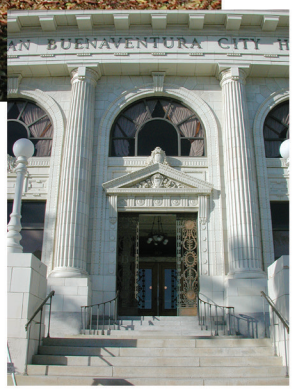
City Council

PROTOCOLS



City of Ventura • October 2015

On the Cover:

San Buenaventura City Hall, formerly the Ventura County Courthouse, was built by noted Los Angeles architect, Albert C. Martin, in 1912. The Italian marble entry lobby features a dramatic sweeping stairway. The bronze gateways are decorated with bouquets of lima beans, a reminder that Ventura County was once the lima bean capital of the world.

Preface

The following is a single source reference document of the San Buenaventura City Council's Protocols. The protocols included in this reference document have been formally approved by the Council:

- ***Resolution 94-111 approved on November 14, 1994, establishing rules for the conduct of Council meetings, proceedings and business.***
- ***Resolution 94-112 approved on November 14, 1994, establishing rules relating to oral presentations by members of the public.***
- ***Resolution 95-108 approved December 18, 1995, establishing expense reimbursement guidelines for the Council.***
- ***Motions passed at the Council special session of January 20, 1996.***
- ***Motions passed at the Council special session of October 19, 1996.***
- ***Resolution 2002-001 approved on January 7, 2002, adding rules of procedure pertaining to the Redevelopment Agency and Public Facilities Financing Authority.***
- ***Motions passed at the Council special session of May 15, 2002.***
- ***Motions passed at the Council meeting of September 23, 2002.***
- ***Resolution 2004-073 approved December 6, 2004, requiring Council closed session meeting minutes.***

- ***Resolution No. 2005-077 approved September 26, 2005, adding a Code of Ethics.***

- ***Resolution No. 2006-045 approved July 10, 2006, amending Section 8 of Part IX entitled, "Travel Expense Reimbursement."***

- ***Motion passed December 18, 2006, oral presentations by Councilmembers limited to speaking only twice on any agenda item; oral presentations by staff limited to ten minutes; and oral presentations by members of the public limited to three minutes on any agenda item with a cumulative total of five minutes for all agenda items.***

- ***Motion passed March 19, 2007, Councilmember who was not present for a vote may request a second vote with the entire Council present when the Council has a tie vote and the motion fails.***

- ***Resolution No. 2008-014 approved April 14, 2008, changed regular meeting starting time, prohibiting the disruption of meetings by members of the public through the use of profanity or otherwise, and incorporating numerous changes to the Protocols made by motion over the years.***

- ***Resolution No. 2010-015 approved June 7, 2010, allows organized groups to make a request to pool time, reduces the number of Council meetings to three per month, reflects new standing committees on Finance, Audit and Budget, and Homelessness, and incorporating numerous changes to the Protocols.***

- ***Resolution No. 2011-054 approved November 14, 2011, creating a Standing Legislative Committee for the purpose of creating a legislative platform for City Council approval and to review the need for contracts for legislative advocacy and other relevant legislative concerns.***

- ***Resolution No. 2012-021 approved March 19, 2012, amending the Council Protocols for the conduct of meetings, policy making and related matters to reflect changes made at the Council's 2012 annual retreat.***

- ***Resolution No. 2013-040 approved September 30, 2013, amending the Council Protocols for the conduct of meetings, policy making and related matters to reflect changes made at the Council's July 22, 2013, workshop.***

- ***Resolution No. 2015-054 approved October 5, 2015, amending the Council Protocols for the conduct of meetings, policy making, and related matters to reflect changes made at a Special City Council Meeting held on January 31, 2015.***

This document will be updated on an ongoing basis and modified as the City Council deems appropriate.

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SAN BUENAVENTURA CITY COUNCIL PROTOCOLS

I. COUNCIL MEETINGS

1. **Regular Meetings** – Consistent with Charter section 704(a), regular meetings of the Council shall be held, without the necessity for notice, three Mondays every month commencing at 6:00 p.m. in the City Council Chambers, San Buenaventura City Hall, 501 Poli Street, in the City. *(Res. 2008-014, 04/14/2008; Res. 2010-015, 06/07/2010; Res. 2013-040, 09/30/2013; Resolution No. 2015-054, 10/05/2015)*

   a. **Other Locations** – The Council may, from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.

   b. **Location During Local Emergency** – If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Deputy Mayor or City Manager.

   c. **Canceled Meetings** – When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be deemed canceled unless otherwise provided by the Council. In months when there are more than three Mondays or at other times when the Council deems appropriate, one or more regular meetings may be canceled by a majority vote of the Council. The Council must meet regularly, however, at least once each month. *(Res. 2010-015, 06/07/2010)*

2. **Special Meetings & Emergency Meetings** – Special meetings and emergency meetings of the Council may be called and held from time to time consistent with Charter section 704(b) and pursuant to the procedures set forth in the Ralph M. Brown Act (Government

Code sections 54950, et seq.). In addition to the two regular meetings, one Monday every month shall be reserved on the calendar for special meetings or workshops. *(Res. 2013-040, 09/30/2013)*

3. **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 pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code sections 54950, et seq.).

4. **Closed Sessions** – Consistent with Charter section 704(c), the Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.

   a. The Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions.

   b. The general subject matter for consideration shall be expressed in an open meeting before such session is held.

   c. Councilmembers may not reveal the nature of discussion or the decision from a closed session unless required by law.

5. **Cancellation of Regular Meetings** – Any meeting of the Council may be canceled in advance by a majority vote of the Council.

6. **Quorum** – Consistent with Charter section 704(d), four members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time.

7. **Chair** – Consistent with Charter section 703, the Mayor shall preside over all Council meetings. The Mayor shall have authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business

under the rules of the Council. The Mayor shall also have the power to administer oaths and affirmations.

a. **Absence of Mayor** – The Deputy Mayor shall act as Mayor in the absence or disability of the Mayor.

b. **Mayor and Deputy Mayor Absence** – When the Mayor and the Deputy Mayor are absent from any meeting of the Council, the members present may choose another member to act as Mayor pro tem, and that person shall, for the time being, have the powers of the Mayor.

8. **Councilmember Absences** – When Councilmembers are planning on being absent from a meeting of the Council, notification shall be provided to the City Clerk. (*Res. 2013-040, 09/30/2013)*

9. **Attendance by the Public** – Pursuant to Charter sections 704(a) and (c), and except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public in accordance with the terms, provisions and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

10. **Minutes and Recordings** – Minutes and recordings of Council meetings will be kept and maintained as follows:

a. **Public Meetings** – Action minutes will be kept of all Council meetings that are open to the public. Action minutes will include the final motions with votes. The minutes will also reflect the names of public speakers. Council and staff discussion and comments will not normally be included in the minutes. If a Councilmember desires for a comment to be included in the minutes, it is his or her responsibility to indicate that the statement is "for the record" before making the comments. Such minutes will be taken by the City Clerk's office, will generally be submitted to the Council within two weeks for approval, and will be made available to the general public for review and copying at all times following Council approval.

b. **Closed Sessions** – Except as otherwise provided herein minutes shall also be kept of all Council closed session meetings. Closed session minutes will include the topics discussed and decisions made with votes. The minutes will be taken by the City Clerk, the Deputy City Clerk, or such other City employee within the City's confidential employee unit, as designated by the City Manager, and will also be generally submitted to the Council within two weeks for approval. Minutes will be kept of closed sessions convened to evaluate the performance of the City Manager or City Attorney only if requested by the Mayor or a majority of the Councilmembers. (*Res. 2010-015, 06/07/2010)*

c. **Recordings of Meetings** – All video and/or audio recordings of proceedings are maintained by the City Clerk for a period of two years plus the current year. *(Res. 2004-073, 12/6/2004)*

