

Chapter 1.20

MEETINGS

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1.20.010 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. When a meeting is in session, council members, city officers and employees, and members of the public are expected to observe good order and decorum, and to not by conversation or otherwise, improperly delay or interrupt the proceedings, nor refuse to obey the lawful directives of the presiding officer.

- 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:
 - 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.

1.20.020 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 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.

1.20.030 Adjourment of 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. Once adjourned, a 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.

1.20.040 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. 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. If a disqualification due to a conflict of interest results in the lack of a quorum, consideration of the matter will be deferred until either a quorum of 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.

1.20.050 Confidentiality of closed sessions.

The privilege of confidentiality of closed sessions is held by the city council. No person may disclose any information communicated during a closed session. This prohibition does not apply to:

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.

1.20.060 Council agenda.

A. The city clerk, under direction of the city manager, will prepare an agenda 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. The date, time and location of the meeting;
2. The order of business and a brief general description 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 governmental needs, and requirements of applicable law. Items of business may be placed on the agenda by any member of the council, the city manager or the city attorney, or by council action. Council originated items must 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.

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. The agenda for regular meetings will be based on the following order of business:

1. Call to order;
2. Announcement of concurrent meetings;
3. Roll call;
4. Pledge of allegiance;
5. Invocation;
6. Approval of minutes;
7. Special presentations;
8. Public comment on matters not listed on the agenda;
9. Consent calendar;
11. Ordinances for introduction;
12. Ordinances for adoption;
13. Matters requiring a public hearing, notice of which is required by law;
14. Matters not requiring a noticed public hearing
15. Council commentary and requests for consideration of matters;
16. Additional public comment on matters not appearing on the agenda;
17. Announcements;
18. Adjournment.

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. 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, must be delivered to the city clerk not later than 5:00 p.m. on the Wednesday preceding a 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 an agenda packet.

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 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 be delivered to the council members not later than the Friday preceding the meeting. The agenda packet will be available to the public at the office of the city clerk and 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

1.20.080 Minutes.

A. The city clerk is responsible for the minutes of 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. The minutes may include the names 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 have the reasons for his or her support for or dissent from any action of the council entered in the minutes by making a request 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. The city clerk will prepare proposed minutes and present them to the city council for approval.

C. The minutes may be approved without reading if the clerk has included the proposed minutes in the agenda packet. The minutes will be read before approval upon motion approved by the city council. 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.

1.20.090 Recordings of meetings.

A. The city clerk may record city council meetings as an aid in the preparation of minutes. 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.

B. Prior to reuse or erasure, 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; recordings may be duplicated under procedures established by 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. A person may request that the clerk preserve a record of the city council meeting, or any portion thereof, by filing a written request with the city clerk 24 hours prior to the meeting. If such a request is received, the city clerk will arrange 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.

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.

1.20.100 Role of the presiding officer.

A. 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. 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.

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 not deprived of any of the rights and privileges of a council member 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.

D. The presiding officer is responsible for the maintenance of order and decorum at all meetings. The presiding officer will decide all questions of order and procedure under this chapter, subject to the right of any council member to request a ruling by the quorum, and the question shall be, "Shall the decision of the presiding officer be sustained?" Requests for a ruling by the quorum require a second and will be promptly considered. A majority vote of the quorum will conclusively determine the question.

1.20.110 Commencement of meetings.

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 presiding officer will call the meeting to order. Before proceeding with the business of the council, the city clerk will call the roll of the council members and the names of the members present will 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.

1.20.120 Consent calendar.

An agenda may contain a consent calendar of items grouped together for action by single motion and without discussion when the items are considered by the city manager to be routine, noncontroversial, or in the nature of housekeeping matters. The actions recommended or requested by the city manager will be included in summary form in the agenda description of each consent calendar 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 to be heard on one or more consent items. In that event, the presiding officer will defer action on the particular matter or matters as part of the regular agenda 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.

1.20.130 General rules of procedure

A. Every council member, city officer or employee, or any other person desiring to speak during a council meeting must first gain recognition by the presiding officer. Following recognition by the presiding officer, the speaker must confine him or herself to the question or matter under consideration, avoiding reference to character and indecorous language.

B. Every council member desiring to question the city staff will address the 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. 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 officer, who may refer the question to any member of the city council, city manager, or city attorney as the presiding officer deems appropriate.

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. 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.

D. The right of a council member to address the council on a question of personal privilege is 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.

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.

F. Voting will be conducted using the voting 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.

G. Every council member should vote unless disqualified 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).

H. For matters that may be decided by a majority of the quorum, tie votes 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 because of a tie vote, 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. For matters involving development applications before the council because of a recommendation or appeal from the planning commission or design review board, if a final decision of the city council is not reached within 60 days of the date of the first meeting at which the matter is considered, the matter 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.

I. A council member may change his or her vote immediately following the announcement of the result of a vote on a matter by the presiding officer and before the next item of business. 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 may not withdraw his or her abstention.

J. A motion to reconsider any action taken by the council may be made only at the meeting such action was taken, including a recessed or adjourned session thereof and by a council member who voted with the prevailing side. Consideration of action to rescind, repeal, cancel or otherwise nullify prior council action is 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 will operate prospectively and not retroactively and 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.

1.20.140 Public participation.

A. 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. 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 member of the public will be permitted to speak for up to three

minutes, unless the presiding officer has announced a shorter duration 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 length and duration of public comments on a matter 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.

E. After the presiding officer has closed the public input portion of an agenda item, no member of the public may address the council without first being recognized by the presiding officer and securing permission to do so by a majority vote of the city council.

