

Chapter 1.20

CITY COUNCIL ~~PROCEDURE~~ MEETINGS

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1.20.310 ~~Appeals procedure~~ Addressing the council Spokesperson for group of persons.

Commented [C1sb1]: Title of the chapter has been changed to reflect application of the general rules of this chapter to meetings of the city council as well as other city commissions and boards.

Commented [C1sb2]: The sections within the chapter have been reordered. The chapter begins with a statement of policies applicable to all meetings. Sections have been grouped by general topic, such as types of meetings, meeting agenda and agenda materials, conduct of meetings – including the role of the presiding officer, general rules of procedure, rules for public participation, etc. - and concludes with sections governing technical and administrative matters.

- ~~1.20.32005 Correspondence addressed to the city council Opportunity for public to address the council Nonagenda items.~~
- ~~1.20.310 Decorum and order Council and city staff.~~
- ~~1.20.320 Public attendance and audience Decorum and order.~~
- ~~1.20.330 Enforcement of decorum.~~
- ~~1.20.340 Voting procedures.~~
- ~~1.20.350 Disqualification for conflict of interest.~~
- ~~1.20.360 Failure to vote.~~
- ~~1.20.370 Tie vote.~~
- ~~1.20.380 Changing vote.~~
- ~~1.20.390 Reconsideration.~~
- ~~1.20.400 Preparation of ordinances.~~
- ~~1.20.410 Reading of ordinances and resolutions.~~
- ~~1.20.420 Public hearings When held.~~
- ~~1.20.430 Public hearings Procedure.~~
- ~~1.20.440 Public hearings Evidence.~~
- ~~1.20.450 Public hearings Continuation.~~

- ~~1.20.460 — Public hearings — Closing.~~
- ~~1.20.470 — Public hearings — Reopening.~~
- ~~1.20.480 — Public hearings — Decision.~~
- ~~1.20.490 — Motions.~~
- ~~1.20.500 — Precedence of motions.~~
- ~~1.20.510 — Particular motions, purpose and criteria.~~
- ~~1.20.520 — Resolutions.~~
- ~~1.20.530 — Legislative action.~~
- ~~1.20.540 — Resolutions — Adoption.~~
- ~~1.20.550 — Ordinances — Adoption.~~
- ~~1.20.560 — Correction of documents.~~
- ~~1.20.570 — Robert’s Rules of Order.~~
- ~~1.20.580 — Council policy manual.~~
- ~~1.20.590 — Failure to observe procedures — Waiver.~~
- ~~1.20.600 — Appeals procedure.~~
- ~~1.20.610 — Ordinances — Effective date.~~

1.20.010 Regular meetings Policies applicable to all meetings.

A. Meetings of the city council, city boards and commissions, and other legislative bodies of the city will be held according to the requirements of the Ralph M. Brown Act [California Government Code Title 5, Div. 2, Part 1, Ch. 9, commencing with sec. 54950, referred to in this Code as the “Brown Act”] and this chapter. Meetings will be open and public, except for closed sessions held as authorized by the Brown Act.

B. ~~1.20.310 — Decorum and order — Council and city staff.~~
~~While the council is in session, When a meeting is in session, the council members, city officers and employees, and members of the public are expected to and city staff shall observe good order and decorum, and to shall not by conversation or otherwise, improperly delay or interrupt the proceedings, nor refuse to obey the lawful directives of the presiding officer mayor as authorized under this chapter. (Ord. CS 153 § 4, 2011; Ord. 1213 § 2, 1979)~~

~~1.20.320 — Public attendance and audience — Decorum and order.~~
~~Members of the public attending council meetings shall observe the same rules of order and decorum applicable to the city council and staff. Any person wishing to address the council is responsible for familiarizing him or herself with the rules and ordinances applicable to council meetings. Copies of those requirements are available on file in the office of the city clerk and on the city’s website. (Ord. CS 153 § 5, 2011; Ord. 1213 § 2, 1979)~~

Commented [Cl5b3]: This section is new. It sets the overall policies applicable to all meetings based on the city council’s consensus articulated at the August 29 workshop regarding the purpose and conduct of meeting.

C. The city is committed to maintaining safe and orderly meetings, free from intimidation, harassment, and disruption. Public participation is encouraged provided that participants abide by the rules of conduct and procedure established by this chapter. The city council finds and declares that it is important to remember that no one has a constitutional right to disrupt a public meeting by attempting to impose their own voice or actions in a manner that is loud, boisterous, or unruly where such conduct is substantially disruptive of the meeting itself, and continues after the presiding officer has requested the person or persons to stop. The issue in such cases is not about the content of speech, unless the content itself violates the law, but rather with the extent of disruption caused to the meeting itself by the manner and conduct of the disrupter's actions. Therefore, to promote civic engagement, orderly deliberation, and efficient conduct of city business, the following general rules of conduct apply to all city meetings:

Commented [Clisb4]: Subdivision B and this subdivision replace former sections 1.20.310 and 1.20.320. All meeting participants are expected to abide by the same rules of decorum.

1. Interactions among all meeting participants will be conducted in a mutually respectful manner.
2. Threats of violence will not be tolerated.
3. Insulting, demeaning, intimidating, or offensive communications will not be tolerated.
4. Conduct intended to disrupt the orderly conduct of business will not be tolerated.
5. Individuals who continue to interrupt or interfere with the orderly conduct of a meeting may be removed from the meeting, after the presiding officer has directed the person to cease the interruption or interference and warned that continued interruption or interference may result in removal from the meeting. If a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer, subject to objection by a majority of council members in attendance, may order the meeting room cleared and the meeting may continue as provided in section 54957.9 of the Brown Act.
6. Weapons and any object that may be used to inflict serious bodily injury are prohibited at city meetings except those lawfully in the possession of authorized city personnel.

D. Terms defined in the Brown Act have the same meaning when used in this chapter.

~~The city council shall hold regular meetings on the dates and times specified by resolution of the city council. If by reason of fire, flood or other emergency, it is unsafe to meet in the council chambers, the meetings may be held for the duration of the emergency at such other place as is designated by the mayor, or, if the mayor should fail to act, by three members of the city council. When the day for any regular meeting falls on a legal holiday, such meeting shall be held at the same hour and place on the next succeeding day not a holiday or such other time as designated by the city council. (Ord. CS 195 § 1, 2012; Ord. NS 534 § 2, 2000; Ord. 1273 § 1, 1984; Ord. 1213 § 2, 1979)~~

1.20.020—~~Special Regular, special, and emergency city council meetings.~~

- A. Regular city council meetings will be held on the dates and at the times established by city council resolution. Regular city council meetings will be held at City Hall in the city council chamber, unless a different location has been designated by the mayor or action of the city council. If the mayor, a majority of the city council, city manager, fire chief, police chief, or building official determines that the council chamber is unsafe for a meeting due to an emergency, regular meetings may be held for the duration of the emergency at a location that is designated on the agenda or other notice of the meeting.
- B. Special city council meetings may be called by the mayor, a majority of the city council, the city manager, or the city attorney. Notice of a special meeting must be given and posted as provided in section 54956 of the Brown Act. The notice must include the date, time, and location of the meeting, and a brief statement of the business to be transacted or discussed. No other business may be transacted or discussed at the meeting. A special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of the city manager, city attorney, any department head, or other executive level employee is prohibited, however, special meetings to discuss the city's budget are permitted.
- C. During emergency situations, meetings may be held as provided in section 54956.5 of the Brown Act.
- D. City council meetings may be held concurrently as meetings of the legislative body of any public agency the governing body of which is comprised of the members of the city council. When a concurrent meeting is held, the presiding officer or clerk will commence the meeting with the announcement required by section 54952.3 of the Brown Act. The city clerk may include the

Commented [Clsb5]: Former sections 1.20.010, 1.20.020, and 1.20.025 have been revised and combined into this new section which governs all types of city council meetings. Subdivision D is new. It is intended to streamline meetings when the city council is also acting as the legislative body for another public agency, such as the Carlsbad Municipal Water District. Subdivision D also provides a streamlined method of meeting the requirement of state law regarding public announcement of additional compensation paid for attendance at such meetings.

information required by section 54952.3 on the agenda for a meeting, and the oral announcement may be made by reference to that information. As used in this chapter, city council also means the legislative body of any public agency the governing body of which is comprised of the members of the city council.

E. The city clerk and city manager are authorized and directed to prepare, deliver, and post meeting notices.

~~Special meetings may be called at any time by the mayor or three members of the city council by delivering personally or by mail, facsimile, or electronic mail, written notice to each council member and to each local newspaper of general circulation, radio or television station having filed written request for such notice. Such notice must be delivered personally, or by mail, facsimile, or electronic mail, at least 24 hours before the time of such meeting as specified in the notice. The notice of the special meeting shall also be placed on the city's website. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any council member who at or prior to the time the meeting convenes files with the city clerk a written waiver of notice. Such waiver may be given by telegram, facsimile, or electronic mail. Such written notice may also be dispensed with as to any council member who is actually present at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting on the council chambers door. (Ord. CS 195 § 1, 2012; Ord. NS 744 § 2, 2005; Ord. 1292 § 1, 1986; Ord. 1213 § 2, 1979)~~

1.20.025 — Emergency meetings.

~~Notwithstanding anything in this code to the contrary, the city council may hold an emergency meeting pursuant to and in accordance with the provisions of Section 54956.5 of the California Government Code. (Ord. 1292 § 2, 1986)~~

1.20.030 Adjournment of ~~ed~~ meetings.

Meetings may be adjourned to a time and place stated in the notice of adjournment and as provided by law. The presiding officer may adjourn any meeting without need for a motion and absent the objection of a majority of the quorum. All meetings may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened, except at the time and place stated in the notice of adjournment. A regular meeting may not be adjourned to a date beyond the next regular meeting. The city clerk and city manager are authorized and directed to prepare, deliver, and post notices of adjournment. Notice of adjournment is not required when a meeting is adjourned without specification of the time and date when it will be reconvened. Meetings may be adjourned by the mayor by a simple declaration thereof in the absence of a protest by any council member. Meetings may also be adjourned upon the making

Commented [Clsb6]: The edits to this section do not change any substantive requirements. The language has been updated. For example, the term "presiding officer" is used throughout the updated chapter instead of the words "mayor" and "mayor pro tem." This facilitates use of the chapter by the city council as well as by city boards and commissions.

~~and seconding of such a motion in accordance with the procedures on motions established by this chapter. If a quorum is not present, less than a quorum may so adjourn a meeting. If all members of the council are absent, the city clerk shall declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 1.20.020 for special meetings. When any meeting is adjourned, the city clerk shall post notice of such adjournment on the council chamber door within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting meeting is a regular meeting for the purpose of transacting business. (Ord. 1292 § 3, 1986; Ord. 1213 § 2, 1979)~~

1.20.0940 Quorum.

~~A quorum necessary for the transaction of business at a meeting of the city council exists whenever a majority of the council are present. A meeting may be adjourned for lack of a quorum by the presiding officer or, in the absence of a presiding officer, any member of council or the city clerk. Where there is no quorum, the mayor, mayor pro tem or any member of the council shall adjourn such meeting, or if no member of the council is present, the city clerk shall adjourn the meeting. A member disqualified from participation in a matter due to a conflict of interest will not be counted toward achieving a quorum as to that matter. For the purpose of considering any item subject to vote of the council, when a member of the council is disqualified due to a conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. If a disqualification due to a conflict of interest results in the lack of a quorum, consideration of the matter will be on such item shall be deferred until either a quorum of noninterested non-disqualified council members are present, or a quorum is determined as defined in and subject to the regulations of the Fair Political Practices Commission, to discuss and vote on them if a disqualification reduces those in attendance to less than a quorum. (Ord. CS-001 § 1, 2008; Ord. NS-709 § 1, 2004; Ord. NS-597 § 2, 2001; Ord. 1213 § 2, 1979)~~

Commented [Clb7]: This section reflects the substance of former section 1.20.090. Please note, when a section has been moved and renumbered, that change is generally reflected in this redline version. This section has been updated to contain a reference to the regulations of the Fair Political Practices commission regarding the definition of a quorum. References to FPPC regulations used in this chapter are generally generic to avoid the need for future amendments if regulations change.

1.20.050 Confidentiality of Meetings to be public—Exceptions—Closed sessions.

~~A. All meetings of the city council shall be open to the public provided, however, the city council may hold closed sessions during any meeting from which the public and any person or entity having filed written request for notice of meetings, may be excluded for the purpose of considering the matters, as authorized by Title 5, Division 2, Part 1, Chapter 9, Sections 54950 through and including 54961 of the Government Code of the State of California or other applicable law. The privilege of confidentiality of closed sessions is held by the city council.~~

~~—No member of the city council, employee of the city or any other person present during a closed session of the council shall may disclose to any person the content or substance of any discussion any information communicated during a closed session. This prohibition does not apply to:~~

Commented [Clb8]: The Brown Act governs when a meeting may be held as a closed session. As reflected in new section 1.20.010 A, above, all meetings are open to the public unless a closed session is permitted by the Brown Act. Thus, this section has been modified to state the privilege of confidentiality of closed sessions and to expressly state when closed session communications may be communicated. Under the law the privilege of confidentiality of closed session is held by the council as a body.