II. ORDER OF BUSINESS

1. **General Order** – The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

ROLL CALL
PLEDGE OF ALLEGIANCE
SPECIAL PRESENTATIONS AND ANNOUNCEMENTS
CLOSED SESSION REPORT
COUNCIL COMMUNICATIONS
CONSENT ITEMS (including APPROVAL OF MINUTES)
APPOINTMENTS TO COUNCIL ADVISORY GROUPS
QUASI-JUDICIAL PROCEEDINGS
PUBLIC HEARINGS
FORMAL ITEMS
    CITY MANAGER'S/COMMUNITY DEVELOPMENT
    DIRECTOR'S REPORTS (Except First Mondays)
WORKSHOPS
PUBLIC COMMUNICATIONS
(Except at first regular meeting of month when it also appears just prior to the Consent Items)
COUNCIL COMMUNICATIONS

REPORT – REGIONAL BOARDS/COMMISSIONS/COMMITTEES
CITY MANAGER COMMUNICATIONS
ADJOURNMENT
(*Res. 2010-015, 06/07/2010; Res. 2013-040, 09/30/2013)*

2. **Action Agenda Items** – In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code section 54954.2.

3. **Special Presentations and Announcements** – All special presentations will be calendared and coordinated through the Mayor and will be limited to a time period not to exceed fifteen (15) minutes at each Council Meeting.

   a. **Council Announcements** – Council announcements will be limited to notifications of community events, functions, and other activities. Concerns or matters of current, pending, or future Council deliberation are not considered announcements.

4. **Council Communications** – Pursuant to Government Code Section 54954.2 (a)(2), the Council Communications section of the agenda provides Council the opportunity to briefly comment on Council business, City operations, City projects, and other items coming before Council. (*Res. 2013-040, 09/30/2013)*

   The Council will have two opportunities to provide Council Communications at each meeting. The first Council Communication will be immediately following any Closed Session Report and will be limited to one minute per Councilmember.
   (*Res. 2013-040, 09/30/2013)*

   The second opportunity to provide Council Communications at each meeting will be following Public Communications, prior to Report – Regional Boards/Commissions/Committees.
   (*Res. 2013-040, 09/30/2013)*

5. **Reports-Regional Boards/Commissions/Committees** – This time is set aside to allow members of the Council serving on regional

boards, commissions or committees to present a verbal report to the entire Council on the activities of the respective boards, commissions or committees upon which they serve. No action may be taken. Whenever possible, Councilmembers should agendize and bring regional issues to Council for advice and consent prior to taking a position on behalf of the City.

6. **Consent Items** – Agenda items removed from the consent agenda by Councilmembers or staff will be considered at the beginning of the formal items section of the agenda. Members of the public may comment on consent items prior to the Council's consideration of the consent agenda. A Councilmember may vote "no" on any consent item without comment or discussion. Any comments, questions, or discussion on an item will require the pulling of the item from the consent calendar.

7. **Appointments to Council Advisory Groups** – Appointments to Council Advisory Boards, Commissions, and Committees will follow the Consent Items. After the Council's action on the appointments, the Chair of the Council's Appointments Recommendations Committee or the Mayor may ask the appointee to stand and be recognized.

8. **Referral Status Report** – A list and status of projects referred by a majority vote of the Council will be included on the Council agenda every quarter. (*Res. 2013-040, 09/30/2013)*

9. **Travel Expenditures Quarterly Report** – A quarterly report of funds expended for each Councilmember traveling for City business will be provided to the Council on the consent agenda of a formal meeting. The report will generally be provided to the Council within 30 days of the end of each quarter.

10. **Standard Adjournment** – The Council establishes 11:00 p.m. as the hour of adjournment and will not continue beyond 11:00 p.m. without a majority vote of the Council. To assist in making the determination to continue an item under consideration, the Council should find that discussion, deliberation, and action on the item can be concluded by 11:00 p.m.

The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. A determination should be made by Council that any new item(s) can be discussed, deliberated and action taken before 11:00 p.m.

If agenda items remain after the 11:00 p.m. adjournment, a special meeting may be scheduled or the items deferred until the next regularly scheduled meeting. Deferred items will appear first under Formal Items of the agenda for the next regularly scheduled meeting. (*Res. 2010-015, 06/07/2010; Res. 2013-040, 09/30/2013)*

III. RULES OF CONDUCT

1. **General Procedure** – It is the policy of the Council to abide by Rosenberg's Rules of Order, as supplemented by these protocols, during all Council meetings. Consistent with the City Charter, Rosenberg's Rules of Order (Appendix A), and any applicable City ordinance, statute, or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, subject to appeal to the entire Council. The Council may waive or modify any rule by a majority vote. (*Res. 2013-040, 09/30/2013)*

2. **Addressing Members of the Public and Staff** – In addressing the public and members of the City's staff, Councilmembers will generally refer to persons as Mr., Mrs., or Ms. followed by their surname.

3. **Authority of the Chair** – Subject to appeal to the entire Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

4. **Mayor to Facilitate Council Meetings** – The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions, and deliberations.

5. **Council Deliberation and Order of Speakers** – The Mayor has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order the request to speak buttons are pushed.

   a. **Questions Addressed to Another Councilmember** – With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

6. **Limit Deliberations to Item at Hand** – Councilmembers will limit their comments to the subject matter, item, or motion being currently considered by the Council.

7. **Length of Council Comments** – Councilmembers will govern themselves as to the length of their comments or presentation. Councilmembers are limited to speaking only twice on any agenda item. *(Motion, 12/18/2006)*

   a. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over five minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for about five minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers in their efforts to communicate concisely.

8. **Council Presentations** – Councilmember presentations are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, Councilmembers must provide the City Clerk advance notice of the intent to make a presentation.

   a. **Title Page** – Presentations will be prepared by individual Councilmembers and will have a title page indicating that the opinions or positions presented are that of the individual Councilmember.

b. **City Clerk Assistance** – The City Clerk will assist Councilmembers to insure that the presentation is computer compatible and working correctly prior to the Council Meeting.

c. **Computer Software** – Software will be provided for those Councilmembers with a home or business computer and wishing to use it rather than computers at City Hall.

d. **Copy of Presentation** – To insure a complete record of the meeting, Councilmembers will provide a copy of the presentation to the City Clerk at the conclusion of the Council meeting.

9. **Obtaining the Floor** – Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.

10. **Motions** – Motions may be made by any member of the Council, including the Mayor, providing that before the Mayor offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion.

11. **Motion of Intention** – A Motion of Intention process is generally limited to matters legally required to be supported by findings.

    a. In proceedings identified as quasi-judicial on the agenda, when the Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention process.

    b. A Motion of Intention provides staff direction as to the Council's action through a formal motion.

    c. Based on this motion, staff revises the necessary findings, resolutions, and/or implementing documentation for the Council's action at the next scheduled meeting.

d. Upon receiving a motion of intent by a Councilmember, the Mayor should make sure that the hearing on any matter resulting in the motion is closed prior to a vote.

12. **Ordinances** – Motions offering ordinances are deemed to include waiver of full reading and title of the ordinance unless otherwise specifically stated.

13. **Voting** – Any Councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Mayor shall declare the result. The Council may also vote by roll call, ballot, or voting machine. Regardless of the manner of voting, the results reflecting all "ayes" and all "noes" must be clearly set forth for the record.

