been requested to be present, shall take their regular stations in the City Council Chambers. The business of the City Council shall be conducted in substantially the order and in the manner set forth in these Rules and Procedures.
- 6.2 Call to Order.** At the time set for the meeting, the Mayor shall take the place of the presiding officer and call the City Council to order.
- 6.3 Roll Call.** Before the City Council shall proceed with the business of the City Council, the City Clerk shall call the roll of the members. The names of those present and the later arrival of any absentee shall be entered in the minutes.
- 6.4 Public Comment.** The public is welcome during the “Public Comment” portion of a meeting to address the City Council on any matter within its jurisdiction, except for items scheduled for “Public Hearing”. Comments are limited to three minutes per speaker. A member of the public wishing to speak during “Public Comment” must come forward to the podium and give his or her name, city of residence (optional) and organization represented, if any. He or she shall also fill out a card with his or her name, address and organization represented, if any, for the City Clerk. The latter may be waived if the name and address are

known to City Clerk. All remarks shall be addressed to the Mayor. No person other than the person having the floor shall speak on the matter, except upon recognition of the Mayor. The City Council will not discuss any item brought up during Public Comment, except that upon recognition of the Mayor, City Councilmembers or City staff may briefly respond and the Mayor or City Council may refer the matter to City staff or to a subsequent meeting for further action. Public comment may be submitted to City Clerk in writing on forms provided. If at any time these rules are not followed, the Mayor may call the speaker to order, ask the speaker to terminate his or her remarks, recess the meeting, or require the removal of an individual who is willfully interrupting the meeting.

**6.5 Consent Calendar.** All items on the consent calendar may be adopted by a single motion with a majority vote of the City Council. The Mayor need not read out loud each individual item listed on the consent calendar agenda. The Mayor shall, however, read out loud the titles of any public hearing items on the consent calendar. The Mayor may (at his or her own discretion) and shall (upon request of any Councilmember) pull any item from the Consent Calendar and move it to the end of the agenda or to an appropriate place on the agenda as approved by a majority of the City Council.

**6.6 Public Hearings, Generally.** For each scheduled Public Hearing, the order of the hearing shall normally be as follows, subject to change by the Mayor, so long as all parties are given an opportunity to be heard:

- Mayor opens the public hearing.
- If required, oral staff report(s) providing the general nature of the item and summarizing any correspondence received.
- Presentation by proponent or his or her designated representative. If the applicant or a representative does not appear, the City Council may proceed based on the record before it. Formal presentation, including evidence, and exclusive of questions from the City Council, shall not exceed fifteen minutes, except by permission from the Mayor or a majority of the City Council, which permission shall be liberally granted.
- Comments and evidence by those in support of the proponent (which will generally be limited to three minutes for each speaker).
- Comments and evidence by those in opposition to the proponent (which will generally be limited to three minutes for each speaker). In a contested matter, such as an appeal, formal presentation by an opponent shall not exceed twenty minutes, except by permission from the Mayor or a majority of the City Council, which permission shall be liberally granted. In such an instance, those wishing to speak in support of an opponent shall provide comments and evidence after the opponent.
- Comments that support neither proponent nor opponent (which shall be limited to three minutes for each speaker).
- Rebuttal by proponent, which shall not exceed five minutes, except by permission from the Mayor or a majority of the City Council.

- Mayor closes the public hearing
  - City Council discussion and deliberation.
  - City Council vote.
- a. **Time Limitations.** During any presentation or comments, the Mayor may limit an individual's time and may limit the number of speakers with similar positions.
  - b. **Written Comment.** Written comment and/or material may be submitted to the City Clerk, who will forward it to the Mayor. Copies of written material that is distributed to the City Council should also be made available for public review.
  - c. **Questions to proponents, opponents, and staff.** A Councilmember, upon recognition from the Mayor, may question any speaker or City staff during the hearing, but shall not introduce a motion on the matter until the public hearing is closed.
  - d. **Outside Evidence.** If a Councilmember has received evidence outside of the public hearing, the City Councilmember shall disclose the fact of receipt of such evidence and the nature and substance of such evidence, and shall allow all parties to the proceeding to comment upon or refute such evidence before a final decision is made.
  - e. **Evidence Available.** Documentary, written or graphic evidence presented to the City Clerk shall, if possible, be photocopied and distributed to the City Councilmembers and made available for inspection by the public at the hearing.
  - f. **Continuing Hearings.** Any hearing may be continued to the next regular meeting date, or to any other hearing date. If a specific, continued hearing date is announced by the Mayor, no further notice need be provided regarding the matter, except as required by law.