1. Disclosures expressly authorized by action taken by a majority of the city council;
2. Reports of action taken in closed session;
3. Disclosures expressly authorized or required by law;
4. Confidential disclosures to a council member, city employee, or other person authorized to attend a closed session without loss of the privilege of confidentiality.

~~which took place during said closed session unless the city council first authorizes the disclosure of such information by a majority vote. (Ord. 1292 § 5, 1986; Ord. 1213 § 2, 1979)~~

1.20.060 Council agenda.

A. The city clerk, under direction of the city manager, will prepare an agenda shall be prepared for each council meeting. The agenda for a special or emergency meeting may be combined with the notice of the meeting.

B. An agenda will contain the following information:

1. ~~containing~~ The date, time and location place of the meeting;
2. ~~The order of business and a brief general description, including the specific action requested to be taken by the council, for of~~ each item of business to be transacted or discussed at the meeting, including a brief statement of the specific action requested or recommended to be taken by the council;
3. A description of each closed session matter substantially in the manner authorized by section 54954.5 of the Brown Act;
4. Information relating to special services available to persons with disabilities to permit those persons to participate in the meeting.

An agenda may contain other information relating to the conduct of the meeting, time limits for public participation, rules of decorum, presentation of materials, and other similar matters.

C. ~~The city manager is responsible for scheduling matters for consideration by the council based on established council priorities, the city's business and~~

Commented [Clbs9]: This section breaks up existing former section 1.20.060 into subdivisions and also incorporates the provisions of former section 1.20.110, so that all provisions relating to the agenda for city council meetings are in one place. The next section (1.20.070) deals with the preparation of agenda packet materials.

Commented [Clbs10]: The provision of former section 1.20.060 have been broken up into two separate new sections, 1.20.060 relating to the agenda, and section 1.20.070 relating to the agenda packet. The provisions of subdivision C reflect the council's discussion at the workshop regarding placement of matters on the agenda. The provisions relating to the circulation of council requested matters to other council members prior to placement on the agenda have been eliminated. Elimination of those provisions avoids the potential of Brown Act violations resulting from the current circulation and comment process. Please note, new section 1.20.070, subdivision A contains a provision regarding agenda reports for matters placed on the agenda at the request of a city council member.

governmental needs, and requirements of applicable law. Items of business may be placed on the agenda by the direction of any member of the council, the city manager or the city attorney, or by council action. Council originated items must ~~shall~~ be submitted to the city manager not less than seven days before the date of the council meeting at which the member desires the item to appear on the agenda. Nothing in this section precludes a council member from requesting council action to place an item on the agenda for a future meeting, by Friday, 12 days prior to the scheduled council meeting. The city manager shall promptly give copies to the other members of the city council for their review and comment. Comments must be returned to the city manager by Wednesday, seven days prior to the scheduled council meeting. The city manager shall include any such comments as a part of the agenda item. If time constraints require it the mayor may approve expedited processing for a council originated item provided copies are made available to the other members of the council, the city attorney and the city manager as soon as the item is prepared and, to the extent possible, any comments received shall be incorporated.

D. The city clerk, is authorized and directed to post agendas in accordance with applicable law, including posting on the city's website. The city clerk is also authorized and directed to mail agendas to persons and organizations who have filed a request for a mailing of agendas and have paid the fee in the amount established by the city for that service. Before posting or mailing an agenda, the city clerk must obtain approval of the agenda from the city manager and city attorney. The agenda may be made available and delivered in electronic format.

E. **1.20.110 — Order of business.**

The agenda for regular meetings will be based on the following order of business; business of the council shall be taken up for consideration and disposition in the following order:

- A1. Call to order;
2. Announcement of concurrent meetings;
- B3. Roll call;
- C4. Pledge of allegiance;
- D5. Invocation;

- E6. Approval of minutes;
- F7. Special presentations;
8. Public comment on matters not listed on the agenda;
- G9. Consent calendar;
- H11. Ordinances for introduction;
- I12. Ordinances for adoption;
- J13. Matters requiring a Ppublic hearings notice of which is required by law;
- K. —Adjournment to other agency meetings;

~~L14. Matters not requiring a noticed public hearing~~ Departmental and city manager reports;

~~M. City council additional business;~~

~~N. City attorney additional business;~~

~~O. City manager additional business;~~

15. Council commentary and requests for consideration of matters;

16. Additional public comment on matters not appearing on the agenda;

17P. Announcements;

18Q. Adjournment.

Public comment as provided in Section 1.20.305 will be taken during the regular order of business at such time as the city council by motion shall determine. All other business shall be considered in the order shown above unless modified as provided for in this chapter. (Ord. NS 744 § 3, 2005; Ord. 1298 § 1, 1987; Ord. 1292 § 8, 1986; Ord. 1213 § 2, 1979)

F. When a meeting is a concurrent meeting of the city council and the legislative body of any public agency the governing body of which is comprised of the members of the city council, action will be deemed to have been taken by the appropriate legislative body with jurisdiction over the matter.

1.20.070 Agenda packet

A. The city manager is responsible for all staff reports and other documents relevant to each item of business placed on an agenda by the city manager or by council action. The city attorney is responsible for all staff reports and other documents relevant to each item of business placed on the agenda by the city attorney. Matters placed on the agenda by a council member do not require a staff report, but the council member may provide a report or other documents relevant to the item the council member has requested to be placed on the agenda. The city manager or city attorney may provide a report or recommendation relating to a matter placed on the agenda by a council member. Agenda items, Staff reports and other documents relevant to items of business, including reports and other documents provided by a council member with respect to an item placed on the agenda by that council member, including ordinances, resolutions, contracts, staff reports or other matters to be submitted to the council, shall must be delivered to the city clerk not later than 5:00 p.m. on the Wednesday preceding ~~at the~~ regular meeting, or 72 hours before the date of a special meeting. ~~– The city clerk, under the direction of the city manager, is responsible for compiling the reports and other documents and for preparing clerk shall thereafter prepare an agenda packet, under the direction of the city manager.~~

B. Ordinances, resolutions, and contract documents must be prepared or approved by the city attorney before delivery to the city clerk for inclusion in the

Commented [Clsb11]: This section incorporates the provisions of various provisions relating to the preparation and distribution of the agenda packet. Please note that the provisions of subdivision A provide that the city manager is responsible for staff reports relating to all items other than those placed on the agenda by the city attorney or by an individual council member. Regarding items placed by individual council members staff reports are not required, but may be provided. If a council member provides a report or other documents related to an item the council member has placed on the agenda, those will be included in the agenda packet.

agenda packet. Nothing in this chapter is intended to preclude the city council from orally amending any ordinance, resolution, contract, or other document presented to it prior to final action at a meeting.

C. Correspondence, including electronic mail, relating to an item of business on an agenda received by the city clerk before 5:00 p.m. of the Wednesday preceding a regular meeting will be included as part of the agenda packet materials for that item; correspondence received later may be included in the agenda packet in any manner or may be delivered to the city council by different means.

D. The agenda packet for a regular meeting will ~~shall~~ be delivered to the council members not later than on the Friday preceding the regular meeting. ~~and shall be~~ The agenda packet will ~~made be~~ available to the public at the office of the city clerk and ~~shall be~~ posted on the city's website on the same day that it is delivered to the council members. An agenda packet for a special or emergency meeting may be delivered to the council and made available to the public at the meeting. The City clerk is also authorized and directed to mail agenda packets to persons and organizations who have filed a request for a mailing of agenda packets and have paid the fee in the amount established by the city for that service. Agenda packets may be made available and delivered in electronic format

B. Any writings provided to all or a majority of all of the council members in connection with a matter subject to discussion or consideration at an open council meeting, are disclosable public records unless specifically exempted from disclosure pursuant to California Government Code Sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6154.22 or any other provision of law.

C. Any writings or documents which relate to an open session of a regular council meeting and are distributed to the council members less than 72 hours prior to that meeting, shall be made available for public inspection at the office of the city clerk at the time the writing is distributed to all or a majority of all of the council members. The agenda for each council meeting shall specify that writings described by this section are available at the office of the city clerk and shall list the address for the office of the city clerk.

D. A binder containing all agenda related writings and documents, including those described in subsection C of this section will be held by the deputy city clerk at each council meeting and will be available for public review.

E. All agenda items, ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or authorized representative, and shall have been examined and approved for administration by the city manager or authorized representative, where there are substantive matters of administration involved.

Commented [Clsb12]: The following provisions have been deleted largely because they simply repeat or duplicate a provision of state law.

~~F. — At least 72 hours before a regular meeting, the city clerk shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted at City Hall and at the meeting place if not City Hall. The agenda shall also be placed on the city's website. The city clerk shall prepare and file a signed declaration of the time and place of posting and a certified copy of the posted agenda. Except as provided in subsection I of this section no business shall be transacted or discussed at the meeting on any item not appearing on the posted agenda. A direction of the mayor with the consent of the council to refer a matter raised by a member of the public to staff for a report or to place a matter on a future agenda shall not constitute action.~~

~~G. — The order of business established on the agenda shall be followed unless the mayor, with the consent of a majority of the council permits a matter to be taken out of the regular agenda order.~~

~~H. — An agenda may be prepared for adjourned meetings in the same manner as for regular meetings, as set forth in subsection A of this section.~~

~~I. — The city council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions:~~

~~1. — An item has been continued by the council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item.~~

~~2. — Upon a determination by a two-thirds vote of the council, or if less than two-thirds of the members are present a unanimous vote of those present that the need to take action arose after the agenda was posted.~~

~~3. — Upon a determination by the council that an emergency exists. For purposes of this section "emergency" means a crippling disaster, work stoppage or other activity which severely impairs public health, safety or both, where prompt action is necessary due to the disruption or threatened disruption of public facilities as determined by a majority of the members of the council. (Ord. CS 195 § 1, 2012; Ord. NS 887 § 1, 2008; Ord. NS 22 § 1, 1988; Ord. 1292 § 6, 1986; Ord. 1233 § 1, 1980; Ord. 1213 § 2, 1979)~~

~~1.20.070 — Correspondence — Availability to the public.~~

~~Correspondence addressed to the city council which is received by the city clerk or any other officer or employee of the city shall not be a matter of public record unless it is received and filed by the council at a regular, special, or adjourned meeting of the council. Correspondence shall not be read aloud at a council meeting unless requested by majority vote of the council. (Ord. 1213 § 2, 1979)~~

~~1.20.080 — Correspondence — Authority of city manager.~~

~~A. — The city manager is authorized to open and examine all mail or other written communications addressed to the city council, except correspondence addressed to individual council members, and to give it warranted attention to the end that all~~

Commented [Cl5b13]: The provisions of former sections 1.20.070 and 1.20.080 have been combined, edited, and moved to the end of the revised chapter.

~~administrative business referred to in said communications and not requiring council action may be acted upon between council meetings; provided, that all communications and any action taken pursuant thereto shall be reported to the city council.~~

~~B. — The city manager's office and city clerk's office shall coordinate on mail received by the city clerk's office in order to effectively accomplish the purposes of this section.~~

~~C. — Correspondence concerning a matter on an agenda for consideration by the council, which is received prior to 12:00 noon on Thursday preceding the meeting, shall be made a part of the agenda item.~~

~~D. — Correspondence requiring council action shall be placed on an agenda as soon as practicable, together with a report and recommendation from the city manager. (Ord. 1292 § 7, 1986; Ord. 1213 § 2, 1979)~~

1.20.090 — Quorum.

~~Three members of the council shall constitute a quorum for the transaction of business. Motions and resolutions may be passed by a majority of the quorum but ordinances shall require a majority of the membership of the city council. Less than a quorum may adjourn from time to time. Where there is no quorum, the mayor, mayor pro tem or any member of the council shall adjourn such meeting, or if no member of the council is present, the city clerk shall adjourn the meeting. For the purpose of considering any item subject to vote of the council, when a member of the council is disqualified due to a conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. Consideration on such item shall be deferred until a quorum of noninterested council members are present to discuss and vote on them if a disqualification reduces those in attendance to less than a quorum. (Ord. CS 001 § 1, 2008; Ord. NS 709 § 1, 2004; Ord. NS 597 § 2, 2001; Ord. 1213 § 2, 1979)~~

1.20.080150 Minutes.

~~A. The city clerk is responsible for the minutes of the council all city council meetings, except closed sessions. The minutes will be a record of each particular type of business transacted or discussed but a verbatim transcript of the proceedings is not required. shall be kept by the city clerk and shall be electronically produced, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided, that the city clerk shall be required to make a record only of such business as was actually passed upon a vote of the council and shall not be required to make a verbatim transcript of the proceedings; and provided further, that a record shall be made of the The minutes may include the names and addresses of persons addressing the council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter. The clerk will include in the minutes of the meeting a council member's statement on a matter upon request made by that council member at the time the statement is made. Any council member may shall~~

Commented [Clsb14]: The three former sections dealing with the minutes have been incorporated into a single section. In order to assure the accuracy of minutes a provision has been added to new subdivision C that proposed amendments to the minutes as submitted by the city clerk must be verified by the city clerk prior to approval by the city council.