    No Councilmember shall be allowed to change their vote after an item has been closed. (*Res. 2013-040, 09/30/2013)*

14. **Abstention**

    a. If a Councilmember abstains because of a conflict arising under the Political Reform Act of 1974, he/she is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." *(Res. 2013-040, 09/30/2013)*

    b. When a Councilmember abstains or excuses them self from a portion of a Council meeting because of a conflict of interest arising under the Political Reform Act, the Councilmember must state on the record the nature of the conflict. The inclusion of this information in the public record is required by law. (*Res. 2013-040, 09/30/2013)*

    c. If a Councilmember abstains because of a conflict other than one arising under the Political Reform Act, he/she is counted as present for quorum purposes and is not deemed to be

"voting" for purposes of determining whether there has been a "majority vote of those members present and voting." (*Res. 2013-040, 09/30/2013)*

15. **Tie Votes** – A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

    A Councilmember who was not present for a vote may request to have the right to request a second vote with the entire Council present when the Council has a tie vote and the motion fails. *(Motion, 03/19/2007)*

16. **Use of Email, Text Messages or Other Electronic Communication During Council Meetings** – Council members shall not during meetings use electronic devices to send or receive electronic communications such as email, text messages or other electronic communications concerning the subject matter before the Council at the time of the communication. (*Res. 2013-040, 09/30/2013)*

17. **Serial Meetings** – Serial meetings are meetings that at any one time involve only a portion of a legislative body, but eventually involve a quorum. Serial meetings yield a process which deprives the public the opportunity for a meaningful contribution to the decision-making process.

    Serial meetings may be a chain, in which member A contacts or emails member B, B then contacts C, C contacts D, and so on, until a quorum is involved. To avoid the potential of serial meetings, members shall refrain from using the "reply all" feature when responding to emails. An elected official has the right to confer with a colleague about public business. But if and when a "collective concurrence as to action to be taken" is reached, the Brown Act is violated. (*Res. 2013-040, 09/30/2013)*

Councilmembers are encouraged to consider the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

18. **Non-Observance of Rules** – These protocols and Rosenberg's Rules of Order (Appendix A) are approved only to expedite and facilitate the transaction of the business of the Council in an orderly fashion and shall be deemed to be procedural only. Failure to strictly observe any such rules shall not be deemed to invalidate any action taken by the Council. (*Res. 2013-040, 09/30/2013)*

19. **Council Code of Ethics**

Statement of Purpose:
The residents of the City of San Buenaventura are entitled to responsible, fair, and honest City government. Public officials should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official can be improperly influenced in the performance of his/her public duties. Accordingly, the San Buenaventura City Council has approved this Code of Ethics as a guideline in addition to the Core Ethical Principles established by City of San Buenaventura employees: Respect, Equitable Treatment, Impartiality, Honesty, Responsibility, and Trustworthiness.

Responsibilities of Public Office

Act in the Public Interest: Officials shall work for the common good of the people of the City of San Buenaventura and not for any private or personal interest and they will assure fair and equal treatment of all persons, claims, and transactions coming before the San Buenaventura City Council.

Comply with the Law: Officials shall comply with the laws of the nation, the State of California, and the City of San Buenaventura in the performance of their duties including but not limited to: the United States and the State of California Constitutions and City ordinances and policies.

Conduct of Members: The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Council; Council Advisory Boards, Commissions, and Committees; the public; and staff.

Gifts and Favors: Officials shall refrain from accepting any gifts or favors, which might compromise their independence of judgment or action or give the appearance of being compromised.

Enforcement: This Code of Ethics is intended to be self-enforcing, and is an expression of standards of conduct for officials expected by the City. However, the Mayor has the additional responsibility to intervene when actions of members that appear to be in violation of this code are brought to his/her attention.

Use of Public Resource: City officials shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies, or facilities, for private gain or personal purpose.

Conflict of Interest: In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decision in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Campaign Practices: Officials shall act with utmost integrity and engage in fair and honest campaign practices. The personal conduct of officials must be professional and responsible and avoid even the appearance of impropriety. *(Res. 2005-077, 09/26/2005)*

IV. QUASI-JUDICIAL PROCEEDINGS

1. **Defined** – Quasi-judicial proceedings are those proceedings in which the Council is required to make findings based on an evidentiary record as to the entitlement. In quasi–judicial proceedings, the Council sits as the judge and jury, and is required

to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings heard by the Council include conditional use permits, variances, and subdivision map approvals.

2. **Identification on Agenda** – To facilitate the identification of quasi-judicial matters, quasi-judicial proceedings will be identified as such on the Council agenda under the heading of Quasi-Judicial Proceedings.

3. **Ex Parte Communications** – An ex parte communication is a communication made with a Councilmember outside the Council Chambers with any person except the City Attorney concerning a quasi-judicial proceeding when it is reasonably foreseeable that the matter will be heard by the City Council.
(*Res. 2013-040, 09/30/2013)*

   a. When a Councilmember has an ex parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Council, the Councilmember must state for the public record the nature of that communication. Councilmembers must indicate with whom the ex parte communication was made and provide a brief statement as to the substance of the communication.

   b. A Councilmember may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.

4. **Alcohol Permit Revocation Proceedings** – The following supplemental rules of procedure shall be applied to all alcohol permit revocation proceedings:

   a. All testimony shall be given under oath administered by the city Clerk or Mayor. The oath shall be in substantially the following form: "Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

b. The applicable evidentiary standard shall be as follows: "Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs."

c. Preponderance of the evidence: A preponderance of the evidence proves the fact at issue. A preponderance is just enough evidence to make the fact more likely than not.

d. Ex Parte contacts are strictly prohibited. Meetings or conversations with staff or other parties outside of the hearing are not allowed. All evidence must be received during the hearing.

e. With respect to questioning speakers, any person other than a Council Member desiring to direct a question to a speaker or staff member shall submit the question to the Mayor, who shall determine whether the question is relevant to the subject of the hearing and whether or not it should be answered by the speaker or staff member. Direct questioning of speakers or staff members may be allowed in extraordinary circumstances, at the discretion of the Mayor.

V. PUBLIC HEARINGS

1. **General Procedure** – The Council procedure for the conduct of public hearings is generally as follows:

   a. The Mayor opens the public hearing.

   b. Staff presents its report.

   c. Councilmembers may ask questions of staff if they so desire.

   d. The applicant and/or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony, followed by the applicant. The applicant and/or appellant shall allocate its time allocation among its entire team

of representatives, if there is more than one. The "team of representatives" shall be deemed to include anyone who has or will receive compensation in connection with the matter. (*Res. 2013-040, 09/30/2013)*

e. Members of the public are provided with the opportunity to present their comments, testimony, or argument.

f. The applicant and/or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.

g. The public hearing is closed.

h. The Council deliberates on the issue.

i. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the staff, public, applicant, or appellant), the public hearing must be reopened. At the conclusion of the public testimony, the public hearing is again closed. (*Res. 2013-040, 09/30/2013)*

j. The Council deliberates and takes action.

k. The Mayor announces the final decision of the Council.

2. **Time for Consideration** – Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

3. **Continuance of Hearings** – Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued, or recontinued to any subsequent meeting.

4. **Public Discussion at Hearings** – When a matter for public hearing comes before the Council, the Mayor will open the public hearing.

Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter.

a. **Public Member Request to Speak** – Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor.

b. **Council Questions of Speakers** – Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Councilmembers should avoid raising questions as a method to extend the allocated time for a speaker. Councilmembers may ask questions of speakers after the public hearing has been closed, but only for the limited purpose of clarifying previous testimony. No other person shall have a right to respond or rebut any response to such questions unless granted by the Mayor. *(Res. 2008-014, 04/14/2008)*

c. **Due Process** – The Mayor shall conduct the meeting in such a manner as to afford due process.

d. **Public Oral Presentations** – All Council rules pertaining to oral presentation by members of the public apply during public hearings.

e. **Materials for Public Record** – All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the Clerk's record of the hearing, unless otherwise directed.

f. **Germane Comments** – No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed to the entire Council.

5. **Communications and Petitions** – Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any member of the Council.

6. **Admissible Evidence** – Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

VI. ADDRESSING THE COUNCIL

1. **Staff Presentations** – Staff presentations will be limited to ten (10) minutes. Longer staff presentations must be approved by the City Manager prior to the Council Meeting.