## 6.7 Rules Concerning Public Participation in Public Hearings and Non-Public Hearings

- a. **Policy.** All persons interested in any matter being heard by the City Council shall be entitled to submit written, verbal or graphic evidence on any item identified on the agenda.
- b. **Protocol.** A member of the audience must come forward to the lectern microphone and give his or her name, city of residence (optional), and organization represented, if any. He or she shall also fill out a card with his or her name, address and organization represented, if any, for the City Clerk. The latter may be waived if the name and address are known to City Clerk. All remarks shall be addressed to the Mayor, except that answers to questions posed by a City Councilmember recognized



by the Mayor may be addressed to the questioner. No person other than a member of the City Council and the person having the floor shall enter into any discussion, either directly or through a Councilmember, without the permission of the Mayor. Said comments must be pertinent to the relevant topic, which is the subject of discussion. A member of the public may not ask a question of a Councilmember or staff member, except through the Mayor. If at any time these rules are not followed, the Mayor may call the speaker to order, ask the speaker to terminate his or her remarks, recess the meeting, or require the removal of an individual who is willfully interrupting the meeting.

- c. **Advance Requests to Speak.** Anyone desiring to speak to the City Council during the public discussion may submit a written request in advance of the meeting. The City Clerk shall provide the Mayor the names of such persons desiring to speak.
- d. **Requests to Speak Submitted at the Meeting.** Members of the audience wishing to speak during the public discussion are requested to fill out a "Request to Address the City Council" card and hand the card to the City Clerk at the beginning of the meeting. The City Clerk will advise the Mayor when requests to speak are in hand. Persons submitting such requests will be heard after the persons who have made advance requests. Persons wishing to speak in favor of either a proponent or an opponent must submit their cards in timely fashion consistent with section 6.6 of these Rules. Comments by members of the audience will generally be limited to three minutes for each speaker.
- e. **Duplication of Remarks.** All speakers are urged to prevent duplication in their remarks and to only present information to the City Council which prior speakers have not presented. Those who concur with prior speakers and would otherwise only duplicate prior remarks are requested to simply indicate their agreement or support. If the Mayor determines that a speaker is merely duplicating prior testimony, the Mayor may ask the speaker to terminate his or her remarks in an orderly fashion.
- f. **Council Discussion and Action.** Following the closing of the hearing, the matter is brought to the City Council for limited discussion before motions are made and action taken. There is no further comment permitted from the audience, unless the matter is reopened by the Mayor or a majority of the City Council.

**6.8 Ordinances.** All ordinances presented to the City Council shall first be introduced at a meeting of the City Council and adopted at a regular meeting of the Council held at least five days after the date of introduction. Reading of the entire ordinance out loud shall be deemed waived upon introduction of the ordinance unless oral reading of the ordinance is requested and approved by majority vote of the City Council.

## 6.9 Rules of Debate and Order

- a. **Rights of the Mayor.** The Mayor may debate from the Chair and vote as any other City Councilmember. The Mayor shall not be deprived of any of the rights or privileges of a Councilmember on account of his or her acting as the presiding officer.
- b. **Floor Debate.** A City Councilmember wishing to speak shall address the Mayor, and upon recognition, shall confine himself or herself to the question under discussion, unless properly introducing a new item of business. Except for purposes of inquiry or furnishing information to the City Council, Councilmembers should speak only to the matter under consideration, or a duly introduced motion, resolution or ordinance. No Councilmember, once recognized, shall be interrupted when speaking, unless it is to call him or her to order, or as otherwise provided herein. If a Councilmember is called to order while speaking he or she shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed. No Councilmember shall speak more than once upon any one subject, until every other Councilmember wishing to speak thereon has spoken. Each Councilmember has a right to be heard on all items. In public hearings, Councilmembers shall avoid deliberating until all the testimony has been heard. This does not preclude asking questions of clarification at any time. No motion shall be entertained until each Councilmember has had a chance to ask questions or offer brief discussion of a general topic, or has declined. Substantive debate on any motion or proposed action shall await presentation of a formal motion.
- c. **Restriction of Discussion.** With the exception of public hearings, consideration of regular agenda items should be limited to thirty minutes. At the discretion of the Mayor or a majority of the City Council, items not concluded within the allotted time may be held over.
- d. **Motions.** Motions should be clearly stated. The City Councilmember making the motion should state "I move that. . ." and state what the motion is exactly. No motion shall be made or entertained on any item identified in Section 4.2.c.3.F (Discussion Items) without the item first being announced and briefly identified and the Council and public being given the opportunity to hear any staff report or Councilmember report introducing such item. A motion is not valid and in order until both the preceding sentence is followed and the motion is seconded. A motion which is in order shall be acted upon unless withdrawn or superseded prior to any vote. A withdrawn motion shall not be recorded in the minutes. The Mayor may state that he or she would entertain a motion. When a motion is pending before the City Council, no person other than a Councilmember shall address the City Council without first obtaining the permission of the Mayor. There may be discussion on the motion, which discussion shall follow the manner set forth in paragraph 6.9.b. The