~~have the right to~~ have the reasons for his or her support for or dissent from, ~~or protest against~~, any action of the council entered in the minutes by making a request. ~~Such dissent or protest to be entered in the minutes shall be made in~~ substantially the following manner: “I would like the minutes to show that I [support][am opposed to] this action for the following reasons...”

~~B. — A council member may request, through the mayor, the privilege of having an abstract of the council member’s statement on any subject under consideration by the council entered in the minutes. If there is no objection from any member of the council, such statement shall be entered in the minutes. (Ord. NS 744 § 4, 2005; Ord. 1213 § 2, 1979)~~

1.20.160 — Distribution of minutes.

~~B. — As soon as possible after each meeting, ~~†~~The city clerk shall furnish a copy of the minutes to each council member, the city manager, city attorney, and any other individuals designated by the city manager will prepare proposed minutes and present them to the city council for approval. (Ord. 1213 § 2, 1979)~~

C. — 1.20.140 — Reading of minutes.

~~Unless the reading of the minutes of a council meeting is requested by a member of the council, ~~†~~The minutes may be approved without reading if the clerk has previously furnished each member of the council with a copy thereof included the proposed minutes in the agenda packet. The minutes will be read before approval upon motion approved by the city council. (Ord. 1213 § 2, 1979) Proposed amendments to the minutes as submitted by the city clerk must be verified by the city clerk prior to approval by the city council. Following approval, minutes of meetings will be permanently kept in a format or medium suitable for storage of permanent public records.~~

1.20.090170 Recordings of meetings.

A. The city clerk may record city council meetings as an aid in the preparation of minutes. ~~If †Recordings will be retained in accordance with the City’s adopted Records Retention Schedule unless a longer retention is required by the city council, the city manager, or the city attorney, recordings are made, they shall be retained by the city clerk until such time as the minutes have been approved by the city council. Upon such approval of the written minutes by the city council, the city clerk may reuse or erase such recordings unless specifically requested by the city council or the city attorney to retain such recordings at the time the minutes are approved.~~

B. Prior to reuse or erasure, While the city clerk has the recordings in his or her possession, members of the public may hear the recordings of the city council meetings during office hours when it will not inconvenience the ordinary operation of the clerk’s office; brief or shorthand notes may be made; ~~mechanical~~ recordings may be duplicated made from under procedures established by the the recordings until the minutes are approved unless the recording is retained according to

Commented [Clsb15]: This section consolidates provisions relating to the recording of meetings. The provisions have been updated to reflect reference to the City’s adopted Records Retention Schedule and applicable law relating to recording of council meetings.

~~subsection A of this section; and in this connection, the clerk.~~ The city clerk is further authorized to allow the equipment to be used by the public for listening or recording purposes when such equipment is not necessary for use by the city clerk in the ordinary function of the office. Except as provided for in Chapter 1.16, unless a request to prepare a transcript is timely submitted and accepted, the city clerk is not authorized to provide a transcript of any recording. The city clerk may establish rules and regulations necessary to protect the safety of the records against theft, mutilation or accidental damage, to prevent inspection or recording from interfering with the orderly function of the office, and to ensure that the integrity of the records is maintained. The city clerk may charge a fee to cover the cost, including labor and materials, of but not limited to providing records and administering this provision.

C. ~~If any~~ A person ~~may request that wishes a~~ the clerk preserve a record of the city council meeting, or any portion thereof, ~~by a request therefor shall be filing a written request~~ ed with the city clerk 24 hours prior to the meeting. If such a request is received, the city clerk ~~will shall make~~ arrangements to make and preserve such a record at the expense of the person making the request.

D. If any person desires to have a matter reported by a stenographer reporter, such person may employ one directly at the person's expense. ~~The city manager may make reasonable accommodations to assure that the reporter is seated at a position at the meeting to facilitate accurate recording.~~ (Ord. NS 744 § 5, 2005; Ord. NS 4 § 1, 1988; Ord. 1240 § 1, 1981; Ord. 1213 § 2, 1979)

E. ~~Any person may film, video tape, photograph or audio tape a city council meeting in the absence of a reasonable finding by the presiding officer that the recording cannot continue without noise, illumination or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings. Meetings may be televised by any person if it can be accomplished without noise, illumination or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings.~~

1.20.100200 Role of Powers and duties of the presiding officer.

A. ~~1.20.120 — Call to order — Presiding officer. The presiding officer is~~ ~~The mayor, or in the mayor's absence, the mayor pro tem. In the absence of both the mayor and mayor pro tem, the presiding officer will be selected from among the council members constituting the quorum for the meeting. , shall take the chair at the hour appointed for the meeting and shall call the council to order.~~ In the absence of the mayor and mayor pro tem, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the council members present. Upon the arrival of the mayor or the mayor pro tem, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the council. ~~Whenever the term "mayor" is used in this chapter, and the mayor is absent, it shall apply equally to the mayor pro tem, and if~~

Commented [Clb16]: This section consolidates provisions relating to the presiding officer. Subdivision B has been added to reflect the discussion at the August workshop.

~~the mayor is also absent, to the presiding officer elected pursuant to this section. (Ord. NS 597 § 3, 2001; Ord. 1213 § 2, 1979)~~

~~B. The presiding officer will endeavor to conduct the meeting in an orderly, even-handed and businesslike manner, substantially the order and manner provided on the agenda. Members should have a full and equal opportunity to express their respective views. Matters should be fully deliberated before action is taken.~~

~~C. The presiding officer may move, second, debate, and vote from the chair. The presiding officer is ~~shall~~ not be deprived of any of the rights and privileges of a council member ~~by reason of due to~~ acting as presiding officer. The presiding officer or such person as the presiding officer may designate may verbally restate each question immediately prior to calling for the vote. ~~Following the vote, the presiding officer shall announce whether the question carried or was defeated.~~~~

~~D. The presiding officer is ~~shall be~~ responsible for the maintenance of order and decorum at all meetings. ~~The presiding officer will~~ ~~He or she shall~~ decide all questions of order and procedure under this chapter, ~~subject, however, to an appeal to the council in which case the matter shall be determined by majority vote of the council. 1.20.240— Points of order.~~~~

~~The presiding officer shall determine all points of order subject to the right of any council member to request ~~full council a~~ ruling by the quorum, and the question shall be, “Shall the decision of the ~~P~~presiding ~~O~~fficer be sustained?” Requests for a ruling by the quorum require a second and will be promptly considered. A majority vote ~~of the quorum will~~ ~~shall~~ conclusively determine the question. ~~such question of order. The presiding officer shall sign all ordinances, resolutions, contracts, and other documents necessitating the presiding officer’s signature which were adopted in his or her presence, unless the presiding officer is unavailable, in which case an alternate presiding officer may sign such documents. (Ord. 1213 § 2, 1979)~~~~

1.20.110 Commencement of meetings ~~conduct of~~ business.

At the time set for each regular meeting, each member of the council, the city manager, city clerk, city attorney and such department heads or others as have been requested to be present shall take their regular places in the council chambers. ~~The business of the council shall be conducted in substantially the order and in the manner provided in this chapter. (Ord. 1213 § 2, 1979)~~ The presiding officer will call the meeting to order.

1.20.110 — Order of business.

~~The business of the council shall be taken up for consideration and disposition in the following order:~~

- A. ~~Call to order;~~
- B. ~~Roll call;~~
- C. ~~Invocation;~~

Commented [Clsb17]: This section consolidates provisions relating to commencement of meetings. Provisions relating to order of business are now contained in the sections relating to the agenda and the role of the presiding officer. The section also adds reference to the requirement for the announcement of additional compensation for concurrently held meetings. Please refer to the comment regarding section 1.20.060 relating to the agenda.

- D. — Pledge of allegiance;
- E. — Approval of minutes;
- F. — Special presentations;
- G. — Consent calendar;
- H. — Ordinances for introduction;
- I. — Ordinances for adoption;
- J. — Public hearings;
- K. — Adjournment to other agency meetings;
- L. — Departmental and city manager reports;
- M. — City council additional business;
- N. — City attorney additional business;
- O. — City manager additional business;
- P. — Announcements;
- Q. — Adjournment.

Public comment as provided in Section 1.20.305 will be taken during the regular order of business at such time as the city council by motion shall determine. All other business shall be considered in the order shown above unless modified as provided for in this chapter. (Ord. NS 744 § 3, 2005; Ord. 1298 § 1, 1987; Ord. 1292 § 8, 1986; Ord. 1213 § 2, 1979)

1.20.120 — Call to order — Presiding officer.

The mayor, or in the mayor's absence, the mayor pro tem, shall take the chair at the hour appointed for the meeting and shall call the council to order. In the absence of the mayor and mayor pro tem, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the council members present. Upon the arrival of the mayor or the mayor pro tem, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the council. Whenever the term "mayor" is used in this chapter, and the mayor is absent, it shall apply equally to the mayor pro tem, and if the mayor is also absent, to the presiding officer elected pursuant to this section. (Ord. NS 597 § 3, 2001; Ord. 1213 § 2, 1979)

1.20.130 — Roll call.

Before proceeding with the business of the council, the city clerk ~~will shall~~ call the roll of the council members and the names of ~~these members~~ present ~~will shall~~ be entered in the minutes. If the meeting is a concurrent meeting of the city council and one or more legislative bodies of a public agency for which the city council is the governing body, the city clerk will also make the announcement required by law. (Ord. 1213 § 2, 1979)

1.20.140 — Reading of minutes.

Unless the reading of the minutes of a council meeting is requested by a member of the council, the minutes may be approved without reading if the clerk has

~~previously furnished each member of the council with a copy thereof. (Ord. 1213 § 2, 1979)~~

1.20.150 — Minutes.

~~A. — The minutes of the council shall be kept by the city clerk and shall be electronically produced, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided, that the city clerk shall be required to make a record only of such business as was actually passed upon a vote of the council and shall not be required to make a verbatim transcript of the proceedings; and provided further, that a record shall be made of the names and addresses of persons addressing the council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.~~

~~B. — A council member may request, through the mayor, the privilege of having an abstract of the council member's statement on any subject under consideration by the council entered in the minutes. If there is no objection from any member of the council, such statement shall be entered in the minutes. (Ord. NS 744 § 4, 2005; Ord. 1213 § 2, 1979)~~

1.20.160 — Distribution of minutes.

~~As soon as possible after each meeting, the city clerk shall furnish a copy of the minutes to each council member, the city manager, city attorney, and any other individuals designated by the city manager. (Ord. 1213 § 2, 1979)~~

1.20.170 — Recordings of meetings.

~~A. — The city clerk may record city council meetings as an aid in the preparation of minutes. If recordings are made, they shall be retained by the city clerk until such time as the minutes have been approved by the city council. Upon such approval of the written minutes by the city council, the city clerk may reuse or erase such recordings unless specifically requested by the city council or the city attorney to retain such recordings at the time the minutes are approved.~~

~~B. — While the city clerk has the recordings in his or her possession, members of the public may hear the recordings of the city council meetings during office hours when it will not inconvenience the ordinary operation of the clerk's office; brief or shorthand notes may be made; mechanical recordings may be made from the recordings until the minutes are approved unless the recording is retained according to subsection A of this section; and in this connection, the city clerk is further authorized to allow the equipment to be used by the public for listening or recording purposes when such equipment is not necessary for use by the city clerk in the ordinary function of the office. Except as provided for in Chapter 1.16, unless a request to prepare a transcript is timely submitted and accepted, the city clerk is not authorized to provide a transcript of any recording. The city clerk may establish rules and regulations necessary to protect the safety of the records against theft, mutilation or accidental damage, to prevent inspection or recording from interfering~~

with the orderly function of the office, and to ensure that the integrity of the records is maintained. The city clerk may charge a fee to cover the cost, including labor and materials, of but not limited to providing records and administering this provision.

C. — If any person wishes a record of the city council meeting, or any portion thereof, a request therefor shall be filed with the city clerk 24 hours prior to the meeting. If such a request is received, the city clerk shall make arrangements to make and preserve such a record at the expense of the person making the request.