2. **Oral Presentations by Members of the Public** – Oral presentations by members of the public at Council meetings are as follows:

   a. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Council should fill out a speaker card and submit it to the City Clerk. Speaker cards will be accepted until the time discussion is closed and Council begins deliberation.

   b. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.

   c. All remarks should be addressed to the Council as a whole, not to individual members thereof.

d. Questions, if any, should be directed to the Mayor who will determine whether, or in what manner, an answer will be provided.

3. **Public Communications** – In compliance with Government Code Section 54954.3, Public Communications is that portion of Council meetings set aside for members of the public to address the Council on items of any City business other than scheduled agenda items.

   a. **Timing** – Public Communications are generally permitted at the end of a Council meeting just prior to adjournment, as specified on the Council agenda.

      At the first regular Council meeting of each month, Public Communications are permitted just prior to the Council's consent items. This portion of the meeting is limited to no more than thirty (30) minutes total for all speakers, with each speaker given no more than three (3) minutes. If there are more than ten (10) Public Communications speakers at this first regular Council meeting, each speaker's time shall be reduced from three (3) minutes so that all speakers have an equal time to speak at the start of the meeting but the total is thirty (30) minutes. (*Res. 2010-015, 06/07/2010)*

   b. **Speaker Cards** – Persons wishing to speak under Public Communications should submit a speaker card in a timely fashion. Persons wishing to remain anonymous shall submit a speaker card with one portion of the speaker ticket attached to the card, maintaining the second portion of the ticket as reference. Speaker tickets are available in the Chambers. Speaker cards will not be accepted after the beginning of the public communications in order to allow for fair allocation of time amongst the known speakers. *(Res. 2015-054, 10/05/15)*

   c. **City Business** – Presentations under Public Communications are limited to items within the subject matter jurisdiction of the City and are limited to no more than three (3) minutes. (*Res. 2010-015, 06/07/2010)*

d. **Council Deliberations Prohibited** – In compliance with the Brown Act, the Council may not discuss, deliberate or vote on any matter raised in Public Communications. The Mayor, however, may request the City Manager to provide additional information on a matter of general interest to the entire Council or the public at large. To insure compliance with the Brown Act, Councilmember requests for policy consideration or reconsideration should be made through the Council's Request for Policy Consideration process. The Brown Act specifically limits the Council's options in response to new matters as follows:

"No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda."

e. **Council Interaction with Public** – If a Councilmember believes that a material misstatement of fact has been made by a person during the public comment portion of the agenda, the Councilmember may ask the City Manager or City Attorney to correct or otherwise clarify the matter or the Councilmember may provide a direct response at that time. If a spontaneous response is not possible, correction or clarification will be provided at the next regular meeting of the Council.

4. **Agenda Item Oral Presentations** – Any member of the public wishing to address the Council orally on City business matters

appearing on the Council agenda may do so before or during consideration of the item by the Council.

a. **Time Limit** – Oral presentations may not exceed three (3) minutes unless otherwise provided. (*Res. 2010-015, 06/07/2010)*

b. **Public Hearing Project Applicant or Appellant** – The project applicant or appellant shall have a total of fifteen (15) minutes for their presentations. The initial comments or presentation shall be limited to ten (10) minutes and the rebuttal or concluding comments shall be limited to five (5) minutes. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for rebuttal or concluding comments. The applicant or appellant shall allocate its time allocation among its entire team of representatives, if there is more than one. The "team of representatives" shall be deemed to include anyone who has or will receive compensation in connection with the matter.

   All other persons wishing to speak on the matter shall be limited to three (3) minutes unless changed by Council action. Speaker time limits are inclusive of oral and visual presentations and shall constitute the cumulative 5-minute time limit for each speaker for the meeting.

   The Mayor, with the concurrence of the Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item. (*Res. 2010-015, 06/07/2010)*

c. **Presentations Submitted in Writing** – Persons who anticipate oral presentations exceeding three (3) minutes are encouraged to submit comments in writing at the earliest possible time for distribution to the Council and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting. Written submissions delivered to the Council at a Council meeting, or later than five (5) days before a Council meeting shall not be sufficient to exhaust

administrative remedies and may be disregarded by the City Council.
(*Res. 2010-015, 06/07/2010; Res. 2013-040, 09/30/2013)*

5. **Power Point Presentations** – Members of the public may present a Power Point software presentation to the Council utilizing the City's audio/visual equipment.

   a. All Power Point presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.

   b. Each slide of the Power Point presentation must identify that this is the "Personal Comments of Private Citizen first and last name."

   c. All Power Point presentations must be submitted on suitable media already formatted in Power Point and must be submitted to the City Clerk no later than noon on the day of the Council meeting to allow for checks for viruses and compatibility with City equipment. (*Res. 2010-015, 06/07/2010)*

   d. Any disks or other media submitted that are thought to contain viruses or unable to be scanned for viruses by City equipment will not be permitted to be used. (*Res. 2010-015, 06/07/2010)*

   e. If compatibility or viruses are at issue, a member of the public may provide a printed hard copy of the Power Point presentation during their presentation. (*Res. 2010-015, 06/07/2010)*

6. **Agenda Item Oral Presentations and Public Communications Cumulative Time Limit** – Members of the public making oral presentations to the Council in connection with one or more agenda items at a single meeting are limited to three (3) minutes on any agenda item with a cumulative total of five (5) minutes for all agenda items at such meeting unless otherwise provided. Members of the public making oral presentations to the Council in connection with one or more agenda items and as a part of Public

Communications at a single meeting are limited to three (3) minutes on any agenda item and three (3) minutes on Public Communications with a cumulative total of five (5) minutes for all agenda items at such a meeting unless otherwise provided. *(Motion, 12/18/2006; Res. 2010-015, 06/07/2010)*

7. **Comments in Writing Encouraged** – Members of the public may submit, and are encouraged to submit, comments in writing to the Council relating to any items of City business, whether on the Council agenda or otherwise. Such written comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as the Council in its judgment may deem appropriate.

8. **Comment Cards** – Comment cards may be used by members of the public who do not wish to or cannot verbally address the Council during a meeting. A person may indicate their comments and their opposition or support for an agenda item on a comment card.

   During the public testimony of the item, the Mayor indicates that the Council has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue. The minutes will reflect the Council's receipt of comment cards in opposition and support of the project or issue.

9. **Repetitious or Dilatory Comments Prohibited**

   a. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

      Nothing in the foregoing precludes submission of comments to the Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

b. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.
Whenever any group of persons, all of whom are present, wishes to address the Council on the same subject matter, the group is encouraged to designate a spokesperson to address the Council. Each member of the group shall complete a speaker card in advance of the matter being called and shall note on the card the person whom they wish to have speak on their behalf. By allowing another person to speak on their behalf, each group member shall have relinquished their right to speak on the matter. With the consent of the Council, the Mayor may then, in the exercise of his or her discretion, extend the time allocation for the designated spokesperson from three (3) minutes up to a maximum of ten (10) minutes depending upon how many cards have been submitted. (*Res. 2010-015, 06/07/2010)*

10. **Conduct of Speakers** – No person shall use loud, profane, threatening, or personally abusive language, or engage in any other disorderly conduct so as to disrupt or otherwise significantly impede the orderly conduct of any Council meeting. Persons who violate this rule may be barred from attendance for the remainder of the Council meeting, provided that the Mayor has notified the person to conduct him or herself in a manner consistent with this rule, and warned the person that they will be removed if they continue to disrupt the Council meeting. If after notification and warning the person persists in disrupting the meeting, the Mayor shall order the person to leave the Council meeting. If the person does not remove himself or herself, the Mayor may request any law enforcement officer who is on duty at the meeting to remove that person from the Council Chambers.
(*Res. 2008-014, 04/14/2008; Res. 2013-040, 09/30/2013)*

11. **Waiver of Rules** – Any of the foregoing rules may be waived by majority vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

12. **Non Exclusive Rules** – The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its Mayor, to govern the conduct of Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

VII. POLICY DECISION-MAKING PROCESSES

1. **Councilmember Appointments and Assignments** – The Mayor appoints and the Council confirms Councilmember assignments to outside agencies, committees, taskforces, and liaison roles.