motion may be restated by the Mayor prior to calling for the vote.

**e. Precedence of Motions.** When an ordinance, resolution or motion is before the City Council, no other action shall be considered except a motion to (in order of precedence):

- adjourn, or fix the time of adjournment
- table
- recess
- call for the question
- refer
- postpone to a date certain, or to postpone indefinitely
- amend
- substitute a motion.

**f. Types of Motions.** These motions shall have precedence, in the order given, and shall (except to amend) be put to a vote without debate:

- 1) Motion to Table. A motion to table shall preclude all amendments or debate, except as to the amount of time the subject is tabled for. If the motion passes without a specified time, consideration of the subject may be resumed only upon motion of a member voting with the majority.
- 2) Call for the Question. When a Councilmember calls for the question, (which is the same thing as "moving the previous question") the Mayor shall allow no further debate and shall ask "Are we ready to vote on the motion?" If the question carries, the Mayor shall put the matter under consideration to a vote. If the question does not carry, the matter shall remain before the City Council.
- 3) Motion to Amend. Any Councilmember may make a motion to amend a main motion during deliberations. All amendments must be seconded. Once a motion to call for the question has carried, or the City Council is otherwise ready to vote, the Mayor shall put the pending amendment to a vote, before putting the main motion to a vote. In the event there is more than one amendment being considered, the amendments shall be put to a vote by the Mayor in the inverse order of their introduction before putting the main question to a vote.

- 4) Substitute Motion. Any Councilmember may make a substitute motion to an original motion during deliberations on a motion. A substitute motion is not in order unless it is seconded. Unlike a motion to amend, a substitute motion may only be acted upon once the City Council has been given the opportunity to debate and amend the original motion.
- 5) Division of Question. If a question put before the City Council contains two or more separable propositions, the Mayor may, and shall upon the request of a Councilmember, allow a division of the question.

## **7. VOTING AND DECISION; RESOLUTION; RECONSIDERATION**

- 7.1 Votes on Ordinances and Resolutions Granting Franchises.** Three affirmative votes shall be required for ordinances and resolutions granting franchises and for motions for the payment of money.
- 7.2 Votes on Other Motions.** A majority of a quorum shall carry other motions, except when otherwise required by law.
- 7.3 Tie Votes.** All votes resulting in a tie constitute a denial of the pending motion.
- 7.4 Voting Procedure.** Every Councilmember should vote on each matter presented. Any failure to vote must be explained prior to a vote if the Councilmember is not participating due to a conflict, or potential conflict, under the Political Reform Act. Councilmembers may not explain their vote during a roll call. Councilmembers may submit a written explanation or dissent not to exceed 200 words for inclusion in the minutes.
  - a. **Changing Vote.** Any Councilmember may change his or her vote before the next order of business.
  - b. **Voting Disqualification.** If, with respect to a particular item, a Councilmember has a conflict of interest pursuant to Government Code § 81000 et seq., or a contractual conflict pursuant to Government Code § 1090, or an incompatibility of office issue pursuant to Government Code § 1126, or is otherwise precluded from voting by law, he or she shall state the reason for not voting and thereafter leave the dais until that matter is concluded.
  - c. **Roll Call Voting.** All voting shall be by roll call vote.
- 7.5 Resolution as Final Action.** After a vote is taken on a matter before the City Council, the Mayor may direct the City Manager's office to prepare a resolution reflecting the City Council's findings and decision, if an appropriate resolution is not already prepared. The

vote is not considered final until the resolution is reviewed and approved by the City Council. A resolution brought back to the City Council at a subsequent meeting may be placed on the consent calendar. If the resolution is considered at a subsequent meeting and involves a public hearing, the City Council may receive no comments from the applicant or the public, unless the public hearing has been continued or is re-noticed.