D. — If any person desires to have a matter reported by a stonographer reporter, such person may employ one directly at the person's expense. (Ord. NS 744 § 5, 2005; Ord. NS 4 § 1, 1988; Ord. 1240 § 1, 1981; Ord. 1213 § 2, 1979)

1.20.120180 Consent calendar.

~~Certain items for inclusion on the~~An agenda may contain a consent calendar of items grouped together for action by single motion and without discussion which have been reviewed by the city manager, delivered to the city council and made available to the public prior to the council meeting, shall be grouped together for action and listed under the consent calendar, when ~~the items such matters~~ are considered by the city manager to be routine, noncontroversial, or ~~and~~ in the nature of housekeeping matters. ~~items by the city manager, requiring only routine action by the council.~~ The Actions recommended or requested by the city manager will be included shall be in summary form in the agenda description of each consent calendar item. and be a part of that item. Before accepting a motion to approve the consent calendar, the presiding officer must determine whether any council member, city officer or employee, or member of the public desires Adoption of the consent calendar may be made by one motion approved by the council; provided, however, that the mayor should first advise the audience that the consent calendar matters will be adopted in total by one action of the council unless any council member or any individual or organization who has so requested wishes to be heard on one or more consent items. In that event, the presiding officer will mayor may defer action on the particular matter or matters and place them on theas part of the regular agenda for consideration in any order deemed appropriate. A council member may record a negative vote or an abstention on a consent calendar item without removing the item for discussion by so stating prior to the vote on the motion to approve the consent calendar. A request from the public to discuss an item on the consent calendar must be filed with the city clerk in writing prior to council consideration of the consent calendar. The city clerk is directed to include on an agenda containing a consent calendar a statement of this requirement along with a summary of the procedure for consideration of consent calendar items. The written agenda available to the public and to the city council shall provide the following notice of explanation to the public concerning the consent calendar: All matters listed under CONSENT CALENDAR are considered by the council to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific

Commented [Clisb18]: This section updates the provisions relating to consent calendar.

~~items to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the City Clerk in writing prior to Council consideration of the Consent Calendar. Members of the public who have requested permission to discuss a Consent Calendar item should come forward to the lectern upon invitation by the Mayor, state their name, address and Consent Calendar item number. (Ord. 1213 § 2, 1979)~~

~~1.20.190 — Presiding officer.~~

~~The mayor shall be the presiding officer at all meetings of the city council. (Ord. 1213 § 2, 1979)~~

~~1.20.200 — Powers and duties of presiding officer.~~

~~The presiding officer may move, second, debate, and vote from the chair. The presiding officer shall not be deprived of any of the rights and privileges of a council member by reason of acting as presiding officer. The presiding officer or such person as the presiding officer may designate may verbally restate each question immediately prior to calling for the vote. Following the vote, the presiding officer shall announce whether the question carried or was defeated. The presiding officer shall be responsible for the maintenance of order and decorum at all meetings. He or she shall decide all questions of order and procedure, subject, however, to an appeal to the council in which case the matter shall be determined by majority vote of the council. The presiding officer shall sign all ordinances, resolutions, contracts, and other documents necessitating the presiding officer's signature which were adopted in his or her presence, unless the presiding officer is unavailable, in which case an alternate presiding officer may sign such documents. (Ord. 1213 § 2, 1979)~~

1.20.130 General rules of procedure

1.20.210 — Gaining the floor.

A. Every council member, city officer or employee, or any other person desiring to speak during a council meeting must shall first address the chair, gain recognition by the presiding officer. Following recognition by the presiding officer, the speaker must, and shall confine him or herself to the question or matter under consideration, under debate, avoiding reference to character and indecorous language. (Ord. 1213 § 2, 1979)

1.20.220 — Questions to the staff.

B. Every council member desiring to question the city staff shall, after recognition by the presiding officer, will address the his or her questions to the city manager, or the city attorney, who shall be entitled either to answer the inquiry him or herself or to designate a member of his or her staff for that purpose. (Ord. 1213 § 2, 1979) Members of the public desiring to ask a question regarding an item on the agenda must do so only when public comment regarding an item is permitted. Questions from a member of the public must be directed to the presiding

Commented [Clb19]: This new section consolidates and updates the provisions of various former sections all relating to the general rules of procedure for conduct of council meetings.

officer, who may refer the question to any member of the city council, city manager, or city attorney as the presiding officer deems appropriate.

1.20.230 — Interruptions:

C. Once a council member, city officer or employee, or other person has been recognized and allowed to speak by the presiding officer, the person will be allowed to conclude his or her remarks without interruption, except an interruption by the presiding officer to preserve order, subject to applicable time limits. A council member seeking to raise a point of order or personal privilege must first gain recognition from the presiding officer. ~~once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, or unless a point of order or personal privilege is raised by another council member, or unless the speaker chooses to yield to a question by another council member.~~ If a council member while speaking is called to order, the council member shall cease speaking until the question of order is determined, and if determined to be in order, the council member may proceed. If interrupted by the presiding officer, city officers and employees and members of the public must cease speaking until further authorization by the presiding officer. Members of the city staff, after recognition by the presiding officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer. (Ord. 1213 § 2, 1979)

1.20.240 — Points of order:

The presiding officer shall determine all points of order subject to the right of any council member to request full council ruling, and the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order. (Ord. 1213 § 2, 1979)

1.20.250 — Point of personal privilege:

D. The right of a council member to address the council on a question of personal privilege ~~is shall be~~ limited to cases in which the council member's integrity, character, or motives are questioned, or where the welfare of the council is concerned. A council member raising a point of personal privilege may interrupt another council member who has the floor only if the presiding officer recognizes the privilege. (Ord. 1213 § 2, 1979)

1.20.260 — Privilege of closing debate:

Subject to the provisions of Section 1.20.270, the council member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate, subject to a council majority ruling that debate should continue. (Ord. 1213 § 2, 1979)

1.20.270 — Calling the question:

E. A member of the council who wishes to terminate discussion of a motion may call for the question. If the call is seconded, the presiding officer shall ask for a vote.

If the call carries, the council shall then vote on the motion without further discussion. (~~Ord. 1213 § 2, 1979~~)

F. ~~1.20.340~~ — Voting procedures.

A. — Voting ~~will shall~~ be conducted ~~by the using~~ of the voting ~~light~~ system installed in the council chambers, ~~unless the city council dispenses with use of the voting system or the system is not functioning.~~ If the voting light system is not used, voting will be by voice vote or other system by which the vote of each council member is made known to the public. Secret ballots are prohibited. A red light designates a “No or Negative” vote, a green light designates a “Yes or Affirmative” vote, and an amber light designates a vote to “Abstain.”

B. — ~~The council may at any time, or from time to time, dispense with the use of the voting light system by voice vote of the majority. In such an event, voting shall be conducted by voice vote until such time as a determination is made to again use the voting light system, or some other system.~~

C. — ~~When the council is voting the voice vote, a negative vote shall be registered by the oral statement of “NO” by the council member voting. Affirmative vote shall be registered by the oral statement of “YES” or “AYE” by the council member voting.~~

G. ~~1.20.360~~ — Failure to vote.

Every council member should vote unless disqualified ~~by reason of~~ due to conflict of interest. A council member who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon, ~~however, -ordinances,~~ resolutions, orders for franchise or payments of money, or adoption or amendment of a specific or general plan require the affirmative vote of a majority of the city council (i.e., three affirmative votes). (~~Ord. 1213 § 2, 1979~~)

~~1.20.280~~ — Protest against council action.

~~Any council member shall have the right to have the reasons for his or her dissent from, or protest against, any action of the council entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: “I would like the minutes to show that I am opposed to this action for the following reasons...” (Ord. 1213 § 2, 1979)~~

H. ~~1.20.370~~ — Tie vote.

~~For matters that may be decided by a majority of the quorum, Tie votes or a vote lacking the required number of affirmative votes shall constitute “no action,” and the matter voted upon remains before the council and is subject to further council consideration. If the presiding officer determines that city council is unable to take action on a matter during a meeting before it because of a tie vote or the lack of the required number of votes, the city clerk shall place the item on the next regular meeting of the city council for further consideration. For matters that require approval by affirmative vote of a majority of the city council, any vote of less than the required number of affirmative votes results in denial of the action, unless a~~

member of the city council who did not vote in the affirmative requests that the matter remain open for further consideration. ~~except~~ For matters involving development applications ~~which are~~ before the council ~~becausey virtue~~ of a recommendation or appeal from the planning commission or design review board, ~~in which case~~ if a final decision of the city council is not reached within ~~a reasonable time, not to exceed~~ 60 days of the date of the first meeting at which the matter is considered, the matter ~~shall~~will be deemed denied. During this 60-day period, any council member may make a written request that the matter be restored to the council's agenda. (Ord. NS 626 § 1, 2002; Ord. 1213 § 2, 1979)

I. 1.20.380 — Changing vote.

A council member may change his or her vote ~~only if a timely request to do so is made~~ immediately following the announcement of the result of a vote on a matter by the presiding officer and before prior to the time the next item in the order of business is taken up. Except in the case of a tie vote. A council member who publicly announces that he or she is abstaining from voting on a particular matter ~~shall not subsequently be allowed to~~may not withdraw his or her abstention. (Ord. 1213 § 2, 1979)

J. 1.20.390 — Reconsideration.

A.—A motion to reconsider any action taken by the council may be made only at the meeting such action was taken. ~~It may be made either immediately during the same session, or at a~~ including a recessed or adjourned session thereof ~~and~~. ~~Such motion may be made only by~~ one of the council members who voted with the prevailing side. ~~Nothing in this section shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.~~

B.—Consideration of action ~~A motion~~ to rescind, repeal, cancel or otherwise nullify prior council action ~~is shall be~~ in order at any subsequent meeting of the council, subject to placement of the matter on the agenda in the same manner as any new item of business. The effect of such action ~~shall~~will operate prospectively and not retroactively and ~~shall~~will not operate to adversely affect individual rights which may have been vested in the interim without notice and an opportunity to be heard having been given to the affected party or parties. Any interested person aggrieved by a quasi-adjudicatory decision of the council may request the rescission, repeal, cancellation, nullification or amendment of the decision by filing a written request for such action with the city clerk. The request must state the grounds upon which the request is made and be accompanied by a processing fee in an amount determined by city council resolution. ~~—(Ord. 1213 § 2, 1979)~~

1.20.140290 Public participation. Request to address the council on items other than listed public hearing.

Commented [Clb20]: This section consolidates and updates the provisions governing public participation at meetings consistent with the city council discussion at the August 29 workshop. As discussed, speaker slips will be required for matters on the agenda (Subdivision A), as well as for public comment on matters not on the agenda (Subdivision B). The speaker slips will be maintained by the clerk in the order received (Subdivision C). General rules governing speaker time are set forth in Subdivision D, including the requirement that members of the public will now receive three minutes. The provisions relating to representatives of groups are contained in Subdivision F.

A. ~~It is the policy of the council to permit limited presentations by members of the public~~ Members of the public may address the council on items of business listed on an agenda of any meeting. Persons desiring to address the council regarding an item on the agenda, including an item listed on the consent calendar or items noticed for a public hearing, must submit a request to speak to the city clerk before the item is called by the presiding officer. ~~on nonpublic hearing agenda items. The presiding officer may, in the absence of objection by a majority of the council members present, decline to permit such presentations on any particular nonpublic hearing item.~~
B. ~~Any person or group of persons desiring to address the council on a nonhearing matter must file a written request for permission to address the council which must be filed with the city clerk in advance of the council's consideration of that item.~~ The presiding officer, with the unanimous consent of the council, may allow a person who has not filed such a request to address the council.

B. At regular meetings, including adjourned regular meetings, members of the public may address the council on items not appearing on the agenda during the portion of the agenda set aside for this purpose. The total amount of time set aside for this purpose at the beginning of the meeting will not exceed 15 minutes, additional time will be set aside at the end of the meeting. Persons addressing the council must confine their remarks to matters within the subject matter jurisdiction of the city council or a public agency for which the city council services as the governing body. Persons desiring to address the council on items not appearing on the agenda must submit a request to speak to the city clerk before the meeting is called to order. The presiding officer, with the unanimous consent of the council, may allow a person who has not filed such a request to address the council.

C. The city clerk will organize speaker slips pertaining to each agenda item in the order received and persons will be invited to address the council based on that order. Upon direction of the presiding officer, the names will be called by the city clerk.

D. Members of the public will address the council from the podium provided for that purpose. Each person desiring to address the council shall approach the podium, state the subject that the person wishes to discuss, city of residence, and the person's name and/or party he or she is representing (unless otherwise determined by the city attorney to be unnecessary). ~~Each member of the public will be permitted to speak for up to five minutes but may be shortened to three minutes, unless the presiding officer or such shorter time as appropriate under the circumstances and when has announced a shorter duration by the mayor or at the commencement of the item under consideration. A shorter duration may be set when the presiding officer or majority of the quorum determine that, in the opinion of the mayor or majority of the city council, the length and duration of public comments on a matter public hearing item would be unduly burdensome and prevent or frustrate the city council from reaching a timely~~

decision on the matter. Persons must confine their remarks to the agenda item under consideration. A speaker may not yield time to another speaker. All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the mayor. The mayor shall not permit any communication, oral or written, to be made or read where it does not bear directly on the agenda item then under discussion.

ED. After the presiding officer has closed the public input portion of an agenda item a motion has been made, no member of the public may shall address the council from the audience on the matter under consideration without first being recognized by the presiding officer and securing permission to do so by a majority vote of the city council.

F.E. 1.20.302 — Addressing the council — Spokesperson for group of persons.

A. — In order to expedite matters and to avoid repetitious presentations, wTo facilitate organized presentations, a representative of a group of persons may submit a request to speak on behalf of the group. The representative must identify the group and list not fewer than three members of the group who will be present during the meeting at which the presentation is made. The presentation on behalf of the group may not exceed whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to require that a spokesperson be chosen from the group to address the council. If additional matters are to be presented by any other members of the group, the presiding officer may limit the number of such persons and limit the presentation to information not already presented by the group spokesperson.

B. — For items other than those listed on the agenda for public hearing, groups of persons shall be limited to a total presentation period of 10 minutes unless additional time is authorized. The presiding officer shall first call for representatives of groups in favor of the matter under consideration and then for those persons in opposition to the matter under consideration, and thereafter shall allow a rebuttal time limited to five minutes to the proponents who shall confine rebuttal remarks to answering comments made in opposition and not the introduction of new testimony. Further time may be granted by a majority of the quorum. vote of the council. No person shall address the council without first securing the permission of the presiding officer. (Ord. CS 96 § 1, 2010; Ord. NS 770 § 1, 2005; Ord. 1222 § 1, 1979; Ord. 1213 § 2, 1979)

G. — For items listed on the agenda, members of the public will generally be invited to speak following the staff presentation, if any, and before city council discussion of the item. For items removed from the consent calendar at the request of a member of the public, the presiding officer may invite the speaker to address the council and may defer or waive presentation of a staff report.

1.20.300 — Purpose and intent — Addressing the council.

Our society has long recognized that it is important for citizens of any community to have the ability to address their elected officials. To that end, the City of Carlsbad has enacted decorum ordinances to facilitate such activities at council meetings. These ordinances are designed to allow for public input but retain the recognition that city business and the needs of all the people necessarily require some limitations. Clearly, the more orderly a meeting, the more time members of the council will have to adequately consider and address any issues raised. Dissent at public meetings is also a recognized concept in a free society. It is one of the ways in which concerns about pending issues can be expressed, and without which the nature or extent of those concerns might result in less than informed decisions. But it is equally important to recognize that dissent is not without limitations. If anyone who wished to move a public meeting toward a particular position could disrupt the proceedings whenever they felt moved to do so, the rights of all others and the business of a city would soon stagnate and the actions themselves would tend to imperil the very freedoms we all seek. It is therefore important to remember that no one has a constitutional right to disrupt a public meeting by attempting to impose their own voice or actions in a manner that is loud, boisterous, or unruly where such conduct is substantially disruptive of the meeting itself, not in compliance with the rules set forth for the governance of the such meetings, and continues after the mayor has requested the person or persons to stop. The issue in such cases is not about the content of speech, unless the content itself violates the law, but rather with the extent of disruption caused to the meeting itself by the manner and conduct of the speaker's actions. (Ord. CS 153 § 3, 2011)

1.20.302 — Addressing the council — Spokesperson for group of persons.

A. — In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to require that a spokesperson be chosen from the group to address the council. If additional matters are to be presented by any other members of the group, the presiding officer may limit the number of such persons and limit the presentation to information not already presented by the group spokesperson.

B. — For items other than those listed on the agenda for public hearing, groups of persons shall be limited to a total presentation period of 10 minutes. The presiding officer shall first call for representatives of groups in favor of the matter under consideration and then for those persons in opposition to the matter under consideration, and thereafter shall allow a rebuttal time limited to five minutes to the proponents who shall confine rebuttal remarks to answering comments made in opposition and not the introduction of new testimony. Further time may be granted by majority vote of the council. (Ord. CS 153 § 2, 2011; Ord. 1213 § 2, 1979)

1.20.305 — Opportunity for public to address the council — Nonagenda items.

~~A. — Every agenda for a regular council meeting shall provide a period for members of the public to address the council on items of interest to the public that are not on the agenda but are within the jurisdiction of the city council.~~

~~B. — Speakers shall be limited to three minutes each with the total time for all speakers not to exceed 15 minutes unless additional time is granted by majority vote of the council. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the city clerk. Speakers will be called in the order reserved within the available time. The mayor with the consent of the council may, if time permits, allow persons to speak who have not filed a written request to reserve time.~~

~~C. — Each person desiring to address the council shall approach the podium, state the subject he or she wishes to discuss, city of residence, and person's name and/or party the person is representing (unless otherwise determined by the city attorney to be unnecessary). All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the presiding officer. The presiding officer shall not permit any communication, oral or written, to be made or read where it is not within the subject matter jurisdiction of the city council. (Ord. NS 770 §§ 2, 3, 2005; Ord. 1292 § 9, 1986)~~

~~1.20.310 — Decorum and order — Council and city staff.~~

~~While the council is in session, the council members and city staff shall observe good order and decorum and shall not by conversation or otherwise, improperly delay or interrupt the proceedings nor refuse to obey the directives of the mayor as authorized under this chapter. (Ord. CS 153 § 4, 2011; Ord. 1213 § 2, 1979)~~

~~1.20.320 — Public attendance and audience — Decorum and order.~~

~~Members of the public attending council meetings shall observe the same rules of order and decorum applicable to the city council and staff. Any person wishing to address the council is responsible for familiarizing him or herself with the rules and ordinances applicable to council meetings. Copies of those requirements are available on file in the office of the city clerk and on the city's website. (Ord. CS 153 § 5, 2011; Ord. 1213 § 2, 1979)~~

1.20.150 Use of city equipment.

Persons desiring to use city information system or communication equipment for presentation of information to the council must make arrangements in advance with the city manager. The city manager may establish reasonable rules regarding format, security, time for submission, and other similar matters.

Commented [Clsb21]: This is a new provision.

~~1.20.420~~160 Conduct of Ppublic hearings — When held.****

~~A. Wherever The provisions of this section apply to matters listed on the agenda as public hearing items. Except as otherwise provided in this section, all of the provisions of this chapter apply to matters listed as public hearing items. by law~~

Commented [Clsb22]: This section consolidates and updates the sections governing items scheduled for public hearing. The time for presentation by the applicant has been shorted. Under the proposed revision, members of the public would be called to speak in the order that speaker slips are received without regard to whether the speaker may favor or oppose the matter.

~~the city council is required to hold a public hearing on any matter before it, such hearing will be held in accordance with the rules and procedures set forth in this chapter. Nothing in this chapter shall prohibit or limit the city council from holding a public hearing on any matter before it, whether required by law or not, and nothing in this chapter shall prohibit or limit any member of the public from addressing the council in accordance with the procedures provided for in this chapter, irrespective of whether or not a public hearing is being held.~~

~~B. All ~~public~~ hearings will be noticed ~~shall be scheduled to~~ begin at ~~a~~the time ~~certain which shall be the hour~~ the council convenes, unless otherwise determined by the city manager or directed by the city council in which case the notice of public hearing and agenda may state a different time. If there is more than one public hearing scheduled for a meeting, the hearings will be held in the order stated on the agenda unless the council changes the order. Meetings may be adjourned when necessary or convenient to complete a hearing or schedule of hearings. Hearing will commence at the time stated on the agenda or as soon thereafter as the conduct of business at the meeting permits. The council shall hold such hearings in order, in accordance with the schedule on the agenda at that time, or as soon thereafter as practicable. If the hearing is continued to a time less than 24 hours after the time specified in the notice of such hearing a notice of continuance shall be posted immediately after the meeting on the council chamber doors. (Ord. 1292 § 10, 1986; Ord. 1213 § 2, 1979)~~

1.20.430 — Public hearings — Procedure.

~~A. — The presiding officer shall announce that it is the time and place for a public hearing scheduled on the agenda.~~

~~C.B. Prior to all city council public hearings, All documents intended by the city to be part of the record of the hearingcopies of the council's agenda with attachments, including the staff report, if any and any correspondence received by the city pertaining to the subject matter of the hearing, ~~will shall~~ be available at the office of the city clerk at least 24 hours prior to commencement of the hearing. This provision does not preclude the submission by any person of supplemental or additional information during the hearing. ; provided, however, the council may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the hearing.~~

~~D. The applicant will be permitted 10 minutes to make a presentation, not including time to respond to questions by members of the city council, and five minutes to respond to comments by members of the public. As used in this section, applicant includes any person or entity whose rights or interests are directly the subject matter of the hearing.~~

~~E.C. The order of the hearing will shall be as follows unless otherwise required by law:~~

- ~~1. Presentation of staff and/or planning commission report;~~

2. Questions from the council;
3. Presentation by the applicant, if any;
4. Comments by members of the public~~Testimony of people in favor;~~
5. Response by staff or applicant to facts or issues raised by public comments~~Testimony of people in opposition;~~
6. Rebuttal of applicant~~Council discussion and action.~~

~~D. — An individual speaker shall be allowed five minutes to address the city council except it may be shortened to three minutes or such other time limit as appropriate when announced by the mayor at the commencement of the public hearing when, in the opinion of the mayor or majority of the city council, the length and duration of the public testimony would be unduly burdensome and prevent or frustrate the city council from reaching a timely decision on the matter. In addition:~~

- ~~1. — A written request to speak shall not be required;~~
- ~~2. — The time limit for groups shall be 20 minutes;~~
- ~~3. — The applicant shall have 20 minutes.~~

~~EF. The presiding officer may, dependent upon the necessity for insuring adequate presentation of testimony and evidence to provide a fair hearing, set longer time limits than otherwise allowed by this chapter for adequate presentation of testimony and evidence to provide a fair hearing. The decision of the presiding officer may be appealed to the council. (Ord. CS 096 § 2, 2010; Ord. 1213 § 2, 1979)~~

~~G. — Any person, other than a member of the council, who wishes to direct question(s) to an opposing witness shall submit such question(s) to the presiding officer, who will ask the question(s) to the witness. The presiding officer may at his or her discretion restrict the number and nature of any questions asked pursuant to this subdivision.~~

~~1.20.460 — Public hearings — Closing.~~

~~H. — Before commencement of council discussion and action, When neither the applicant, his or her opponents, nor the city staff have further evidence to produce, or when the opinion of the presiding officer or the majority of the council through the presiding officer sufficient evidence has been presented, the presiding officer may shall order closed the public input portion of the hearing closed, at which time no further evidence, either oral or written, will be accepted by the council except in response to a question by a council member; provided, however, that this rule may be relaxed by the presiding officer or the majority of the council through the presiding officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing. Following completion of questions by council members, the presiding officer may order the public hearing closed. A public hearing once closed cannot be reopened on the date~~

set for hearing unless the presiding officer determines that all persons who were present when the hearing closed are still present. Nothing in this section, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent meeting, provided notice is first given in the manner required for the initial hearing. (Ord. 1213 § 2, 1979)

1.20.450 — Public hearings — Continuation.

I. A public hearing may be continued to a date certain At any time before the closing of the hearing in order to permit presentation of additional written or oral evidence, or return the matter to the planning commission for further consideration. that it appears to the presiding officer or a majority of the council through the presiding officer, that inadequate evidence has been presented to afford judicious consideration of any matter before the council at the time of a public hearing, or for other just cause, a continuation of said hearing may be ordered to afford the applicant, his or her opponents, or the city staff adequate time to assemble additional evidence for the council's consideration. Any continuation ordered by the council through its presiding officer shall be to a date certain, which said date shall be The presiding officer will publicly announce d in the council chamber and shall constitute notice to the public of the date, time, and place that the hearing will reconvene, and further evidence will be taken, and the announcement constitutes sufficient notice to the public of the date, time, and place of the continued hearing. A public hearing may be continued in the event the matter is to be returned to the planning commission for further consideration. In this eventIf the matter is returned to the planning commission for further consideration, the presiding officer mustshall publicly announce state in open council meeting the fact that the matter has been returned to the planning commission for consideration and may announce the date, time and place that the hearing will be continued to receive the further report by the planning commission. that the council hearing will be continued on a date certain. If the presiding officer announces the date, time, and place of the continued hearing, the clerk will post a notice of continuance in the same manner as for posting notices of an adjourned meeting, however no further public notice is required. If the presiding officer does not announce the date, time, and place for continuance of the matter following return to the planning commission, the hearing will be noticed in the same manner as for the initial public hearing. The public announcements provided for in this section shall constitute notice to the applicant and his or her opponents of time and place when further evidence will be taken by the council. The council shall also have the option to set the matter to a hearing de novo. (Ord. 1213 § 2, 1979)

1.20.470 — Public hearings — Reopening.

A public hearing on any matter once closed cannot be reopened on the date set for hearing unless the presiding officer determines that all persons who were present when the hearing closed are still present. Nothing in this section, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent regular or special meeting of the council. No public hearing may be reopened

~~without due and proper notice being given to the applicant and his or her opponents designating the time and place of said reopening. (Ord. 1213 § 2, 1979)~~

1.20.480170 Decision following a Ppublic hearings—Decision.

A. ~~A decision may be made at any time following the close of a public hearing. The council may adopt a resolution or ordinance recommended by staff and presented as part of the agenda packet, or The city council shall consider all evidence properly before them in accordance with this chapter. The council shall then may indicate its intended decision and instruct the city attorney to return with the resolution or ordinance documents necessary to eaffect theat decision. , including findings as may be appropriate to the matter. Upon return of such documFor decisions that include a quasi-adjudicative determination, ents, the the council may adopt the resolution or ordinance, as presented or as may be amended by the council, if it shall determines ifthat the findings contained in the document are supported by the evidence presented before it at the hearing, and if the decision is supported by the findings, and after making any changes render its decision by taking action on the documents.~~ The city council's decision is not final until adoption of the documents.

B. A council member who was absent from all or a part of a public hearing shall not participate in a decision on the matter unless the council member has examined all the evidence, including listening to a recording of the oral testimony or reviewing a videotape or other electronic medium of the proceedings and ~~can represents~~ that he or she has a full understanding of the matter. (Ord. NS 709 § 2, 2004; Ord. 1213 § 2, 1979)

1.20.180 Application to administrative hearings.

The procedures for conduct of public hearings will apply to any quasi-adjudicative administrative hearing conducted by the city council except as provided in section 1.20.190.

1.20.190 Application of procedures required by law.

Whenever the requirements of this code or other law require that hearings regarding a particular matter be conducted pursuant to a specific procedure, the provisions of the law establishing the requirements shall prevail over this chapter to the extent of any inconsistency. Specific rules of procedure for an administrative hearing established by official action of the city council, upon recommendation of the city attorney, will prevail over the provisions of this chapter to the extent of any inconsistency with respect to that hearing and other hearings of a similar nature.

1.20.440200 Public hearings—Evidence – record of proceedings.

Commented [CIsb23]: This section updates the provision relating the statement of a decision following a public hearing. It also clarifies requirements for findings consistent with applicable law.

Commented [CIsb24]: This section and section 1.20.190 are added to clarify the procedures for public hearings apply to quasi-adjudicative administrative hearings unless a specific procedure is required by law. Section 1.20.190 permits the city council to establish additional or specific procedures for certain administrative hearings upon the recommendation of the city attorney. Further, section 1.20.190 would be triggered, for example, by the Constitutional and statutory requirements for conduct of majority protest hearings for the imposition of property related fees.

Commented [CIsb25]: This section updates the provisions relating to what constitutes the record of proceedings for council decisions. Under the proposed revision, the section applies to all types of city council actions, whether legislative or administrative in nature, and regardless whether a noticed public hearing is required.

A. A decision of the city council may be based on any relevant evidence provided to the city council for its consideration of an item and accepted into the record of the proceedings by the presiding officer or made a part of the record of the proceedings pursuant to this section. In addition, to oral presentations and documents presented at a meeting, the city council may consider any adopted general plan, specific plan, ordinance, resolution, or other record of official action of the city, and facts of common, general knowledge. During the public hearing, the council shall receive oral or written evidence relevant to the matter being considered which shall become part of the record. The presiding officer, or any member of the council through the presiding officer, may require the city clerk to swear any person giving evidence at the time of the hearing on the matter under consideration, if in the opinion of the presiding officer or any member of the council, the oath is necessary. Evidence received at public hearings provided for in this ordinance shall be relevant and material to the issues before the council; provided, however, that the rules of evidence as established by law for judicial proceedings in the Evidence Code for the State of California are not applicable to proceedings of the city council and any credible, relevant evidence appropriate shall be substantially relaxed in order to afford a full presentation of the facts essential-necessary or convenient for judicious consideration by the council of the matter which is the subject of the council's consideration may be presented at the discretion of the presiding officer. public hearing. Failure of the presiding officer on the part of the city council to strictly enforce rules of evidence or to reject matters thatwhich may be irrelevant or immaterial doesshall not affect the validity of the hearing. Any procedural errors thatwhich do not materially affect the substantial rights of the parties willshall be disregarded. Rulings of the presiding officer are subject to change by the city council in the same manner as any other procedural order. The council may order the city clerk to issue, and the chief of police or representative to serve, subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled public hearing as provided for in this chapter. Any person, other than a member of the council, who wishes to direct question(s) to an opposing witness shall submit such question(s) to the presiding officer, who will ask the question(s) to the witness. The presiding officer may at his or her discretion restrict the number and nature of any questions asked pursuant to this section.

B. All materials included in the agenda packet for a meeting are evidence and part of the record of the proceedings for the agenda item to which they pertain. It is not necessary for materials included in the agenda packet to be read in full or referenced at the meeting; however, the staff may present a summary of the information as part of the staff presentation or upon request of the presiding officer. If there is a staff report, it shall be considered as evidence and shall become part of the record of a public hearing. Such report need not be read in full as part of the staff presentation. A synopsis of such report may be presented orally by staff members to the council. In addition, any of the following may be presented to the city council during the meeting and, if presented are, shall also become evidence and part of the record:

1. Exhibits and documents not included in the agenda packet that are used during the presentation by members of the city staff and any persons addressing the city council and are provided to the city council participating in the hearing;
2. Maps and displays presented for use at the meetinghearing; provided that, whenever practicable, they shall be displayed in full view of the participants and the audience;
3. All written communications and petitions concerning an item the subject matter of the hearing;presented at a meeting if a request for inclusion in the record is made and the presiding officer grants the request; however provided that, a reading of communications and petitions is not required and will generally be permitted only upon authorization by the presiding officer; and such matters only shall be had at the request of a council member;
4. Information obtained outside the council chambers, such as a view of the site, provided thesuch information, to the extent it is relied upon in a quasi-adjudicative matter, isshall be disclosed for the record.

C. The city clerk will retain All the agenda packet, exhibits, reports, maps and other physical evidence placed before the council shall be retained by the city clerk as public records. Such records exhibits may be released by the clerk with the approval of the city attorney. Items that are large, perishable, bulky or otherwise difficult to store may be returned to the person submitting the item provided that the clerk retains a photographic, video, or digital record of the item. The clerk may make and retain photographic, video, or digital records of proceedings of meetings subject to the same requirements applicable to other public records of the city. (Ord. 1213 § 2, 1979)

D. Whenever any law requires that testimony presented to the city council under oath or affirmation, the presiding officer or the city clerk may administer the oath or affirmation.

1.20.210 Subpoenas.

The council may order the city clerk to issue, and the chief of police or representative to serve, subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled public hearing or quasi-adjudicative administrative proceeding, as provided for in this chapter. Any person, other than a member of the council, who wishes to direct question(s) to an opposing witness shall submit such question(s) to the presiding officer, who will ask the question(s) to the witness. The presiding officer may at his or her discretion restrict the number and nature of any questions asked pursuant to this section.

1.20.450 Public hearings Continuation.

Commented [Clsb26]: The provisions of former section 1.20.440 relating to subpoenas have been separated out into a new stand-alone section and edited for clarity.

Commented [Clsb27]: The following redline shows deletion of sections that have been revised and consolidated into new sections 1.20.160.

~~At any time that it appears to the presiding officer or a majority of the council through the presiding officer, that inadequate evidence has been presented to afford judicious consideration of any matter before the council at the time of a public hearing, or for other just cause, a continuation of said hearing may be ordered to afford the applicant, his or her opponents, or the city staff adequate time to assemble additional evidence for the council's consideration. Any continuation ordered by the council through its presiding officer shall be to a date certain, which said date shall be publicly announced in the council chamber and shall constitute notice to the public of the time and place that further evidence will be taken. A public hearing may be continued in the event the matter is to be returned to the planning commission for further consideration. In this event, the presiding officer shall publicly state in open council meeting the fact that the matter has been returned to the planning commission for consideration and that the council hearing will be continued on a date certain. The public announcements provided for in this section shall constitute notice to the applicant and his or her opponents of time and place when further evidence will be taken by the council. The council shall also have the option to set the matter to a hearing de novo. (Ord. 1213 § 2, 1979)~~

~~**1.20.460 — Public hearings — Closing.**~~

~~When neither the applicant, his or her opponents, nor the city staff have further evidence to produce, or when the opinion of the presiding officer or the majority of the council through the presiding officer sufficient evidence has been presented, the presiding officer shall order the public hearing closed, at which time no further evidence, either oral or written, will be accepted by the council; provided, however, that this rule may be relaxed by the presiding officer or the majority of the council through the presiding officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing. (Ord. 1213 § 2, 1979)~~

~~**1.20.470 — Public hearings — Reopening.**~~

~~A public hearing on any matter once closed cannot be reopened on the date set for hearing unless the presiding officer determines that all persons who were present when the hearing closed are still present. Nothing in this section, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent regular or special meeting of the council. No public hearing may be reopened without due and proper notice being given to the applicant and his or her opponents designating the time and place of said reopening. (Ord. 1213 § 2, 1979)~~

~~**1.20.480 — Public hearings — Decision.**~~

~~A. — The city council shall consider all evidence properly before them in accordance with this chapter. The council shall then indicate its intended decision and instruct the city attorney to return with the documents necessary to effect that decision, including findings as may be appropriate to the matter. Upon return of such documents, the council shall determine if the findings are supported by the evidence before it at the hearing, and if the decision is supported by the findings,~~

~~and after making any changes render its decision by taking action on the documents. The city council's decision is not final until adoption of the documents.~~

~~B. — A council member who was absent from all or a part of a public hearing shall not participate in a decision on the matter unless the council member has examined all the evidence, including listening to a recording of the oral testimony or reviewing a videotape or other electronic medium of the proceedings and can represent that he or she has a full understanding of the matter. (Ord. NS 709 § 2, 2004; Ord. 1213 § 2, 1979)~~

1.20.330220 Enforcement of decorum.

A. The chief of police or such member of the police department as the chief, or authorized agent, may designate, ~~is shall be the~~ sergeant-at-arms of the city council, ~~and said person shall attend meetings at the request of the mayor, the city manager, or a majority of the city council.~~ The sergeant-at-arms ~~is required to~~ shall be available to respond to all meetings immediately upon call, ~~and will attend meetings at the request of the mayor, city manager, or majority of the city council.~~ The sergeant-at-arms ~~is responsible for enforcing the shall carry out all orders of the presiding officer authorized under this chapter that are given by the mayor~~ for the purpose of maintaining order and decorum at the council meetings. The sergeant-at-arms may, at any time, request assistance from other members of the police department to accomplish that purpose. ~~The city council may Any council member may move to~~ require the ~~presiding officer mayor~~ to enforce the rules ~~upon approval of a motion by any council member, and the affirmative vote of a majority of the council members present shall require him or her to do so.~~

B. Any person, including any member of the council or city staff, who by voice or conduct engages in loud, boisterous, or unruly behavior that substantially disrupts a council meeting, ~~that or otherwise disrupts a meeting by failing to~~ does not comply with the rules ~~established by of set forth in~~ this chapter, ~~for governance of such meeting,~~ and continues ~~to do so~~ after the ~~presiding officer mayor~~ has ~~directed the requested such person(s) to stop,~~ ~~commits an offense is engaging in unlawful conduct punishable as~~ and, except as set forth in subsections C and D of this section, ~~shall constitute~~ an infraction.

C. Any person arrested under subsection B of this section and who thereafter returns to the same meeting and again violates the provisions of subsection B of this section, commits ~~an offence punishable as a~~ misdemeanor.

D. Any person previously convicted under subsection B of this section, who again violates the provisions of subsection B of this section, commits ~~an offence punishable as a~~ misdemeanor. (Ord. CS 153 § 6, 2011; Ord. 1213 § 2, 1979)

1.20.340 — Voting procedures

~~A. — Voting shall be conducted by the use of the voting light system installed in the council chambers. A red light designates a “No or Negative” vote, a green light~~

Commented [Clsb28]: The provisions of this section are included in new section 1.20.130.

designates a “Yes or Affirmative” vote, and an amber light designates a vote to “Abstain.”

B. The council may at any time, or from time to time, dispense with the use of the voting light system by voice vote of the majority. In such an event, voting shall be conducted by voice vote until such time as a determination is made to again use the voting light system, or some other system.

C. When the council is voting the voice vote, a negative vote shall be registered by the oral statement of “NO” by the council member voting. Affirmative vote shall be registered by the oral statement of “YES” or “AYE” by the council member voting. (Ord. 1213 § 2, 1979)

1.20.350 — Disqualification for conflict of interest:

If a council member has reason to think a conflict of interest may exist, the council member shall give the facts of the matter to the city attorney and request advice thereon prior to the meeting. Any council member who is disqualified from voting on a particular matter by the reason of a conflict of interest or a potential conflict of interest and immediately prior to the consideration of matter, shall:

A. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

B. Recuse himself or herself from discussing and voting on the matter.

C. Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the consent calendar.

D. A council member may address the council notwithstanding a conflict during the time that the general public speaks on the issue.

A council member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter. (Ord. NS 659 § 1, 2003; Ord. 1213 § 2, 1979)

1.20.360 — Failure to vote:

Every council member should vote unless disqualified by reason of conflict of interest. A council member who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon. (Ord. 1213 § 2, 1979)

1.20.370 — Tie vote:

Tie votes or a vote lacking the required number of affirmative votes shall constitute “no action,” and the matter voted upon remains before the council and is subject to further council consideration. If the city council is unable to take action on a matter before it because of a tie vote or the lack of the required number of votes, the city clerk shall place the item on the next regular meeting of the city council for further consideration except matters involving development applications which are before the council by virtue of a recommendation or appeal from the planning commission or design review board, in which case if a final decision of the city council is not

Commented [Clbsb29]: This section is deleted because it merely duplicates a requirement of state law, but using language that is different from that used in the applicable FPPC regulation.

Commented [Clbsb30]: See new section 1.20.130

Commented [Clbsb31]: See new section 1.20.130

reached within a reasonable time, not to exceed, 60 days, the matter shall be deemed denied. During this 60-day period, any council member may make a written request that the matter be restored to the council's agenda. (Ord. NS 626 § 1, 2002; Ord. 1213 § 2, 1979)

1.20.380 — Changing vote:

~~A council member may change his or her vote only if a timely request to do so is made immediately following the announcement of the vote by the presiding officer and prior to the time the next item in the order of business is taken up. A council member who publicly announces that he or she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his or her abstention. (Ord. 1213 § 2, 1979)~~

Commented [Clsb32]: See section 1.20.130

1.20.390 — Reconsideration:

~~A. — A motion to reconsider any action taken by the council may be made only at the meeting such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion may be made only by one of the council members who voted with the prevailing side. Nothing in this section shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.~~

~~B. — A motion to rescind, repeal, cancel or otherwise nullify prior council action shall be in order at any subsequent meeting of the council. The effect of such action shall operate prospectively and not retroactively and shall not operate to adversely affect individual rights which may have been vested in the interim. (Ord. 1213 § 2, 1979)~~

Commented [Clsb33]: See section 1.20.130

1.20.400 — Preparation of ordinances:

~~All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless requested by a council member, the mayor, city manager, or prepared by the city attorney on his or her own initiative. (Ord. 1213 § 2, 1979)~~

Commented [Clsb34]: See new section 1.20.270, below.

1.20.410 — Reading of ordinances and resolutions:

~~At the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the council. If any council member so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading. (Ord. 1213 § 2, 1979)~~

Commented [Clsb35]: See new section 1.20.270, below.

1.20.420 — Public hearings — When held:

~~A. — Wherever by law the city council is required to hold a public hearing on any matter before it, such hearing will be held in accordance with the rules and~~

Commented [Clsb36]: As noted above the following deleted sections relating to public hearings have been consolidated and edited.

~~procedures set forth in this chapter. Nothing in this chapter shall prohibit or limit the city council from holding a public hearing on any matter before it, whether required by law or not, and nothing in this chapter shall prohibit or limit any member of the public from addressing the council in accordance with the procedures provided for in this chapter, irrespective of whether or not a public hearing is being held.~~

~~B. — All public hearings shall be scheduled to begin at a time certain which shall be the hour the council convenes. The council shall hold such hearings in order, in accordance with the schedule on the agenda at that time, or as soon thereafter as practicable. If the hearing is continued to a time less than 24 hours after the time specified in the notice of such hearing a notice of continuance shall be posted immediately after the meeting on the council chamber doors. (Ord. 1292 § 10, 1986; Ord. 1213 § 2, 1979)~~

~~1.20.430 — Public hearings — Procedure.~~

~~A. — The presiding officer shall announce that it is the time and place for a public hearing scheduled on the agenda.~~

~~B. — Prior to all city council public hearings, copies of the council's agenda with attachments, including the staff report, if any, shall be available at the office of the city clerk at least 24 hours prior to commencement of the hearing; provided, however, the council may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the hearing.~~

~~C. — The order of the hearing shall be as follows unless otherwise required by law:~~

~~1. — Presentation of staff and/or planning commission report;~~

~~2. — Questions from the council;~~

~~3. — Presentation by the applicant, if any;~~

~~4. — Testimony of people in favor;~~

~~5. — Testimony of people in opposition;~~

~~6. — Rebuttal of applicant.~~

~~D. — An individual speaker shall be allowed five minutes to address the city council except it may be shortened to three minutes or such other time limit as appropriate when announced by the mayor at the commencement of the public hearing when, in the opinion of the mayor or majority of the city council, the length and duration of the public testimony would be unduly burdensome and prevent or frustrate the city council from reaching a timely decision on the matter. In addition:~~

~~1. — A written request to speak shall not be required;~~

~~2. — The time limit for groups shall be 20 minutes;~~

~~3. — The applicant shall have 20 minutes.~~

~~E. — The presiding officer may, dependent upon the necessity for insuring adequate presentation of testimony and evidence to provide a fair hearing, set longer time limits than otherwise allowed by this chapter. The decision of the presiding officer may be appealed to the council. (Ord. CS 096 § 2, 2010; Ord. 1213 § 2, 1979)~~

~~1.20.440 — Public hearings — Evidence.~~

~~A. — During the public hearing, the council shall receive oral or written evidence relevant to the matter being considered which shall become part of the record. The presiding officer, or any member of the council through the presiding officer, may require the city clerk to swear any person giving evidence at the time of the hearing on the matter under consideration, if in the opinion of the presiding officer or any member of the council, the oath is necessary. Evidence received at public hearings provided for in this ordinance shall be relevant and material to the issues before the council; provided, however, that the rules of evidence as established by the Evidence Code for the State of California shall be substantially relaxed in order to afford a full presentation of the facts essential for judicious consideration by the council of the matter which is the subject of the public hearing. Failure on the part of the city council to strictly enforce rules of evidence or to reject matters which may be irrelevant or immaterial shall not affect the validity of the hearing. Any procedural errors which do not affect the substantial rights of the parties shall be disregarded. The council may order the city clerk to issue, and the chief of police or representative to serve, subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled public hearing as provided for in this chapter. Any person, other than a member of the council, who wishes to direct question(s) to an opposing witness shall submit such question(s) to the presiding officer, who will ask the question(s) to the witness. The presiding officer may at his or her discretion restrict the number and nature of any questions asked pursuant to this section.~~

~~B. — If there is a staff report, it shall be considered as evidence and shall become part of the record of a public hearing. Such report need not be read in full as part of the staff presentation. A synopsis of such report may be presented orally by staff members to the council. In addition, any of the following may be presented to the city council and, if presented, shall also become part of the record:~~

- ~~1. — Exhibits and documents used by the city staff and any persons participating in the hearing;~~
- ~~2. — Maps and displays presented for use at the hearing; provided that, whenever practicable, they shall be displayed in full view of the participants and the audience;~~
- ~~3. — All communications and petitions concerning the subject matter of the hearing; provided that, a reading of such matters only shall be had at the request of a council member;~~
- ~~4. — Information obtained outside the council chambers, such as a view of the site, provided such information, to the extent it is relied upon, shall be disclosed for the record.~~

~~C. — All exhibits, reports, maps and other physical evidence placed before the council shall be retained by the city clerk as public records. Such exhibits may be released by the clerk with the approval of the city attorney. (Ord. 1213 § 2, 1979)~~

~~1.20.450 — Public hearings — Continuation.~~

~~At any time that it appears to the presiding officer or a majority of the council through the presiding officer, that inadequate evidence has been presented to afford judicious consideration of any matter before the council at the time of a public hearing, or for other just cause, a continuation of said hearing may be ordered to afford the applicant, his or her opponents, or the city staff adequate time to assemble additional evidence for the council's consideration. Any continuation ordered by the council through its presiding officer shall be to a date certain, which said date shall be publicly announced in the council chamber and shall constitute notice to the public of the time and place that further evidence will be taken. A public hearing may be continued in the event the matter is to be returned to the planning commission for further consideration. In this event, the presiding officer shall publicly state in open council meeting the fact that the matter has been returned to the planning commission for consideration and that the council hearing will be continued on a date certain. The public announcements provided for in this section shall constitute notice to the applicant and his or her opponents of time and place when further evidence will be taken by the council. The council shall also have the option to set the matter to a hearing de novo. (Ord. 1213 § 2, 1979)~~

~~**1.20.460 — Public hearings — Closing.**~~

~~When neither the applicant, his or her opponents, nor the city staff have further evidence to produce, or when the opinion of the presiding officer or the majority of the council through the presiding officer sufficient evidence has been presented, the presiding officer shall order the public hearing closed, at which time no further evidence, either oral or written, will be accepted by the council; provided, however, that this rule may be relaxed by the presiding officer or the majority of the council through the presiding officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing. (Ord. 1213 § 2, 1979)~~

~~**1.20.470 — Public hearings — Reopening.**~~

~~A public hearing on any matter once closed cannot be reopened on the date set for hearing unless the presiding officer determines that all persons who were present when the hearing closed are still present. Nothing in this section, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent regular or special meeting of the council. No public hearing may be reopened without due and proper notice being given to the applicant and his or her opponents designating the time and place of said reopening. (Ord. 1213 § 2, 1979)~~

~~**1.20.480 — Public hearings — Decision.**~~

~~A. — The city council shall consider all evidence properly before them in accordance with this chapter. The council shall then indicate its intended decision and instruct the city attorney to return with the documents necessary to effect that decision, including findings as may be appropriate to the matter. Upon return of such documents, the council shall determine if the findings are supported by the evidence before it at the hearing, and if the decision is supported by the findings,~~

~~and after making any changes render its decision by taking action on the documents. The city council's decision is not final until adoption of the documents.~~
B. ~~— A council member who was absent from all or a part of a public hearing shall not participate in a decision on the matter unless the council member has examined all the evidence, including listening to a recording of the oral testimony or reviewing a videotape or other electronic medium of the proceedings and can represent that he or she has a full understanding of the matter. (Ord. NS 709 § 2, 2004; Ord. 1213 § 2, 1979)~~

1.20.230490 Motions.

A. ~~— A motion is the formal statement of a proposal or question to the council for consideration and action. Every council member has the right to present a motion. A motion may be made at any time during consideration of a matter on the agenda; however, the presiding officer may defer recognizing a motion until after presentation of a report of staff, public comment and questions by members. It is not necessary for a motion to be pending in order for deliberation of a matter on the agenda. ~~A motion is generally not to be considered as a legislative action of the council, but is in the nature of direction or instruction; however, a motion will generally suffice unless a resolution is specifically called for by law or unless there is some reason for desiring the particular action formalized by separate instrument.~~~~

B. ~~— If a motion contains two or more divisible propositions, the presiding officer may divide the same.~~

C. ~~— If a motion is properly made, the presiding officer will shall call for a second. No further action is required on a motion ~~that~~which does not receive a second. If a motion contains two or more divisible propositions, the presiding officer may divide it and call for a separate vote on each proposition.~~

D. ~~— When a motion is made and seconded, it shall be restated by the mayor before a vote.~~

E. ~~— A motion once made and seconded before the council may not be withdrawn by the maker without the consent of the second. ~~D. — The presiding officer may, and upon request of any member of the council will, When a motion is made and seconded, it shall be restated a motion by the mayor before a vote, provided, however, that the presiding officer may request the restatement be made by the city clerk or city attorney.~~~~
(Ord. 1213 § 2, 1979)

Commented [Clbs37]: Proposed sections 1.20.230 and 1.20.240 establish the procedural rules governing the making, amendment, and adoption of motions.

1.20.240500 Rules relating to motions Precedence of motions.

A. When a main motion is ~~pending before the council~~, no ~~other~~ motion ~~may~~shall be entertained except the following which shall have precedence, one over the other, in the following order:

1. Adjourn;
2. Recess;
3. ~~Table~~Defer;
4. ~~Previous question~~Call the question;

- 5. Limit or extend debate;
- 6. Refer to commission, committee, or staff;
- ~~7. Substitute;~~
- ~~78.~~ Amend;
- ~~89.~~ Continue~~Postpone~~;
- ~~940.~~ Main motion.

~~B.~~ The order of preference in subsection A of this section is subject to the following restrictions:

~~B. 1.~~ A motion ~~may not shall not be in order which~~ repeats a motion made previously at the same meeting unless there has been some intervening council action or discussion.

~~2.~~ ~~AA~~ A motion ~~may not be made shall not be in order if a motion to call the question is pending, and if the question has been called, until after the vote on the question. when the previous question has been ordered.~~

~~3.~~ A motion ~~may not be made shall not be in order~~ while a vote is being taken.

~~4.~~ A motion ~~may not be made shall not be in order when made as an to~~ interruption of a council member while speaking. A motion regarding a point of order or to direct the presiding officer to enforce a provision of this chapter may be made at any time. (Ord. 1213 § 2, 1979)

~~1.20.510 — Particular motions, purpose and criteria.~~

~~C.~~ The purpose and salient criteria of the motions listed in this subdivision A ~~are~~ Section 1.20.500 is as follows:

~~1A.~~ Motion to adjourn:

~~1.~~ Purpose. To terminate a meeting.

~~2.~~ Debatable or Amendable. No, except a motion to adjourn to another date, time, or place is debatable and amendable as to the date, time, and place to which the meeting is to be adjourned.

~~B2.~~ Motion to recess:

~~1.~~ Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.

~~2.~~ Debatable or Amendable. Yes, but restricted as to time or duration of recess.

~~3C.~~ Motion to defer~~table~~:

~~1.~~ Purpose. To set aside, on a temporary basis, a pending main motion; provided that, it may be taken up again for consideration during the current meeting or at the next regular meeting. A motion to defer is also known as a motion to table.

~~2.~~ Debatable or Amendable. It is debatable but not amendable.

~~4D.~~ Motion to call the question~~for previous question~~:

~~1.~~ Purpose. To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately.

If the motion passes, a vote shall be taken on the pending motion or motions.

~~2.~~ Debatable or Amendable. No.

~~5E.~~ Motion to limit or extend debate:

~~1.~~ Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

~~2.~~ Debatable or Amendable. Debate and Not debatable; amendments are restricted to period of time duration of the proposed limit or extension.

~~6F.~~ Motion to refer to commission, committee or staff:

~~1.~~ Purpose. To refer the question before the council to a commission, committee, or to the city staff for the purpose of investigating or studying the proposal and to make a report back to the council. If the motion fails, discussion or vote on the question resumes.

~~2.~~ Debatable or Amendable. Yes.

~~G.~~ Substitute motion:

~~1.~~ Purpose. To strike out the one main motion and insert another main motion in its place which may be done so long as it is related to the subject of the original motion.

~~2.~~ Debatable or Amendable. The substitute motion is left unacted on until the council members have the opportunity to perfect the main motion by amendments if desired. The substitute motion is debatable and subject to amendment. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion.

~~7H.~~ Motion to Amend:

~~1.~~ Purpose. To modify or change a motion that is being considered. An amendment may be in any of the following forms: to "add" or "insert" certain words or phrases; to "strike out certain words or phrases and to add others"; to "replace" certain words, phrases or actions on the same subject matter as the one pending; to "divide the question" into two or more questions to allow for a separate vote on particular points. A motion to amend shall relate to the subject of the main motion. A motion to amend, including a motion to substitute an entire motion for the one pending, shall not be used to change the nature of the main motion, for example a motion to replace the word "approve" with the word "disapprove" is prohibited where the nature of the main motion is changed. If a motion to amend passes, then the main motion should be voted on as amended. To modify or change a motion that is being considered by the council so that it will express more satisfactorily the will of the members. If the motion passes, then the main motion should be voted on as amended.

~~2.~~ Debatable or Amendable. It is debatable if the main motion to which it applies is debatable. It is amendable, but a motion to amend an

~~amendment is not further amendable. It is debatable unless applied to an undebatable main motion. It is amendable.~~

~~8f.~~ Motion to ~~continue postpone~~:

~~1.~~ Purpose. To prevent further discussion and voting on the main motion until a future date or event. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of the main motion shall not be brought up again until the specified date or event.

~~2.~~ Debatable or Amendable. It is debatable ~~and but not~~ amendable, ~~however amendments are limited to the date or event.~~

~~9j.~~ Main motion:

~~1.~~ Purpose. The primary proposal or question before the council for discussion and decision.

~~2.~~ Debatable or Amendable. Yes. (~~Ord. 1213 § 2, 1979~~)

1.20.250 Council action.

City council action will be taken by motions approved by vote of council members. Action required by law to be taken by resolution or ordinance may be taken upon approval by the required number of affirmative votes of a motion to approve or adopt the resolution or ordinance. Action not requiring adoption of a resolution or ordinance, including providing direction or authorization to a city officer or employee, may be taken by motion recorded in the minutes of the meeting.

Commented [Clisb38]: This section replaces former section 1.20.530 and clarifies how actions of the city council will be taken and recorded.

1.20.260 520 Resolutions.

~~In most cases, a resolution is little more than a formal motion set forth in a formal document. In some matters, such as an assessment proceeding, general plan amendment or the grant or denial of variances, a resolution is required. A resolution should be required under any circumstances where it is desirable that the action be formally recorded in the office of the city clerk as a numbered document which can be used for future reference. Legislative actions as set forth in Section 1.20.530 should be by ordinance or resolution. A majority of the quorum shall be competent to adopt any resolution. (Ord. CS 001 § 1, 2008; Ord. 1213 § 2, 1979) Whenever feasible, resolutions implementing a staff recommendation will be included in the agenda packet. Resolutions will be prepared or approved by the city attorney before submission to the city council. It is not necessary to read the resolution by title or in full; provided it is identified by the presiding officer. Upon request of any member of the council, the resolution shall be read by title or in full.~~

~~B. — Where a particular resolution has not been prepared in advance, a motion may to direct the city attorney to prepare the document and return it to the council is in order.~~

Commented [Clisb39]: This section updates the provisions relating to resolutions and limits them to procedural issues. The proposed new section consolidates the provisions of former sections 1.20.520 and 1.20.540.

~~C. — Where necessary, a resolution may be presented verbally in motion form together with instructions for written preparation. Upon execution of such a resolution, it shall become an official action of the council.~~

1.20.530 — Legislative action.

All legislative action undertaken by the city council shall be by means of an ordinance or resolution. Legislation of a permanent nature which is to remain in force until amended or repealed, which establishes rights and obligations and the failure to comply with which may result in a penalty, shall be by ordinance. (Ord. 1213 § 2, 1979)

1.20.270400 Preparation of Ordinances.

All ordinances shall will be prepared or approved by the city attorney before submission to the city council. The city attorney will not prepare an ordinance No ordinance shall be prepared for presentation to the council unless directed by the city council requested by a council member, the mayor, or city manager, or prepared by the city attorney on the city attorney's his or her own initiative. (Ord. 1213 § 2, 1979)

Commented [Clsb40]: Provisions relating to the preparation and adoption of ordinances have been consolidated in ne section 1.20.270

1.20.410 — Reading of ordinances and resolutions.

Ordinances will be adopted according to the procedure established by statute. The title of an ordinance will be read before introduction and again before adoption. However, the text of an ordinance will not be read at the time of introduction or at the time of adoption At the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, full rther reading of the text is directed by the city council. is requested by a member of the council. If any council member so requests, the ordinance or resolution shall be read in full. In the absenee of such a request, this section shall constitute a waiver by the council of such reading. (Ord. 1213 § 2, 1979)

1.20.540 — Resolutions — Adoption.

A. — Where a particular resolution has been prepared and is before the council, it shall be adopted by motion, second, discussion and vote. It is not necessary to read the resolution by title or in full; provided it is identified by the presiding officer. Upon request of any member of the council, the resolution shall be read by title or in full.

B. — Where a particular resolution has not been prepared, a motion to direct the city attorney to prepare the document and return it to the council is in order.

C. — Where necessary, a resolution may be presented verbally in motion form together with instructions for written preparation. Upon execution of such a resolution, it shall become an official action of the council. (Ord. 1213 § 2, 1979)

1.20.550 — Ordinances — Adoption.

An ordinance shall be introduced by motion after a reading of the title. If passed, it shall be returned for further council action at least five days thereafter. Adoption shall be by motion after reading by title. Unless a council member requests reading

~~in full, the council shall be deemed to have voted, by majority vote, to waive such reading. (Ord. NS-275 § 1, 1994; Ord. 1213 § 2, 1979)~~

1.20.280560 Correction of documents.

~~The city clerk, with the consent of the city attorney, is authorized to correct any Upon occasion, ordinances or other documents are submitted in draft form, or on the spot amendments occur, or typographical or other technical or clerical errors in any document approved by the city council. Upon correction, the corrected document may be executed in the manner required of the original and are found which necessitate retyping of the document; such redraft, when properly executed, will replace shall become the original document, to be effective as of the date of the original document, and to be retained in the files of the city clerk. (Ord. 1213 § 2, 1979)~~

Commented [Clbsb41]: This section updates the provision relating to the authorization of the clerk to correct typographical or other technical errors in documents.

1.20.570 — Robert's Rules of Order.

~~If a matter arises at a council meeting which is not covered by this chapter or applicable provisions of federal or state law or the Carlsbad Municipal Code, the procedures of the council shall be governed by the latest revised edition of Robert's Rules of Order. (Ord. 1213 § 2, 1979)~~

Commented [Clbsb42]: Reference to Robert's Rules is deleted. The provisions of the revised chapter are sufficient to govern all procedural matters relating to the conduct of meetings. This type of provision adds confusion. It is also generally acknowledged that Robert's Rules do not apply particularly well to the proceedings of local legislative bodies such as city councils.

1.20.580 — Council policy manual.

~~The city manager shall maintain a council policy manual to contain such written policies as the council may adopt. The purpose of council policies are to indicate how the council intends to rule in the future on particular matters of a recurring nature which are subject to their discretion. Policies shall be numbered and dated and shall remain in effect until rescinded. (Ord. 1213 § 2, 1979)~~

1.20.290590 Failure to observe procedures—wWaiver.

~~A.—The provisions of this chapter are adopted to expedite the transaction of the business of the council in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise held in conformity with law.~~

~~B.—A failure on the part of any person to register a timely objection to the procedures of this chapter at the public hearing or other proceedings shall constitute a waiver of all such objections. an alleged procedural violation constitutes a waiver of all such objections. An objection shall be deemed timely only if it is made during the meeting, proceeding or public hearing to which the alleged violation relates. Nothing in this section shall preclude the presiding officer or city council from taking any action to cure a violation or alleged violation of the provisions of this chapter or other applicable law governing the conduct of city council meetings. Nothing in this section precludes the city council from correcting a violation or alleged violation of the Brown Act according to the provisions of that act. (Ord. 1241 § 1, 1981; Ord. 1213 § 2, 1979)~~

1.20.300 Limitation on liability.

The procedural provisions of this chapter are directory in nature and shall not be deemed to create a mandatory duty, the breach of which could result in liability to the city or to any city officer or employee pursuant to state statute or other law.

1.20.310600 Appeals procedure.

Where no specific appeals procedure is established by this code exists for any decision of a city commission, committee, or official person which that substantially affects the rights, duties, or privileges of an aggrieved person, such decision may be appealed to the city council by filing a written notice of appeal with the city clerk within 10 calendar days of the date of the decision. Fees for filing an appeal shall be established by resolution of the city council. The city manager will place the matter on an agenda for council consideration in the manner provided in section 1.20.060 and provide notice to the aggrieved person of the date, time, and place of the meeting at which the matter will be considered. The aggrieved person will be permitted five minutes to make a presentation to the city council, but otherwise, the procedures applicable to items not scheduled for public hearing will apply. The decision of the city council shall be regarding the matter is final. (Ord. NS-176 § 1, 1991)

1.20.610 Ordinances Effective date.

Ordinances will take effect 30 days after their final passage. An ordinance may take effect immediately upon passage if it is an ordinance:

- A. Relating to an election.
- B. Relating to street improvement proceedings.
- C. Relating to taxes for the usual and current expenses of the City of Carlsbad.
- D. Covered by a particular provision of law or charter prescribing the manner of its passage and adoption.
- E. In any other instance, if a majority of the city council determines that there is an urgent need to adopt an ordinance which is effective immediately and a delay in the effective date would constitute an unnecessary expenditure or loss of city funds or otherwise adversely affect the public health, safety or general welfare then the ordinance will take effect immediately upon its final passage. (Ord. CS-009 § 1, 2008)

1.20.320 Correspondence addressed to the city council.

The city manager is authorized to open and examine all written communications addressed to the city council, except correspondence addressed to an individual city council member. An individual council member may authorize the city manager to open and examine correspondence address to that council member. The city manager is authorized to take appropriate administrative action to address constituent concerns consistent with existing city policy. Matters requiring city council action may be placed on the agenda by the city manager in the manner provided in this chapter. On a weekly basis, the manager will provide the mayor

Commented [Clsb43]: This section is deleted because it duplicates state law.

Commented [Clsb44]: This provision consolidates and updates the rules of contained in former section 1.20.080. Former section 1.20.070 has been deleted because it is not consistent with the Public Records Act.

and council members with correspondence received and a report of any administrative action taken. Correspondence relating to an item on the agenda for a council meeting will be provided to the city clerk for inclusion in the agenda packet. The city manager's office and city clerk's office will coordinate on mail received by the city clerk's office to effectively accomplish the purposes of this section. Correspondence relating to an item on the agenda of a meeting and received by the city clerk or city manager before 5:00 p.m. on Wednesday of the week before the day of a council meeting will be included in the agenda packet for the meeting.