2. **Mayor to Act as Council Ceremonial Representative** – The Mayor has been delegated the responsibility to act as the Council's ceremonial representative at public events and functions. In the Mayor's absence, the Deputy Mayor assumes this responsibility. In both the Mayor and Deputy Mayor's absence, the Mayor will appoint another Councilmember to assume this responsibility.

3. **Proclamations** – Proclamations are prepared to recognize and celebrate extraordinary achievements or honor occasions of important significance. They are for organizations and/or their representatives in observance of a day, week or month. Proclamations can be prepared for a 100+ birthday, serve as an educational purpose/public awareness of noteworthy causes like "Breast Cancer Awareness Month" or "Crime Prevention Week" or "Food Day." Requests are reviewed on a case-by-case basis; documents are not legally binding, should not be interpreted as a policy endorsement, and will not be automatically renewed. (*Res. 2013-040, 09/30/2013)*

    a. Incoming requests for a proclamation to be presented at an event or Council meeting are provided to the Mayor for approval. All proclamation requests are provided in writing two weeks prior to event/Council meeting date and also include a draft proclamation.

    b. Once the Mayor approves the proclamation request, the proclamation is either scheduled at an upcoming Council

meeting, presented at an event or the proclamation is picked up/mailed. In the event that the Mayor is unable to attend an event, the Deputy Mayor or a Councilmember attends on behalf of the Council. In this case, the Mayor along with the attending Deputy Mayor/Councilmember signs the proclamation.

c. If a request for a proclamation is submitted with little verbiage, the requestor is contacted and advised that a certificate of recognition is more appropriate for the occasion.

d. In the event the Mayor receives a request for a proclamation where the subject matter is questionable as to the appropriateness, the Mayor shall make the final decision with notification to the Council on requests that are denied. (*Res. 2013-040, 09/30/2013)*

4. **Certificates of Recognition** – Certificates of Recognition are prepared for commendation, appreciation, congratulations, and welcome. Such events include Mayor for the Moment, Business Recognition, Volunteer Recognition, etc. (*Res. 2013-040, 09/30/2013)*

a. Incoming requests for certificates of recognition to be presented at an event or Council meeting are provided to the Mayor for approval. All certificate requests are provided in writing two weeks prior to event/Council meeting date and also include certificate verbiage (three sentences maximum).

b. Once the Mayor approves the certificate request, the certificate is either scheduled at an upcoming Council meeting, presented at an event or the certificate is picked up/mailed. In the event that the Mayor is unable to attend an event, the Deputy Mayor or a Councilmember attends on behalf of the Council. In this case, the Mayor along with the attending Deputy Mayor/Councilmember signs the certificate of recognition.

c. In the event the Mayor receives a request for a certificate where the subject matter is questionable as to the appropriateness, the Mayor shall make the final decision with notification to the Council on requests that are denied. (*Res. 2013-040, 09/30/2013)*

5. **Councilmember Participation in Community Activities** – From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of the Council. Acting or participating on behalf of the Council is limited to those instances when the Council has formally designated the Councilmember as its representative for the matter.

6. **Study Session** – Study session items are placed on regular agendas for the purpose of open discussion. During study sessions, Councilmembers will ask questions that staff records. After a brief recess, staff will provide brief verbal answers. For those questions that staff cannot readily answer, responses will be provided for the Council, transmitted in writing.

7. **Advance Administrative Reports** – Administrative Reports on major items will be forwarded to the Council one-week in advance if possible.

8. **Policy Decision Making Process Steps** – As illustrated in Appendix B, the Policy Decision Making Process may be initiated by individual Councilmembers, Council Advisory Boards, Commissions, and Committees, and/or staff members. These individuals or groups may request the entire Council to consider the review or revision of existing policies or the consideration of new policy. Members of the public may request a Councilmember to initiate the entire Council's considerations. The Mayor in consultation with the City Manager may determine the setting of a policy consideration. *(Res. 2015-054, 10/05/15)*

a. **Step 1 Initial Consideration** – Step 1 is accomplished by including the matter on an upcoming meeting agenda for the

Council's consideration. A brief write up of the matter is included on the Request for Policy Consideration Form (Appendix C). The Request for Policy Consideration Form briefly lays out the request so that Council can choose if they wish to dedicate staff time and resources to review the matter.

At this juncture, a vote of the Council is taken if the Council feels they have adequate information to make a decision, dedicate staff time and resources to investigate and review revisions, or possible modifications to the Council policy:

Action taken – If the Council feels they have adequate information to make a decision, action is taken at this juncture.

No further consideration – If the majority of the Council chooses not to dedicate staff time and resources to investigate and review policy changes at this time, the decision-making process is complete.

Further consideration – If the majority of the Council chooses to dedicate staff time and resources to review current policy for possible modifications or the consideration of new policy, additional steps in the Policy Decision Making Process are triggered as follows:

b. **Step 2 Scope and Assignment** – Step 2 of the process includes the Council defining the scope of the investigation to be undertaken and assigning primary responsibility for the task to a Council Advisory Board, Commission, Committee, or staff. The Council will generally define the scope and assign the task directly after the majority has chosen to have a policy reviewed. The responsible Board, Commission, Committee, or staff will proceed to complete the review.

c. **Step 3 Analysis of Alternatives** – Step 3 of the Policy Decision Making Process includes completing the analysis of alternatives. After the background and current status are completed, alternatives are identified and an analysis is completed. At any time during this process, an Administrative

Report may be prepared to seek confirmation regarding the identified alternatives' consistency with Council's direction. This feedback option will insure that additional time is not spent on alternatives not consistent with the Council's direction.

d. **Step 4 Administrative Report** – Step 4 is the preparation of an Administrative Report. After the analysis of alternatives is completed, recommendations are prepared for the Council's consideration. The recommendations are included on an upcoming Council agenda for discussion and action.

e. **Step 5 Policy Direction** – Step 5 includes the Council providing policy direction. At the conclusion of their discussion regarding the alternatives and recommended actions, the majority of the Council reaches a decision and provides direction as to which alternative will be implemented.

With the completion of Step 5, the Policy Decision Making Process is complete.

VIII. COUNCIL COMMITTEES

1. **Standing Committees of the Council.** From time to time the Council may establish such standing committees of the Council as may be helpful in facilitating the business of the Council.

   a. **Standing Committee Defined.** A standing committee of the Council is a committee that: (i) has a continuing subject matter jurisdiction, *or* (ii) has a meeting schedule that is fixed by ordinance, resolution, or other formal action of the Council.

   b. **Conduct of Standing Committee Meetings.** All meetings of a standing committee of the Council shall be noticed and conducted in conformance with the Ralph M. Brown Act.

   c. **Appointments Recommendation Committee.** The Appointments Recommendation Committee consists of two groups of three Councilmembers appointed by the Mayor for a term of one calendar year. It is responsible for making

recommendations to the entire Council in regard to appointments to all of the boards, commissions and committees provided for in the San Buenaventura Municipal Code. (*Res. 2010-015, 06/07/2010)*

d. **Finance, Audit, and Budget Committee.** The Finance, Audit, and Budget Committee consist of three members appointed by the Mayor. It is responsible for making recommendations to the entire Council on matters relating to finance, audits, budget, capital planning, debt, and such related fiscal issues as may be referred to it by the Council. (*Res. 2010-015, 06/07/2010)*

e. **Committee on Homelessness.** The Committee on Homelessness consists of three members appointed by the Mayor. It is responsible for making recommendations to the entire Council on matters relating to homelessness. *(Res. 2010-015, 06/07/2010)*

f. **Legislative Committee.** The Legislative Committee consists of three members appointed by the Mayor. It is responsible for creating a legislative program to be presented to the City Council for adoption as the City's legislative platform. The goal of the legislative program is to clearly define the stances and goals of the city in relation to relevant issues so as to guide and define the city moving forward with its legislative platform. The Legislative Committee is also responsible for reviewing the need for contracts with legislative advocates in Sacramento and Washington D.C. The legislative platform will be ratified and reevaluated for changes and alterations annually. *(Res. 2011-054, 11/14/2011)*

g. **Economic Development Committee.** The Economic Development Committee consists of three members appointed by the Mayor. It is responsible for guiding the implementation of the Economic Development Strategy and making recommendations to the entire Council on matters relating to economic development. (*Res. 2013-040, 09/30/2013)*