**7.6 Reconsideration of Quasi-Judicial Actions.** A motion to reconsider any quasi-judicial action taken by the City Council may be made by any Councilmember who voted with the majority on a question but may be seconded by any Councilmember. The motion must be approved by a majority vote of the entire City Council.

- a. Timing of Motion to Reconsider.** The motion must be made at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting of the City Council or at any intervening special meeting of the City Council. If a request for reconsideration is communicated to the Mayor or City Manager by any Councilmember who voted in the majority on a question prior to the state law deadline for posting the City Council meeting agenda, then the request shall appear on the posted agenda for the next regular meeting or intervening special meeting. Otherwise, no City Council discussion or action on 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.
- b. Effect of Approval of Motion.** 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 state law, the Pleasant Hill Municipal Code and local notice provisions adopted by City Council resolution.

**7.7 Reconsideration of Legislative or Other Non-Quasi-Judicial Actions.** The City Council may rescind, repeal or amend its prior legislative or other non-quasi-judicial actions in situations where it is not precluded from doing so under applicable laws at any regular or special meeting of the City Council. Noticing and scheduling of such actions shall be consistent with Rule 4, City Council Agenda Preparation; Contents of these Rules and Procedures and any required notice provisions.

## **8. COMMISSION/COMMITTEES**

- 8.1 Council Subcommittees.** The Mayor may designate Council subcommittees and Ad Hoc Committees, and may appoint Councilmembers to serve on such committees with their consent. Such appointments terminate at the expiration of the Mayor's term of office and are subject to ratification of a majority of the City Council.
- 8.2 City Committees.** The City Council may establish by resolution such committees or commissions of its citizens and others as it shall deem advisable for the proper administration of City business. It shall establish qualifications, committee or commission size, specified terms of office, and compensation (if any), and shall appoint persons to serve on the committees and commissions.
- 8.3 Time.** The above appointments shall be made at a regular or special City Council meeting.

## **9. APPOINTMENTS TO BOARDS OF OTHER GOVERNMENT AGENCIES**

- 9.1 Councilmember.** If the City's representative to a Board of another government agency is a Councilmember, the Mayor may appoint any Councilmember, with his or her consent. The appointment shall terminate at the expiration of the Mayor's term of office, and is subject to the concurrence of a majority of the City Council. Each appointee shall have a designated alternate, appointed in the same manner as the appointee, who shall attend all committee meetings in the appointee's absence upon timely notification by the appointee.
- 9.2 Citizen.** If the City's representative to such a Board is a citizen, the City Council shall make this appointment by majority vote. Each appointee shall have a designated alternate, appointed in the same manner as the appointee, who shall attend all committee meetings in the appointee's absence upon timely notification by the appointee.
- 9.3 Time.** Appointments shall be made at a regular or special City Council meeting.

## **10. OUT-OF-STATE TRAVEL BY COUNCILMEMBERS**

- 10. Councilmember Reports Regarding Out-of-State Travel by Councilmembers.** The City Council recognizes the value and benefits to the City when City Councilmembers attend out-of-state meetings and functions for the purpose of advancing knowledge and information relating to municipal government. The City Council also recognizes the obligation to be accountable to the public when attending functions at City expense as set forth in Resolution 22-88. In addition to the provisions of Resolution 22-88, whenever a Councilmember, at city expense, participates in any out-of-state travel for city business or for city-related educational purposes, that Councilmember must submit to the City Council a written report (showing the purpose of the trip and any observations that may be of value to

the City) within thirty (30) days following conclusion of the trip, regardless of when or if an expense report is submitted. If any Councilmember fails to adhere to this Section, a majority of the City Council may, after discussion at an open session of the City Council:

1. Order that the City withhold any and all unpaid expense reimbursements related to the trip until such time as the report is properly filed and accepted by a majority of the City Council;
2. Limit or prohibit the expenditure of City funds for such Councilmember to travel or attend any function of any kind, whether within the state or out-of-state, for a term to be determined by a majority of the City Council in each instance; and
3. Order that the City refuse to issue per diem payments in advance, without leave of a majority of the City Council in each instance.