F. To 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 10 minutes unless additional time is authorized by a majority of the quorum.

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.

1.20.150 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.

1.20.160 Conduct of public hearings.

A. 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.

B. Public hearings will be noticed to begin at the time 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.

C. All documents intended by the city to be part of the record of the hearing and any correspondence received by the city pertaining to the subject matter of the hearing will 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.

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. The order of the hearing will 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;
5. Response by staff or applicant to facts or issues raised by public comments;
6. Council discussion and action.

F. The presiding officer may, 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.

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.

H. Before commencement of council discussion and action, the presiding officer may order closed the public input portion of the hearing, 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 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.

I. A public hearing may be continued to a date certain 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. The presiding officer will publicly announce 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. If the matter is returned to the planning commission for further consideration, the presiding officer must publicly announce 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. 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.

1.20.170 Decision following a public hearing.

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 may indicate its intended decision and instruct the city attorney to return with the resolution or ordinance necessary to affect the decision. For decisions that include a quasi-adjudicative determination, the council may adopt the resolution or ordinance, as presented or as may be amended by the council, if it determines that the findings contained in the document are supported by the evidence presented at the hearing and the decision is supported by the findings. 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 represents that he or she has a full understanding of the matter.

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.

1.20.200 Evidence – record of proceedings.

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. The rules of evidence as established by law for judicial proceedings in the State of California are not applicable to proceedings of the city council and any credible, relevant evidence appropriate to afford a full presentation of the facts necessary or convenient for judicious consideration of the matter which is the subject of the council’s consideration may be presented at the discretion of the presiding officer. Failure of the presiding officer to strictly enforce rules of evidence or to reject matters that may be irrelevant or immaterial does not affect the validity of the hearing. Any procedural errors that do not materially affect the substantial rights of the parties will be disregarded. Rulings of the presiding officer are subject to change by the city council in the same manner as any other procedural order.

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. In addition, any of the following may be presented to the city council during the meeting and, if presented are 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 city staff and any persons addressing the city council and are provided to the city council;
2. Maps and displays used at the meeting; 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 presented at a meeting if a request for inclusion in the record is made and the presiding officer grants the request; however, reading of communications and petitions is not required and will generally be permitted only upon authorization by the presiding officer; and
4. Information obtained outside the council chambers, such as a view of the site, provided the information, to the extent it is relied upon in a quasi-adjudicative matter, is 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 as public records. Such records 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.

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.

1.20.220 Enforcement of decorum.

A. The chief of police or such member of the police department as the chief, or authorized agent, may designate, is the sergeant-at-arms of the city council. The sergeant-at-arms is required to 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 orders of the presiding officer given 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 require the presiding officer to enforce the rules upon approval of a motion by any council member.

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 or otherwise disrupts a meeting by failing to comply with the rules established by this chapter, and continues to do so after the presiding officer has directed the person to stop, commits an offense punishable as 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 offense 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 offense punishable as a misdemeanor.

1.20.230 Motions.

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 for deliberation of a matter on the agenda. If a motion is properly made, the presiding officer will call for a second. No further action is required on a motion that 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. A motion once made and seconded may not be withdrawn by the maker without the consent of the second. The presiding officer may, and upon request of any member of the council will, restate a motion before a vote, provided, however, that the presiding officer may request the restatement be made by the city clerk or city attorney.

1.20.240 Rules relating to motions.

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

1. Adjourn;
2. Recess;
3. Defer;
4. Call the question;
5. Limit or extend debate;
6. Refer to commission, committee, or staff;

7. Amend;
8. Continue;
9. Main motion.

B. A motion may not repeats a motion made previously at the same meeting unless there has been some intervening council action or discussion. A motion may not be made if a motion to call the question is pending, and if the question has been called, until after the vote on the question. A motion may not be made while a vote is being taken. A motion may not be made to interrupt 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.

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

1. Motion to adjourn:
Purpose. To terminate a meeting.
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.
2. Motion to recess:
Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.
Debatable or Amendable. Yes, but restricted as to time or duration of recess.
3. Motion to defer:
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.
Debatable or Amendable. It is debatable but not amendable.
4. Motion to call the question:
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.
Debatable or Amendable. No.
5. Motion to limit or extend debate:

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.

Debatable or Amendable. Debate and amendments are restricted to duration of the proposed limit or extension.

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

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.

Debatable or Amendable. Yes.

7. Motion to amend:

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.

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.

8. Motion to continue:

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.

Debatable or Amendable. It is debatable and amendable, however amendments are limited to the date or event.

9. Main motion:

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

Debatable or Amendable. Yes.

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.

1.20.260 Resolutions.

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

1.20.270 Ordinances.

All ordinances will be prepared or approved by the city attorney before submission to the city council. The city attorney will not prepare an ordinance unless directed by the city council or city manager, or on the city attorney's own initiative. 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 unless after the reading of the title, full reading of the text is directed by the city council.

1.20.280 Correction of documents.

The city clerk, with the consent of the city attorney, is authorized to correct any typographical or other technical or clerical error in any document approved by the city council. Upon correction, the corrected document may be executed in the manner required of the original and when properly executed, will replace 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.

1.20.290 Failure to observe procedures—waiver.

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. A failure on the part of any person to register a timely objection to 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.

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.

1.20.310 Appeals procedure.

Where no specific appeals procedure is established by this code for any decision of a city commission, committee, or official 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 regarding the matter is final.

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 addressed 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 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.