2. **Ad Hoc Committees of the Council.** From time to time the Council may also establish ad hoc committees of the Council.

   a. **Ad Hoc Committee Defined.** An ad hoc committee of the Council is a committee that: (i) does *not* have a continuing subject matter jurisdiction, *and* (ii) does *not* have a meeting schedule that is fixed by ordinance, resolution, or other formal action of the Council. In addition an ad hoc committee may not consist of more than 3 Councilmembers.

   b. **Conduct of Ad Hoc Committee Meetings.** Meetings of an ad hoc committee of the Council are generally informal and need not be noticed nor conducted in conformance with the Ralph M. Brown Act. *(Motion, 09/23/2002)*

   c. **Selection of Ad Hoc Committee Members.** Council Ad Hoc Committee Members will be selected by motion during the meeting wherein the committee is established. Mayor to solicit interest and appoint Committee Members subject to Council approval. *(Res. 2015-054, 10/05/15)*

IX. CITIZEN AD HOC COMMITTEES

From time to time the Council may also establish citizen ad hoc committees.

a. **Citizen Ad Hoc Committee Defined.** A citizen ad hoc committee is a committee that: (i) does *not* have a continuing subject matter jurisdiction, *and* (ii) does *not* have a meeting schedule that is fixed by ordinance, resolution, or other formal action of the Council.

b. Conduct of Citizen Ad Hoc Committee Meetings. Meetings of a citizen ad hoc committee are generally informal and need not be noticed nor conducted in conformance with the Ralph M. Brown Act.

c. Policy for Appointing Citizen Ad Hoc Committee Members. *(Res. 2015-054, 10/05/15)*

(1) Staff recommends and appoints committee members;

(2) Staff recommends committee members; then confirmed by the City Council (Brown Act; not televised);

(3) Appointments Recommendation Committee recommends members; then confirmed by the City Council (Brown Act; not televised); or

(4) Alternate method.

X. COUNCILMEMBER ADMINISTRATIVE SUPPORT

1. **Mail** – All Council mail is date/time stamped and placed in each Councilmember's individual mailbox.

   a. **Letters Addressed to Mayor and/or Council** – All letters addressed to the Mayor and/or entire Council requiring a response from staff are copied to all Councilmembers with a note as to which staff person will be preparing a response for the Mayor's signature. A copy of the response mailed, along with the original letter will be provided to each Councilmember.

   Letters addressed to the Mayor and/or entire Council that do not require a response, but provide information on Council agenda items or like matters are copied to the entire Council.

   Cards and other mail addressed to the Mayor marked "personal" and/or "confidential" will not be opened. All postal mail will be processed in a manner consistent with Administrative Policy & Procedure 6.2.

   b. **Letters Addressed to Individual Councilmembers** – All letters addressed to individual Councilmembers will not be opened. The envelopes will be date/time stamped and placed in individual Councilmember's mailboxes. If a Councilmember is requesting a response to be prepared by staff, the letter is copied to all Councilmembers with a note as to which staff person will be preparing a response for the addressee's

signature. A copy of the response mailed, along with the original letter will be provided to each Councilmember.

Cards and other Councilmember mail marked "personal" and/or "confidential" will not be opened. All postal mail will be processed in a manner consistent with Administrative Policy & Procedure 6.2.

c. **Other Correspondence Addressed to the Council –** Invitations, press releases, and other correspondence addressed to the Council are provided to the Council once a week or as needed in staff's weekly update.
(*Res. 2013-040, 09/30/2013)*

2. **Council Correspondence** – All Councilmember correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the entire Council, not individual Councilmember's positions. All Councilmember correspondence using City resources will be copied to the entire Council. For example, responses to citizen letters will be copied to the entire Council along with the original citizen correspondence.

   a. **Personal Correspondence** – Councilmembers will be provided individual stationery and envelopes for use in communications reflecting their personal positions, not the position of the entire Council. These communications will be prepared and sent at the expense of individual Councilmembers. Councilmembers may utilize the City's outgoing mail service; however, postage will be at the Councilmember's expense.

3. **Clerical Support** – The City Manager's Office will coordinate the typing of correspondence requested by individual Councilmembers. All correspondence typed for Councilmembers will be on City letterhead and will reflect the position of the entire Council, not individual Councilmembers, and will be copied to the entire Council.

4. **Master Calendar** – A master calendar of Council events, functions, or meetings will be provided to the entire Council. Functions, events, or meetings to be attended by individual Councilmembers

will only be included on the master calendar at the request of individual Councilmembers.

5. **Requests for Research or Information** – Councilmembers may request information or research directly from staff on a given topic directly when it is anticipated that the request can be completed by staff in less than an hour. Staff will provide the requesting Councilmember with a time estimate. Councilmember requests for research or information that are anticipated to take staff more than one hour to complete shall be directed to the City Manager or City Attorney, as applicable. Requests for new information or policy direction will be brought to the entire Council at a regular meeting for consideration. All written products will be copied to the entire Council. (*Res. 2010-015, 06/07/2010)*

6. **Tickets to City Events** – Pursuant to Resolution No. 2010-007, (the City's Ticket and Pass Distribution Policy), up to two tickets for each Councilmember will be made available for events controlled or sponsored by the City. Tickets may be used only by the Councilmember or a member of his or her immediate family. Departments controlling or sponsoring City events will coordinate the distribution of tickets to Councilmembers with the City Manager's Office. The availability of tickets for events hosted by other organizations which the City sponsors will be at the discretion of the City Manager, and the City will not accept tickets from an outside organization that are "earmarked" for specific persons. When the City is a major sponsor of an event, staff will endeavor to include the availability of tickets in the sponsorship agreement or contract. (*Res. 2010-015, 06/07/2010)*

7. **Council Notification of Significant Incidents** – In conjunction with the City's public safety departments, the City Manager's Office will coordinate the notification to Council of major crime, fire, or other incidents. This will be accomplished concurrently through email and/or phone calls for the more significant incidents.

8. **Expense Reimbursement**

    1. **Authorized Expenses**

a. Expenses incurred by Councilmembers in connection with the following types of activities constitute authorized expenses and will be reimbursed without prior approval of the Council:

(1) Local travel to attend Council meetings and meetings of the various City Committees to which they have been appointed;

(2) Local travel to attend educational seminars related to City concerns and issues;

(3) Local travel to attend local community functions and events as part of the City's outreach efforts;

(4) Local and non-local travel to attend meetings of other local government and non-government agencies to which they have been appointed to sit as the City of San Buenaventura representative; and

(5) Communications with public officials and employees of local, regional, state, and national organizations and governmental agencies to discuss City policies and issues.

b. Expenses incurred by Councilmembers in connection with all non-local travel other than travel to attend meetings of other local government and non-government agencies to which they have been appointed to sit as the City of San Buenaventura representative, constitute authorized expenses and will be reimbursed. However, any out of state travel must have been approved in advance by the Council.

c. The following expenses are not authorized expenses and will not be reimbursed when incurred by a Councilmember:

(1) The personal portion of local or non-local travel;

(2) Expenses incurred for alcoholic beverages;

(3) Entertainment expenses, including concerts, theater, movies (either in-room or at the theater), and sporting events (including gym, massage, and/or golf or tennis related expenses);

(4) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance, or gasoline;

(5) Family expenses including a partner's expenses when accompanying a Councilmember on City related travel, as well as children or pet related expenses; or

(6) Personal losses while engaged in City related travel.

2. **Travel: Local**

a. **Local Travel Defined** – Local travel is defined as travel within Ventura County. (*Res. 2010-015, 06/07/2010)*

b. **Local Travel Allowance** – Councilmembers engage in considerable travel each month to attend numerous Council meetings and meetings of the various City Committees to which they have been appointed, to attend educational seminars and meetings of all of the other local government and non-government agencies on which they sit as the City of San Buenaventura representative, and to attend various local community functions and events as part of the City's outreach efforts.

To compensate Councilmembers for automobile, parking, and other transportation expenses incurred by them in connection with the local travel necessary to attend meetings, seminars, functions, and events, the Mayor will be paid a local travel allowance of $300/month and each Councilmember will be paid a local travel allowance of $200/month.

c. **Payment of Local Travel Allowance** – Payment of the local travel allowance will be made through the City's regular biweekly payroll direct deposit system along with the Mayor's and each Councilmember's monthly compensation. However, in order to conform to Internal Revenue Service regulations, each Councilmember's local travel allowance will be treated as income and, therefore, will be subject to income tax withholding requirements.

3. Travel: Non-Local

a. **Non-Local Travel Defined** – Non-local travel is defined as official travel involving at least one overnight absence from the City of San Buenaventura and/or to a destination outside of Ventura County. (*Res. 2010-015, 06/07/2010)*

b. **Reimbursement for Transportation Expenses Incurred for Non-Local Travel.** Councilmembers will be reimbursed for transportation expenses incurred in connection with non-local travel as follows:

(1) **Vehicles** – Private vehicles may be utilized for in-state travel and cost of such use reimbursed at the current Internal Revenue Service standard mileage rate for business-related automobile expenses for mileage that is in excess of 100 miles. The reimbursement rate will not be granted if the City credit card is used to pay for the fuel.

When private vehicles are not used, City vehicles or rented vehicles may be used for transportation at a destination when appropriate. Such rentals will be reimbursed at actual costs. However, Councilmembers are encouraged to rent automobiles at rates that are equal to or less than those available through the State of California's website (http://www.catravelsmart.com/default.htm). When

renting vehicles, the charge for Collision Damage Waiver (CDW) should be declined.

Councilmembers driving vehicles in the course of non-local travel shall be able to provide a valid California driver's license and proof of personal automobile insurance coverage upon request.

In addition, bridge and road tolls will be reimbursed at actual cost, and automobile parking shall be reimbursed at actual cost for non-valet parking in a parking lot.

(2) **Airlines** – Airfares will be reimbursed at actual cost. However, Councilmembers are encouraged to book air travel between the City of San Buenaventura and a destination at airfares that are equal to or less than economy, coach, or those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (http://www.cacities.org/travel).

The City will not pay for any portion of a first-class or business-class fare except under the most unusual of circumstances, ordinarily limited to an emergency.

(3) **Railroad** – The use of railroads for non-local transportation is permitted where the railroad provides a reasonably direct and time-efficient manner or travel between the City of San Buenaventura and a destination. The reimbursement rate for travel by railroad shall be the basic coach rate in effect at the time of the travel.

(4) **Taxicab Shuttles and Buses** – The reimbursement for non-local travel expense by taxicab, shuttle, or bus shall be actual cost plus a gratuity not to exceed 15% in the case of taxicabs and shuttles.

c. **Reimbursement for Lodging Expenses Incurred in Connection with Non-Local Travel** – Councilmembers will be reimbursed for lodging expenses when engaged in non-local travel that reasonably requires an overnight stay as follows:

(1) **Lodging Selection** – Councilmembers may secure lodging at hotels or other lodging facilities up to and including hotels and lodgings facilities that have been assigned a four star rating by the California State Automobile Association, Priceline.com, or other similar sources that rate hotels and other lodging facilities on a five star basis. However, when selecting lodging in connection with a conference in which the conference sponsor has reserved hotel rooms or other lodging accommodations at group rates, Councilmembers may not select lodging at other hotels or lodging facilities with a room rate that exceeds such group rates.

(2) **Room Rates** – In negotiating room rates, Councilmembers should make every effort to request and take advantage of government rates or other special room rates when available. A listing of hotels that offer government rates in different areas of the state or county is available at http://www.catravelsmart.com/lodguiderames.htm.

(3) **Eligible Costs** – Councilmembers will be reimbursed for the actual cost of room rents, extra room rental fees, and all applicable taxes on such rents and fees. In addition, Councilmembers will be reimbursed for gratuities paid to hotel bellhops for baggage assistance at a rate not to exceed $2.00/bag.

4. Meal Expenses

a. **Authorized Meal Reimbursements** – Councilmembers will be reimbursed for meal expenses, including gratuities, incurred by them in the performance of their official duties under the following circumstances:

(1) When engaged in authorized non-local travel; or

(2) When discussing City related issues during a meal with a federal, state, or local official or employee in the course of local or non-local travel.

b. **Meal Reimbursement Rates** – Reimbursable meal expenses and associated gratuities will be reimbursed in amounts not exceeding the following rates:

(1)	Breakfast	$12.00
(2)	Lunch	$18.00
(3)	Dinner	$35.00

The standard per diem rate for non-local travel is $65 per day, including sales tax and tip. No receipts are required for meal reimbursements up to the per diem rate. Reimbursements for meals exceeding the per diem rate require a receipt.

c. **Adjustments to Meal Reimbursement Rates** – Meal reimbursement rates will be adjusted by the Chief Financial Officer on an annual basis to reflect cost of living increases as established by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Los Angeles Metropolitan Area.

5. Telecommunication Expenses

a. **Telephone/Fax/Cellular** – Councilmembers will be reimbursed for actual telephone and fax expenses incurred in connection with City business provided telephone bills submitted for reimbursement identify which calls were made on City business. When a Councilmember makes telephone calls on a personal cellular telephone in connection with City business pursuant to a cellular phone plan that includes a particular number of allotted minutes in consideration of a bundled fee, the Councilmember will be reimbursed for a portion of the bundled fee based on the percentage of calls made in connection with City business if he or she can identify the percentage of calls made in connection with City business.

b. **Internet** – Councilmembers will be reimbursed for Internet access connections and/or usage fees when engaged in non-local travel in an amount not to exceed $15.00 per day, if Internet access is necessary for City related business.

6. Expense Reimbursement Procedures

a. **Expense Report Form** – Expense reimbursement requests must be submitted on an expense report form provided by the City Manager. This form shall include the following advisory: "All expenses reported on this form must comply with the city/county/district's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the city/county/district's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability."

b. **Expense Report Documentation** – Expense reports must document that the expense in question met the requirements of this policy. For example, if a

Councilmember meets with a legislator, the Councilmember should explain whose meals were purchased, what issues were discussed, and how those relate to the City's legislative positions and priorities.

c. **Expense Report Filing Requirements** – Councilmembers must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

7. **Audits of Expense Reports** – All expenses are subject to verification that they comply with this policy.

8. **Reports at Council Meetings** – At each regular meeting of the Council, Councilmembers shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

   In addition, all non-local travel will be reported on the Council's Quarterly Travel Report.

9. **Compliance with Laws** – Councilmembers should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws and regulations. All City expenditures are public records subject to disclosure under the State Public Records Act.

10. **Policy Violations** – Use of City resources or falsifying expense reports in violation of this policy may result in any or all of the following: (i) loss of reimbursement privileges, (ii) a demand for restitution to the City, (iii) the City reporting the expenses as income to the Councilmember to state and federal tax authorities, and (iv) prosecution for misuse of public resources. *(Res. 2006-045, 07/10/2006)*

XI. MEETINGS OF THE SAN BUENAVENTURA PUBLIC FACILITIES FINANCING AUTHORITY

1. Pursuant to Council Ordinance 85-17, the Council established and declared itself to be San Buenaventura Public Facilities Financing Authority. By virtue thereof, all of the powers of the San Buenaventura Public Facilities Financing Authority are vested in the Council in its capacity as the governing body of the City of San Buenaventura.
2. In that the Council is also the Public Facilities Financing Authority:

    a. The Mayor of the City is also the President of the Public Facilities Financing Authority and the Deputy Mayor is also the Vice President of the Authority;

    b. The first regular meeting of the Council in January of each year shall also be noticed and conducted as a regular meeting of the Public Facilities Financing Authority;

    c. All special meetings of the Council that are convened to consider matters that includes business of the Public Facilities Financing Authority shall be noticed and conducted as special meetings of both the Council and the Authority; and,

    d. Except as otherwise provided herein, all protocols applicable to Council shall also be applicable to the Public Facilities Financing Authority.

3. Where a Council agenda includes an item or items relating to the business of the Public Facilities Financing Authority:

    a. The Public Facilities Financing Authority item should be clearly identified as an Authority matter;

    b. Members of the public making oral presentation to the Council in regard to the item or items identified as Authority matters are limited to three (3) minutes on any agenda item with a cumulative total of up to five (5) minutes to address all such Authority agenda items at a single meeting unless otherwise provided. (*Res. 2010-015, 06/07/2010)*

c. This section is not intended and shall not be construed to grant additional time to members of the general public wishing to address the Council as part of the public communications portion of the agenda. *(Res. 2002-1, 01/07/02; Motion, 09/23/02)*

XII. PROTOCOL ADMINISTRATION

1. **Biennial Review of City Council Protocols** – The Council will review and revise the City Council Protocols as needed or every two years.

2. **Adherence to Protocols** – During Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to insure that the Council, staff and members of the public adhere to the Council's adopted protocols.

3. **City Attorney as Protocol Advisor** – The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the Council's adopted protocols.

4. **Adherence to Administrative Procedure and Process Protocols** – The Council has delegated the City Manager responsibility to discuss, on behalf of the entire Council, any perceived or inappropriate administrative action with a Councilmember. The City Manager will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Manager will report the concern to the entire Council.

5. **Applicability of Protocols** – The City of San Buenaventura City Council Protocols shall also apply to the Council when sitting as other entities or agencies such as the Public Facilities Financing Authority, or any other body. The role of Mayor and Deputy Mayor shall be interchangeable with the Chair and Vice Chair, or President or Vice President when sitting as another entity.

XII. APPENDICES

APPENDIX A

Rosenberg's Rules of Order

Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg

LEAGUE® OF CALIFORNIA CITIES

MISSION AND CORE BELIEFS

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

VISION

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

About the League of California Cities

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

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About the Author

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

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Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

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

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

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

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

The Role of the Chair

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

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

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

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

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

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

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

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

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

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

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

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

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

Motions in General

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

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move … "

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

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

1. **Inviting the members of the body to make a motion,** for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body,** "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion.** As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

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

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

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

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

Multiple Motions Before the Body

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

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

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

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

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

To Debate or Not to Debate

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

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

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

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

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

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

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

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item.* This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

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

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

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

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

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

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

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

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

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

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

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

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

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

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

How does this work in practice?
Here are a few examples.

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

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

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

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

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

The Motion to Reconsider

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

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

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

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

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

Courtesy and Decorum

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

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

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

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

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

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

Special Notes About Public Input

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

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

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

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

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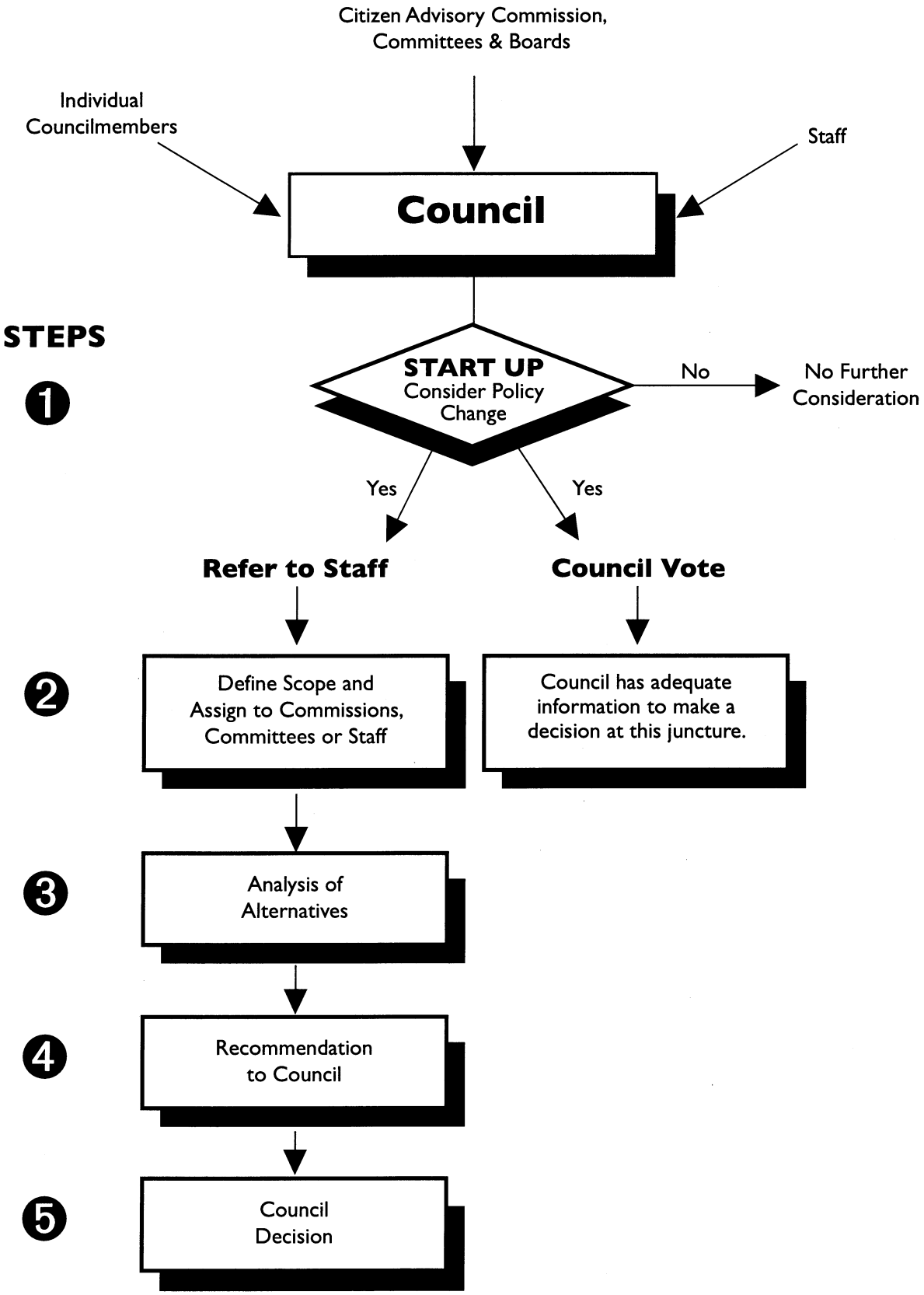
APPENDIX B

Policy Decision-Making Process Illustration

City of Ventura

Policy Decision Making Process



APPENDIX C

Request for Policy Consideration Form

REQUEST FOR POLICY CONSIDERATION

Date:

Agenda Item Number:

Council Action Date:

Introduced by:

Subject:

Requested Action:

Issue/Idea/Concern: