

RESOLUTION NO. 2014-0067

Adopted by the Sacramento City Council

March 11, 2014

ADOPTING THE COUNCIL RULES OF PROCEDURE (CRP) AND REPEALING RESOLUTION NO. 2013-0117

BACKGROUND

- A. As part of the annual revision process of the Council Rules of Procedure, the city attorney, city manager, and city clerk collaborate to ensure that previously-included information is periodically evaluated.
- B. The preferred practice, to ensure a clean legislative history, is to adopt new Council Rules of Procedure in their entirety for any changes.
- C. The most recent Council Rules of Procedure were adopted by Resolution No. 2013-0117 on April 2, 2013.
- D. These Council Rules of Procedure comply with state law and city charter requirements, while providing clear direction to the mayor, council, staff, and the public in the procedures of the city's legislative bodies.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Council Rules of Procedure attached as Exhibit A are a part of this resolution and are adopted.
- Section 2. Resolution No. 2013-0117 is repealed.

Table of Contents:

Exhibit A-Council Rules of Procedure including Rosenberg's Rules of Order

Adopted by the City of Sacramento City Council on March 11, 2014, by the following vote:

Ayes: Members Ashby, Cohn, Hansen, Schenirer and Warren

Noes: Members Pannell, Fong and McCarty

Abstain: None

Absent: Mayor Johnson

Attest:

Shirley A. Concolino

Digitally signed by Shirley A. Concolino
DN: cn=Shirley A. Concolino, o=City of Sacramento, ou=City
Clerk, email=sconcolino@cityofsacramento.org, c=US
Date: 2014.04.03 08:56:51 -07'00'

Shirley Concolino, City Clerk

City of
SACRAMENTO

Council Rules of Procedure

Adopted on March 11, 2014
by **Resolution No. 2014-0067**

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**CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE
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CHAPTER 1 – AUTHORITY/ADMINISTRATION

A. General Authorities and Applicability

1. The Charter of the City of Sacramento provides that the city council shall determine its own rules and order of business.¹ When not in conflict with the Charter of the City of Sacramento, or the Constitution or laws of the State of California, including the Ralph M. Brown Act,² these City Council Rules of Procedure (“Rules”) shall be in effect upon adoption by resolution of the council.
2. Until such time as they are amended or new rules are adopted by resolution, these Rules shall govern the order and conduct of business of the council and other legislative bodies that meet concurrently with the council, as well as various council committees, and council-established boards and commissions (collectively, “legislative bodies”). Those council-established boards, commissions, and committees that are required by law to adopt rules of procedure shall adopt rules that are consistent with these Rules to the extent possible.

B. General Administration

1. The council shall review and revise these Rules at least annually, or as needed.
2. During council discussions, deliberations, and proceedings, the presiding officer has the primary responsibility to ensure that the council, staff, and members of the public adhere to these Rules.
3. Any member who thinks the Rules are being violated may make a “point of order” to call for the presiding officer to enforce the Rules.

C. Amendment

Any rule may be adopted, altered, amended, or repealed by resolution at any time by a majority vote of the council, provided that at least a one week notice of such proposed rule change is given to the council members.

D. Suspension

Any rule may be temporarily suspended by a two-thirds vote of all council members present, being not less than five votes of the council.

E. Rosenberg’s Rules of Order

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century shall apply.

CHAPTER 2 - DUTIES

A. Duties of Members and Staff

1. Council members (“members”) and city staff shall conduct the business of the City of Sacramento:
 - a. recognizing that stewardship of the public interest is of primary concern;
 - b. working for the common good of the people of Sacramento; and
 - c. assuring fair and equal treatment of all persons, claims, and transactions coming before the council, council committees, and council-established boards, commissions, and committees (legislative bodies).

B. Duties of Mayor, Vice Mayor and Mayor Pro Tempore

1. The mayor is:
 - a. the presiding officer of the city and of all meetings of the council;
 - b. the official head of the city for performance of duties lawfully delegated to the mayor by the charter;
 - c. referred to as “chair” or “chairperson” when acting as presiding officer of legislative body meetings other than the council;
 - d. considered a member of the council;
 - e. entitled to make and second motions on matters before the council and vote on actions, but shall possess no veto power over actions of the council;
 - f. the primary, but not the only, person responsible for interpreting the policies, programs, and needs of city government to the people; and for informing the people of any major change in policies or programs; and
 - g. empowered, but not exclusively empowered, to make recommendations to the council on all policies and programs that require council decisions; and to perform such other duties as prescribed by the charter.
2. The vice mayor and mayor pro tempore shall be elected annually from among the members of the council, other than the mayor, by a majority vote at the council’s first meeting in January.
 - a. In the absence of the mayor from the city or a council meeting, the vice mayor shall possess all powers of the office of the mayor, and be subject to all prescribed duties for that office.
 - b. In the absence of the mayor and vice mayor from the city or a council meeting, the mayor pro tempore shall possess all powers of the office of the mayor, and be subject to all prescribed duties for that office.

CHAPTER 3 - CONDUCT OF MEMBERS

A. Norms and Expectations

1. Members shall:
 - a. put constituents first at all times;
 - b. treat each other, staff, and members of the public with dignity, courtesy, and respect;
 - c. value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation;
 - d. follow through on commitments and be accountable to each other;
 - e. clarify when items are discussed in confidence and maintain appropriate confidentiality;
 - f. be attentive to others, limiting interruptions and distractions;
 - g. encourage dissent in debate while being mindful not to prolong discourse or block consensus;
 - h. be candid with each other about ideas and feelings, and resolve conflicts directly;
 - i. keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;
 - j. continuously strive to improve how members work as a team;
 - k. place clear and realistic demands on staff resources and time when requesting action;
 - l. start and end meetings on time, work from an agenda, and be present, attentive, and prepared;
 - m. present problems in a way that promotes discussion and resolution; and
 - n. continually work to build trust in each other.

B. General Conduct

1. Members shall:
 - a. treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
 - b. be fair, impartial, and unbiased when voting on quasi-judicial actions;
 - c. use the speaker sequencing system to inform the presiding officer of their wish to speak and wait to be acknowledged by the presiding officer before speaking;
 - d. move to require the presiding officer to enforce these Rules, and the presiding officer shall do so upon an affirmative vote of a majority of the members present;
 - e. preserve order and decorum during the meeting;

- f. not delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, by conversation or otherwise, nor disobey the orders of the council, or the presiding officer, except as otherwise herein provided;
- g. abide by the Confidential Information Policy (Resolution No. 2010-108) prohibiting disclosure of confidential communications and authorizing public censure for failure to comply with the policy;
- h. support the laws established by the council; and
- i. abide by these Rules in conducting the business of the City of Sacramento.

C. Conduct with Members

- 1. Members shall:
 - a. value each other's time;
 - b. attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
 - c. have the right to dissent from, protest, or comment upon any action of the council;
 - d. respect each other's opportunity to speak and, if necessary, agree to disagree;
 - e. avoid offensive negative comments and shall practice civility and decorum during discussions and debate; and
 - f. assist the presiding officer's exercise of the affirmative duty to maintain order.

D. Conduct with City Manager and Staff

- 1. Members shall:
 - a. speak to the city manager directly on issues and concerns;
 - b. direct the city manager to implement council's policy decisions through the administrative functions of the city;
 - c. treat staff professionally and refrain from publicly criticizing individual employees;
 - d. avoid involvement in personnel issues except during council closed sessions regarding council-appointed staff such as the city manager, city attorney, city treasurer, city clerk, or city auditor, including hiring, firing, promoting, disciplining, and other personnel matters;
 - e. discuss directly with the city manager, city attorney, city clerk, city treasurer, or city auditor as appropriate, any displeasure with a department or staff; and
 - f. request answers to questions on council agenda items from the city manager, city attorney, city clerk, city treasurer, city auditor, department directors, or division managers prior to the meeting whenever possible.

E. Conduct with the Public

1. Members shall:
 - a. make the public feel welcome;
 - b. be impartial, respectful, and without prejudice toward the public;
 - c. listen courteously and attentively to public comment;
 - d. not argue back and forth with members of the public; and
 - e. make no promises to the public on behalf of the council.

F. Conduct with Other Agencies

1. Members shall:
 - a. project a positive image of the city when dealing with other agencies;
 - b. show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;
 - c. represent official policies or positions of the council when designated as delegates of a legislative body;
 - d. explicitly state when their opinions and positions do not represent the council when representing their individual opinions and positions, and shall not allow the inference that they do (see also Rule 13.1.c); and
 - e. have the ability to lobby or discuss issues that have been adopted by legislative bodies or are standing policies of the legislative bodies with other legislators, government officials, applicants, or other interested persons.

G. Conduct with Boards and Commissions

1. Members shall:
 - a. treat all members of boards and commissions with appreciation and respect; and
 - b. refrain from participation at board and commission meetings with the purpose of influencing the outcome of those meetings.

H. Conduct with the Media

1. Members shall not discuss, or go "off the record" with the media to discuss, confidential or privileged information pertaining to closed sessions, or attorney-client privileged or attorney work product communications, including personnel, litigation, or real property negotiations.
2. Providing non-confidential, non-privileged background information is acceptable.

I. Ethical Conduct

1. Members shall receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code section 53234 et seq.³ every two years.
2. Members shall conduct themselves in accordance with such training.

CHAPTER 4 – CONDUCT OF CITY STAFF

A. General Conduct

1. City staff shall:
 - a. prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
 - b. be available for questions from members in accordance with the Brown Act prior to and during meetings;
 - c. respond to questions from the public during meetings only when requested to do so by members or the city manager;
 - d. refrain from arguing with the public or members; and
 - e. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during council meetings.
2. Staff shall remain objective on issues and should not be advocates for issues unless so directed by the legislative body.
3. To the extent permitted by the Brown Act, the city manager and staff shall inform the mayor and members representing the districts affected of controversial, significant-impact issues that are coming before the legislative body. The information shall be provided at least two weeks prior to the legislative body's meeting, unless circumstances do not allow for such advance notice.
4. The city manager shall advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.
5. The city manager shall make available an informational briefing for member's staff for items affecting the city and items on, or potentially on, the council agenda. Briefings shall include necessary department staff and shall take place no later than six days preceding potential council action.

CHAPTER 5 – CONDUCT OF THE PUBLIC

A. General Conduct

1. Decorum.
 - a. Members of the public attending council meetings shall observe the same rules and decorum applicable to the members and staff as noted in chapters 3 and 4 of these Rules.
 - b. No person shall engage in conduct that is intended to or is likely to provoke violent or riotous behavior, nor shall any person engage in conduct that disturbs the orderly conduct of the council meeting. Examples of disorderly conduct include feet-stamping, whistling, yelling or shouting, organized silent demonstrations, physically-threatening conduct, and similar demonstrations.
 - c. The presiding officer shall request that a person who is breaching the rules of decorum cease the conduct. If the person does not cease the conduct immediately, the presiding officer may order the person to leave the council meeting. The sergeant-at-arms shall assist the presiding officer in enforcing the rules of decorum, including removing disorderly persons upon order of the presiding officer.
2. Lobbyists shall identify themselves and the client(s), business, or organization they represent before speaking to the council.⁴
3. Members of the public wishing to provide documents to the council shall comply with Rule 7.D.

B. Addressing the City Council

1. Purpose of public comment. During regular meetings, the city provides opportunities for the public to address the council as a whole in order to listen to the public's opinions regarding agenda items and unagenda matters within the subject matter jurisdiction of the city. At all other meetings, public comment is limited to agenda items.
 - a. Public comments should not be addressed to individual members nor to city officials, but rather to the council as a whole regarding city business.
 - b. While members of the public may speak their opinions on city business, personal attacks on members and city officials, use of swear words, and signs or displays of disrespect for individuals are discouraged as they impede good communication with the council.
 - c. Consistent with the Brown Act, the public comment periods on the agenda are not intended to be "Question and Answer" periods or conversations with the council and city officials. The limited circumstances under which members may respond to public comments are set out in Rule 8.D.2.

- d. Members of the public with questions concerning Consent Calendar items may contact the staff person or the member whose district is identified on the report prior to the meeting to reduce the need for discussion of Consent Calendar items and to better respond to the public's questions.
2. Speaker time limits. In the interest of facilitating the council's conduct of the city's business, the following time limits apply to members of the public (speakers) who wish to address the council during the meeting.
 - a. Matters not on the agenda. Two minutes per speaker.
 - b. Consent Calendar items. The consent calendar is considered a single item, and speakers are therefore subject to the two minute time limit for the entire consent calendar. Consent calendar items can be pulled at a member's request and will be considered individually, with up to two minutes of public comment per speaker.
 - c. Discussion Calendar items. Two minutes per speaker.
 - d. Time limits per meeting. In addition to the above time limits per item, the total amount of time any one speaker may address the Council at any meeting is eight minutes.
 - (i) Each speaker shall limit his/her remarks to the specified time allotment.
 - (ii) The presiding officer shall consistently utilize the timing system, which provides speakers with notice of their remaining time to complete their comments. A countdown display of the allotted time will appear and will flash red at the end of the allotted time.
 - (iii) In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group, but with no increase in time.
 - (iv) Speakers shall not concede any part of their allotted time to another speaker.
 - (v) The presiding officer may further limit the time allotted for public comments per speaker or in total for the orderly conduct of the meeting; such limits shall be fairly applied.
3. Speaker slips. Members of the public wishing to speak to the council should complete, and turn into the city clerk prior to the item being called, a speaker's slip indicating the agenda item or off-agenda item that they wish to address and wait to be called upon by the presiding officer.

C. Electronic Devices

1. Members of the public shall turn their electronic devices that are capable of emitting sound – including cellular telephones, personal data devices, pagers, digital tablets, laptop computers, etc. – to the off- or silent-mode during council meetings.
2. Cameras. Cameras and recording equipment may be used during council meetings only if:
 - a. the devices are silent during use; and
 - b. the devices are used in a manner and at locations that do not impede walkways or others views of the meeting or disrupt the conduct of the meeting.

D. Location of Speaker

1. Members of the public shall not approach the dais without the express consent of a council member.
2. Members of the public wishing to address the council must approach the podium when recognized by the presiding officer or city clerk, and speak only from the podium.

CHAPTER 6—MEETING TYPES AND SCHEDULES

A. Regular Meetings

1. The council shall meet after 5:00 p.m. not less than one evening each week, not including its four weeks of recess annually.⁵
2. The council shall meet each Tuesday generally beginning at 6:00 p.m. in the City Hall Council Chamber, 915 I Street, First Floor, Sacramento, California, except as otherwise provided in the annually-adopted meeting schedule or as otherwise revised by the council.
3. Whenever possible, special workshops shall take place in the council chamber.

B. Adjourned Meetings

As permitted by law, the council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the motion of adjournment.

C. Special Meetings

The mayor or a majority of the members may call a special meeting by providing notice 24 hours in advance of the meeting to the mayor, to all members, and to all media outlets and persons having requested in writing notification of such meetings pursuant to state law.

D. Emergency Meetings

1. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the legislative body may hold an emergency meeting without complying with either the 72-hour or 24-hour notice and posting requirements for regular and special meetings, but shall otherwise comply with the Brown Act procedures generally stated below.
2. Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to the Brown Act, shall be notified by the presiding officer of the legislative body, or designee thereof, at least one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the emergency meeting.
3. This notice shall be given by telephone call to the numbers provided in the most recent request for notification.

4. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.
5. During an emergency meeting, the legislative body may meet in closed session pursuant to the Brown Act if agreed to by a two-thirds vote of the members present, being not less than five votes of the council.
6. All special meeting requirements in the Brown Act shall be applicable to an emergency meeting, with the exception of the 24-hour notice and posting requirement.
7. The minutes of an emergency meeting; a list of persons who the presiding officer of the legislative body, or designee of the council, notified or attempted to notify; a copy of the roll call vote; and any actions taken at the meeting, shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

E. Closed Sessions

1. Closed sessions generally shall be conducted weekly or during special meetings held immediately prior to regular meetings.
2. In accordance with the Brown Act, the public may speak regarding any closed session item prior to the closed session.
3. All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the closed session. Any member sharing information in violation of this rule may be subject to censure by the council consistent with the council's confidentiality policy then in effect.
4. The city attorney shall report out in public session any reportable actions that were taken by council and the vote on such actions in accordance with the Brown Act.⁶

F. Public Hearings

1. The city clerk shall set council hearing dates and notify the council via the preliminary agenda on all matters that require a notice and public hearing before the council, such as matters received from the planning division and appeals to the council.
2. Public hearings will not be withdrawn or continued without the full knowledge and concurrence of the members within whose districts/jurisdiction the issue resides.
3. The council may refuse to grant a continuance of any hearing unless there is a valid legal reason why the hearing must be continued.

4. Continuances.

- a. Any person (applicant, appellant, or designated representative) scheduled for a public hearing before the council:
 - (i) may obtain one continuance for a period not to exceed the second regular meeting after the original scheduled hearing date, as a matter of right, without personally appearing before the council on the scheduled hearing date, provided a written request for the continuance must be delivered to the city clerk by noon on the day prior to the scheduled public hearing. Any person who has once obtained a continuance by any procedure, may not obtain a subsequent continuance by notifying the city clerk as provided in this Rule 6.F..a(i).
 - (ii) who wants to obtain a continuance of the hearing beyond the second regular meeting after the original scheduled hearing date, or has not notified the city clerk as provided in Rule 6.F.4.a(i), may obtain a continuance only by appearing before the council at the time the original hearing is scheduled and requesting a continuance. This continuance is not a matter of right and will not be granted unless the council is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.
 - (iii) who has once obtained a continuance of a hearing either by notice to the city clerk per Rule 6.F.4.a(i) or by personal appearance per Rule 6.F.4.a(ii), may obtain a further continuance only by appearing before the council at the scheduled hearing and satisfying the council that extraordinary circumstances exist that would justify this second continuance.
 - (iv) who has twice obtained a continuance of a hearing, may obtain an additional continuance only by appearing before the council at the scheduled hearing and satisfying the council that a miscarriage of justice would result from the refusal of the council to grant a continuance.
- b. City staff may obtain a continuance based on the need of the originating department or on behalf of a member. Department staff may request, via the city clerk, as many continuances as needed to complete and ready the project or appeal for the hearing process; however, staff may not serve as a requestor on behalf of an applicant or appellant.
- c. Any organized group of residents or neighborhood associations, not recognized as an applicant or appellant, may contact their council member and request a continuance as needed to complete and ready the project or appeal for the hearing process. The member, in his or her sole discretion, may request the council approve the continuance for good cause.
- d. Disputes regarding the length of a continuance will be decided by the council at the scheduled hearing if city staff or the city clerk cannot obtain mutual agreement between the parties beforehand.

G. Teleconferenced Meetings

Members of the public wishing to attend meetings and address the council via teleconference or other electronic device may do so only at duly-noticed teleconference locations set from time to time for members' attendance in accordance with the Brown Act.

H. Televised Meetings

Meetings held in the council chambers are generally telecast via local cable television and available via streaming video on the city's official website.

CHAPTER 7- MEETING AGENDAS

A. Requirements for Agenda Item Submission

1. The city manager and city clerk shall develop the agenda for council meetings in consultation with the mayor and vice mayor.
2. Members may submit items for inclusion on a future agenda by orally making the request under Council Ideas, Comments, and Questions.
3. Charter officers may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
4. The city auditor and independent budget analyst may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
5. Department directors, subject to the discretion of the city manager, may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda
6. Outside agencies may submit agenda items in accordance with the following:
 - a. Items from outside agencies must be sponsored for agenda placement by members, charter officers, or department staff; and
 - b. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.

B. Declaration of Policy

1. No ordinance, resolution, motion, or item of business shall be introduced or acted upon at a meeting of a legislative body of the city without it appearing on a duly noticed and posted agenda in accordance with the Brown Act. Exceptions to this rule are limited to those provided by state law.
2. No ordinance, resolution, motion, or item of business will be considered that:
 - a. does not affect the conduct of the business of the City of Sacramento or its powers or duties as a municipal corporation, or
 - b. supports or disapproves of any legislation or action
 - (i) of the State of California;
 - (ii) of the Congress of the United States; or
 - (iii) before any officer or agency of the state or nation,
 - c. unless the proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers or duties of the City of Sacramento or its officers or employees.
 - d. Rule 7.B.2 may be invoked only before public comment or council deliberation on the matter and by five affirmative votes on the question: "Shall the council consider this matter?"

C. Procedures for Submission of Reports

1. A written staff report should be prepared and submitted to agenda review in accordance with the agenda review procedure.
2. Staff reports shall include a section reflecting review by the city attorney as appropriate.
3. "Continued" items do not require a new report if there are no changes other than the agenda date. If there is any other change, a new report meeting all applicable requirements must be submitted.

D. Written Communications from the City and the Public

1. The city clerk shall manage communications to members regarding meeting topics to ensure compliance with the Brown Act.
 - a. Except for records exempt from disclosure under the California Public Records Act⁷ and otherwise by law, agendas or any other writings distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public, and shall be made available upon request without delay.
 - b. Materials distributed to the members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the city or a member, or at the conclusion of the meeting if prepared by another person.⁸
2. Interested parties or their authorized representatives may address the council by written communications regarding agenda items. Such written communications received by the city clerk prior to close of business on the eighth day preceding the council meeting will be included in the agenda packet material.
3. Written communications received by the city clerk after such deadline will be delivered to members at the city council meeting if related to an item on that meeting agenda.
4. Documents (15 copies recommended) that members of the public submit to the city council at the meeting shall be given directly to the city clerk for distribution and shall not be given directly to the council. The documents will be available to the public.

E. Preparation of the Agenda Packet

1. No later than noon on the Thursday prior to each regularly scheduled meeting, the city clerk shall finalize the agenda packet.
2. Agenda Packet Contents.
 - a. The agenda packet shall include the agenda, the staff reports, draft resolutions and ordinances, contracts, and other attachments. Items noted as “To Be Delivered” on the agenda will be delivered and published to the city’s website upon receipt by the city clerk. No item shall be required to be considered by the council if the applicable written material is not delivered to the council before the meeting and made available to the public at the same time.
 - b. Corrections or supplements to a staff report or other written materials already included in the agenda packet may be delivered separately.
 - c. All agreements on the agenda shall be available for review by the council and the public prior to the meeting, or at the meeting location during the meeting, unless determined otherwise by the city attorney.
 - d. Unless waived by a 2/3 vote of council, all labor agreements and all agreements greater than \$1,000,000 shall be posted on the city’s website and be made available to the public at least 10 days prior to council action.

F. Distribution of the Packet

1. The city clerk shall distribute the agenda packet to the members and persons requesting copies of the agenda packet no later than Friday at noon prior to the regularly scheduled meeting.
2. Paper or electronic copies of the agenda packet shall be available for the news media and other such organizations, agencies, institutions, or persons who so subscribe.

G. Posting of Agenda

1. The city clerk shall post the agenda of each regular or adjourned regular meeting of the legislative body at least 72 hours in advance of the meeting in a location that is freely accessible to members of the public as required by the Brown Act.
2. The city clerk shall maintain an affidavit indicating the location, date, and time of posting each agenda.
3. Agendas will generally be published to the city’s website by the end of business on the Thursday before regular meetings.
4. Agenda reports including attachments, exhibits, and agreements will generally be published to the city’s website by end of business on the Friday before regular meetings.
5. If technical difficulties occur, the agenda and reports will be published on the city’s website as soon as those difficulties are resolved.

H. Failure to Meet Agenda Deadlines

1. The city clerk shall not, without the consent of the city manager or city attorney, accept any agenda item or revised agenda item after the deadlines established and noted in these Rules.

I. Exceptions to the Agenda Requirement

1. Matters not included on the published agenda may be discussed and acted upon by the legislative body only in the following situations:
 - a. at a meeting during which a majority of the members determine in open session that the matter in question constitutes an "emergency"⁹; or
 - b. Upon a determination by two-thirds of the members, or if less than two-thirds are present by unanimous vote of the members present, that:
 - i) there is a need to take immediate action; and
 - ii) the need for action came to the attention of the city after the agenda had been posted; or
 - c. the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

J. Types of Agenda Items

1. Closed Sessions-confidential discussions with the legislative body as permitted by the Brown Act.
2. Ceremonial Matters-the presentation and receipt of ceremonial resolutions and celebrations not requiring formal legislative body action.
3. Administrative Matters-consent items making clerical corrections to previous legislative documents and to ensure accurate legislative history.
4. Consent Calendar-considered one item, consisting of matters routine in nature and not likely to be subject to debate or inquiry by the members or the public; typically adopted in one motion.
5. Public Hearings-duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the council.
6. Discussion Calendar-non-routine items requiring an oral presentation and discussion before action is taken.
7. Information Items-items when staff is required by federal or state law or city code to inform council of an issue when authority has been delegated to a person, position, board, or commission.
8. Public Comment-oral communications from the audience regarding matters not on the agenda but within the subject matter jurisdiction of the city.

9. Council Ideas, Comments, and Questions:

- a. Brief oral or written reports summarizing meeting or conference attendance at city expense, as required by AB 1234;¹⁰
- b. Requests that city manager or staff report on various issues;
- c. Requests to place items on a future council meeting agenda;
- d. Requests to refer preparation or review of non-binding resolutions or ordinances to the Law and Legislation Committee; and
- e. Reports on district and citywide activities or news.

K. Ordinances and Non-Binding Resolutions

1. Ordinance and non-binding resolution preparation shall be referred to the Law and Legislation Committee before coming to council as described in Rule 13.A.2.
2. Ordinances on the agenda may be passed for publication or adopted in accordance with the procedures in the city charter.¹¹

CHAPTER 8- CONDUCT OF MEETING

A. Call to Order – Presiding Officer

1. The mayor, or in the mayor's absence the vice mayor, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the council to order.
2. In the absence of the mayor and vice mayor, the clerk shall call the meeting to order and a mayor *pro tempore* shall be appointed from the members present.
3. Upon the arrival of the mayor, the vice mayor shall immediately relinquish the chair at the conclusion of the business then before the council.

B. Roll Call/Attendance

1. A majority of the members of the council then in office shall constitute a quorum.
2. Before the council proceeds with the business before it, the city clerk shall note the members present for the minutes. The late arrival of members shall be entered into the minutes.
3. A member shall be considered present at a meeting if the member is either physically in the council chamber or is participating in the meeting through teleconference in accordance with the Brown Act. (See endnote 4.) Meeting attendance of members through teleconference will be permitted only in extraordinary circumstances such as a medical condition that physically disables the member from attending in person.
4. Members attending a council meeting through a teleconference are not counted when determining a quorum.
5. Members must be physically present at the council chamber dais or teleconference location to vote. Proxy or absentee voting is not permitted.

C. Order of Discussion

The order of business is typically carried out as listed on the agenda or as set out below; however, the mayor may reorder the items, unless members object. Members may request items be reordered by motion.

1. Public Comment will be held at the end of the meeting prior to council comments.
2. Consent Calendar items removed for discussion
 - a. Members, the city manager, or other charter officers may request that any matter be removed from the Consent Calendar.
 - b. All matters remaining on the Consent Calendar shall be approved by a single action, such single action to have the legal effect of individual action on each matter.
 - c. The city clerk shall read into the record each item removed from the Consent Calendar.
 - d. If Consent Calendar items are removed, they shall be discussed immediately after adoption of the balance of the Consent Calendar.
3. Public Hearings.

- a. The order of public hearings will generally be as follows:
 - (i) Staff comments, information, and reports, followed by member questions.
 - (ii) Proponent, if applicable, speaks, followed by member questions.
 - (iii) Opponent, if applicable, speaks, followed by member questions.
 - (iv) If the public hearing is on an appeal that does not require council *de novo* review, then the appellant (opponent) speaks before the applicant (proponent) in accordance with the allotted time.
 - (v) Public comments.
 - (vi) If the public hearing is a *de novo* review appeal, the applicant speaks in rebuttal, but if not a *de novo* review appeal, the appellant speaks in rebuttal.
 - (vii) Closure of public hearing.
 - (viii) Further member discussion, motion, and action. See Rule 6.F regarding continuances.
 - b. The presiding officer may direct speakers to avoid repetition in order to permit maximum information to be provided the council within the time allotted to the hearing.
4. Discussion Calendar.
 - a. The order of discussion after introduction of an item by the mayor will generally be as follows:
 - (i) Staff comments, information, and reports, followed by questions from the members.
 - (ii) Public comments and information, followed by questions from the members.
 - (iii) Member discussion, motion, and action.
 - b. Once the item is placed before the council for discussion, motion, or action, no member of staff or the public shall be allowed to address the council without the consent of the mayor or members.

D. Oral Communications from the Audience

1. As required by the Brown Act, a portion of each council meeting agenda will provide an opportunity for members of the public to address the council on any agenda item, including closed session and consent calendar items. Regular meeting agendas also will provide for public comment on any unagenda item that is within the subject matter jurisdiction of the city.

2. In response to public comment on non-agendized items, the members may individually:
 - a. briefly respond to statements made or questions posed by members of the public;
 - b. ask questions for clarification;
 - c. provide a reference to staff or other resources for factual information or response;
 - d. request staff to report to the council at a subsequent meeting; and
 - e. request staff to place a matter of business on a future agenda as needed.

E. Quorum Call

1. During the course of the meeting, should the presiding officer note a quorum is lacking, the presiding officer shall call this fact to the attention of the clerk.
2. The presiding officer then shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the presiding officer may declare a recess for a reasonable period of time in order to reestablish a quorum.
3. If no quorum is reestablished within a reasonable time, the presiding officer shall adjourn the meeting.

F. Obtaining the Floor

1. Any member wishing to speak must first obtain the floor by being recognized by the presiding officer. The presiding officer shall recognize any member who seeks the floor when appropriately entitled to do so.
2. With the concurrence of the presiding officer, a member holding the floor may address a question to another member and that member may respond while the floor is still held by the member asking the question. A member may opt not to answer a question while another member has the floor.

G. Motions

1. *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century* shall be used for the management of motions.

H. Voting

1. Requirements for Action.
 - a. Unless a higher vote is required by the city charter, the city code, or otherwise by law, the affirmative votes of at least five members of the council shall be required:
 - (i) for the council to take action on an item of business;
 - (ii) to pass any ordinance, resolution, or motion; or
 - (iii) to make or approve any order for the payment of money requiring council approval.
 - b. Any ordinance declared by the council to be necessary as an emergency measure and containing a statement of the facts constituting such emergency as provided in the city charter may be introduced and adopted at the same meeting if passed by at least six affirmative votes.

2. Voting Disqualification.

- a. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.
- b. A member shall openly state an abstention due to a conflict of interest or bias.
- c. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- d. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
- e. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.

CHAPTER 9- COUNCIL REQUESTS

A. General

1. Council requests that deal with policy issues and council requests that may be construed as direction shall be directed to the city manager, except for general inquiries or questions, in which case the council may go to the department directors or key staff in the City Manager's Office. Members may also deal directly with the city attorney, city clerk, city treasurer, city auditor, or other staff appointed by the council.
2. Council requests requiring funding must go through the city manager. The city manager shall respond in a timely manner.
3. Council requests to prepare or consider new ordinances or non-binding resolutions shall be made in accordance with Rule 13.B.

CHAPTER 10 – VACANCIES

A. Procedures

1. Per the city charter:¹²
 - a. Absence from five consecutive regular meetings of the council, unless excused by resolution of the council, shall operate to vacate the seat of the mayor or member so absent; and
 - b. A vacancy in the office of council member or mayor
 - i. shall be filled by special election called by the council as provided in the city charter,¹³ unless
 - ii. the vacancy occurs within one year of the next general election at which that office would normally be filled, in which case the vacancy shall be filled by appointment. The city clerk shall be directed to perform council-determined procedures and take the necessary actions to accomplish the recruitment and appointment of candidates as provided in chapter 2.40 of the city code.

CHAPTER 11– FACILITIES

A. Council Chamber Capacity

Council chamber attendance is limited to the posted seating capacity. The city manager shall appropriately regulate entrance to the council chamber when the council chamber capacity is likely to be exceeded. When legislative bodies are in session, members of the public shall not remain standing in the seating area or aisles of the council chamber. Sitting on the floor is not permitted. The sergeant-at-arms shall enforce this chapter.

CHAPTER 12 - CITY COUNCIL COMMITTEES/REGIONAL ORGANIZATIONS

A. General

1. The mayor shall make all appointments to council standing committees, subject to the approval of the council. The mayor shall make all appointments to council ad hoc committees.
2. A standing committee is a permanent committee of the council established to consider subjects of a particular class, with regularly scheduled meeting dates and times.
3. An ad hoc committee is a temporary committee of the council established for a special purpose and of limited duration.
4. Standing and ad hoc committees have fact-finding, informative, and recommendatory powers only, and such other powers delegated by the council.
5. The council intends that council committees, to the extent possible, conduct a full hearing on any matter referred to that committee before the committee refers the matter back to the council.
6. The city clerk shall maintain and keep on file a list of the standing committees, ad hoc committees, regional organizations, and joint powers agencies to which council members are appointed.

B. Standing Committees

1. General Guidelines
 - a. Standing committee appointments shall be made by the mayor each January.
 - b. Standing committees shall meet in the council chamber to allow for videostreaming and website access of meetings.
 - c. Standing committees are subject to the Brown Act. Standing committee agendas shall be prepared, posted, and distributed in accordance with the Brown Act stating the time and place of the meeting and the subject matters to be discussed.
 - d. A council member who is not a member of the standing committee may attend a standing committee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.
 - e. Except as provided in subsection f, all items on a standing committee's agenda shall first be referred to the committee by the council for review, with a recommendation returned to the council within 120 days, subject to the exceptions set forth below or as otherwise modified by the council.
 - f. With approval of the city manager or committee chair, an item may be sent directly to a standing committee without council referral. If a matter is so referred to a standing committee, the committee agenda shall note that fact on the face of the agenda and the committee chair shall notify the council. Such referrals are not required to be forwarded to the council unless council action is recommended by the standing committee.

- g. The city manager shall assign staff to assist the committee chair with the operation of the committee.
 - h. The committee chair shall approve committee agendas and be provided draft reports prior to being published.
2. As of the date of adoption of these Rules there are three existing standing committees: the Law and Legislation Committee (Chapter 13); the Personnel and Public Employees Committee (Chapter 14); and the Audit Committee (Chapter 15). Each of these committees has four members. The quorum for each standing committee is three.

C. Ad Hoc Committees

1. Establishment.
- a. The mayor or a majority of the council may request the creation of an ad hoc committee
 - b. The city manager or department director, together with the city attorney, shall work with the appropriate supporting department(s) and determine the scope and approximate duration the ad hoc committee will be needed.
 - c. The department director shall submit a request to the mayor, with a copy to the city clerk, requesting the creation of and appointment of up to four members to an ad hoc committee.
 - d. Council members who are not ad hoc committee members shall not attend ad hoc committee meetings.
 - e. Once the ad hoc committee has completed its task, the supporting department shall submit a report to the mayor, with a copy to the city clerk, stating completion of the ad hoc committee tasks and request the dissolution of the ad hoc committee.
 - f. The City Clerk will provide a report to Council announcing the dissolution of the ad hoc committee.
2. Scheduling.
- a. Once an ad hoc committee has been established, all meeting requests shall be directed to the city clerk for coordination with member's calendars and to set a meeting location. Once confirmed, the city clerk shall notify the members, mayor's office, city manager (or designee), and the city attorney (or designee) of the meeting details.

D. Regional Organizations

The mayor shall appoint council representatives to the regional organizations and joint powers agencies listed in the documents maintained by the city clerk, subject to council approval.

Chapter 13 – LAW AND LEGISLATION (LAW AND LEG) COMMITTEE

A. Authority; Purposes

1. Authority to Represent City Positions.
 - a. The Law and Leg Committee has the authority to take positions on behalf of the city on state and federal legislation.
 - b. The mayor or the chair of Law and Leg Committee has the authority to take positions on behalf of the city when the need to react quickly does not allow for a matter to be considered by the Law and Leg Committee.
 - c. Except as provided in subsections a and b, no person or committee has authority to represent the council on policy matters, unless that authority has been granted by the council or the information is limited to a factually accurate statement of the council's publicly-adopted position.
2. Purposes. The purposes of the Law and Leg Committee are to consider, evaluate, conduct fact-finding, and recommend to council positions on proposed city ordinances and non-binding resolutions.

B. Procedures

1. Ordinances and Non-Binding Resolutions.
 - a. Except as provided in subsection b, all requests to prepare, amend, draft, or process ordinances and non-binding resolutions shall be made by one or more members, or city manager, during a council meeting in open session or by city staff, and shall be referred to the Law and Leg Committee. The requesting member(s) or staff shall be considered the sponsor. City staff shall to work directly with the sponsor in developing the proposed ordinance language.
 - b. Ordinances not requiring Law and Leg Committee review prior to council review and adoption are those that are:
 - (i) deemed urgent by the mayor or city manager;
 - (ii) voted on by the majority of council to bypass the Law and Leg Committee;
 - (iii) voted on by the majority of the Law and Leg Committee to go to council without full Law and Leg Committee review;
 - (iv) zoning code amendments for specific development projects; or
 - (v) adopting property-related fees or fee increases that require public notice before the Utilities Rate Advisory Commission.
 - c. Ordinances and non-binding resolutions referred by city staff or by members during a council meeting shall be placed on the municipal legislation log, with new items placed at the end of the log, to establish a priority order; provided, the Law and Leg Committee or council may reorder the priority.
 - d. The log will be scheduled for the consent agenda at every Law and Leg Committee meeting. Any committee member may pull the item from consent for discussion.

- e. Items placed on the log must be approved by the committee's adoption of the log before scheduling the item for discussion on the Law and Leg Committee agenda.
- f. Items on the log may be removed at the request of the sponsor. Staff shall note the removal request on the log and remove the item after the log has been approved by the committee.
- g. The log shall be brought to the council quarterly to confirm council's continued interest in the items and the priority status of the items.
- h. A vote of a majority of the members present is required to approve a recommendation to council. A two-two vote results in an item being forwarded to council without a recommendation.
- i. If a Law and Leg Committee item fails to receive the votes required under Rule 13.B.1.h to forward the item with or without recommendation, any member during the Council Ideas, Comments, and Questions portion of a council meeting may request the item be placed on a future council agenda.

CHAPTER 14 – PERSONNEL AND PUBLIC EMPLOYEES COMMITTEE

A. Purposes

The purposes of the Personnel and Public Employees Committee are to:

1. review applications received for membership to various city boards, commissions, and committees;
2. conduct interviews for such membership appointment; and
3. make recommendations to the mayor concerning such appointments.

B. Procedures

1. Applications for city boards, commissions, and committees shall be reviewed by the Personnel and Public Employees Committee.
2. Recommendations by the Personnel and Public Employees Committee shall be submitted to the city clerk for distribution to the mayor.
3. The mayor, or the city clerk on the mayor's behalf, shall announce appointments at the council meeting during Council Ideas, Comments, and Questions.
4. After the mayor's appointments, the city clerk shall submit a report for the council agenda requesting confirmation of the appointments.
5. A vote of a majority of members present is required to forward Personnel and Public Employees Committee appointment recommendations to the council, in accordance with Chapter 16.

C. Exceptions

The procedures in this chapter 14 shall not apply to recommendations for appointments to the Parks and Recreation Commission, except as provided in city code chapter 2.62; nor to the Planning and Design Commission, except as provided in city code chapter 2.60.

CHAPTER 15 — AUDIT COMMITTEE

A. Purposes

The purposes of the Audit Committee are to:

1. Assist the council in overseeing and supervising the city auditor; and
2. Assist the council in enhancing the city's ability to:
 - a. improve the effectiveness and efficiency of city operations;
 - b. improve the city's fiscal operations; and
 - c. comply with city policies, procedures, and regulatory requirements.

B. Procedures

1. The Audit Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, and updates from the city auditor.
2. The Audit Committee may:
 - a. receive, review, and forward to the council, when relevant to city audits, any reports from the city treasurer, the department of finance, other city offices, or external auditors; and
 - b. propose that the council adopt ordinances, resolutions, or take other actions, provided that such ordinances, resolutions, or actions are within the jurisdiction of the Audit Committee.
3. A vote of a majority of the members present is required to approve a recommendation to council. A two-two vote results in an item being forwarded to council without a recommendation.
4. If an Audit Committee item fails to receive the votes required under Rule 15.B.3, any council member during the Council Ideas, Comments, and Questions portion of a council meeting may request the item be placed on a future council agenda.

CHAPTER 16– BOARDS AND COMMISSIONS

A. Vacancies and Appointments

1. When any vacancy occurs on a board or commission, the city clerk shall announce that vacancy pursuant to the standard outreach procedures. For routine vacancies, the announcement is made approximately six months prior to the date on which the vacancy is to occur. For non-routine vacancies, the announcement is made as soon as possible in order to maintain viable memberships on the various boards and commissions. The City Clerk's Office maintains the board and commission files, and performs all clerical and administrative support tasks related to the application process.
2. At the close of the application period, all applications received for the vacancy are referred by the clerk to the applicable council district, mayor, or the Personnel and Public Employees Committee for review and recommendation.
3. Following review, the member or Personnel and Public Employees Committee Chair shall send the board and commission nomination(s) to the city clerk for distribution to the mayor.
4. After reviewing the submitted nomination(s) made by the member or Personnel and Public Employees Committee, the mayor shall make an appointment to fill the vacancy at a regular council meeting.
5. At the next regular council meeting (but not sooner than six days) following the meeting at which the mayor made the appointment, the council shall vote whether to confirm the appointment.
6. If the council does not approve the appointment, then the mayor shall make another appointment, and at the next regular meeting following the meeting at which the subsequent appointment was made, the council shall vote whether to confirm the new appointment.
7. This procedure shall followed until an appointment has been approved by the council. No request by a member to delay the appointment or approval will be allowed unless approved by a majority vote of the council.
8. At the direction of the council, all vacancies, application periods, and close of application periods for boards and commissions shall be monitored and maintained by the city clerk in compliance with the Maddy Act.14
9. In making nominations and appointments to city boards and commissions, the mayor, Personnel and Public Employees Committee, and council district member should consider persons of various ethnicities, ages, genders, education, and occupational experience as reflected in the general population of the city; and should, as appropriate for the vacancy, consider persons from all districts of the city.

B. Exceptions

The procedures in this chapter 16 shall not apply to recommendations for appointments to the Parks and Recreation Commission, except as provided in city code chapter 2.62; nor to the Planning and Design Commission, except as otherwise provided in city code chapter 2.60.

END NOTES

- 1 Sacramento City Charter, § 30 (Rules, Quorum and Voting).
- 2 California Government Code, § 54950 et seq.
- 3 California Government Code, § 53234 et seq.
- 4 Sacramento City Code, § 2.15.160 (Lobbyist Identification).
- 5 See Sacramento City Charter, § 31 (Meetings).
- 6 California Government Code, § 6250 et seq.
- 7 California Government Code, § 54957.5(b).
- 8 Government Code section 54957.5(b)
- 9 California Government Code, § 54956.5.
- 10 AB 1234, codified at California Government Code, § 53232.3.
- 11 Sacramento City Charter, § 32 (Ordinances).
- 12 See Sacramento City Charter, § 28 (Vacancies), and § 46 (Mayor Vacancy).
- 13 See Sacramento City Charter, § 154 (Special Elections to Fill Vacant Offices).

et seq. *abbr. Lat.*

et sequens (and the following one or ones)

Non-Binding Resolution

A non-binding resolution is a resolution in which the council declares its position and opinions on an issue, policy, or other matter that the council lacks legal authority to establish or regulate, but that the council determines is of such importance that the council should make the symbolic gesture of adopting a resolution declarative of council's position.

Quasi-judicial

Quasi-judicial action means any council action that implicates constitutionally protected property or liberty interests, such as issuance or denial of discretionary land use permits, subdivision maps, business licenses, and other similar action in which a property interest is at stake and the council is charged with applying legal standards to a specific factual situation.

Sergeant-at-Arms

The sergeant-at-arms is the principal law enforcement official of the legislative body and is charged with maintaining security within the chamber (meeting location) and surrounding areas. The sergeant-at-arms also enforces protocol and ensures public decorum is followed as noted in the body's rules of procedure.

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Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century



MISSION:

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

VISION:

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



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

About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

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Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. Rules should establish order. The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.

3. Rules should be user-friendly. That is, the rules must be simple enough that citizens feel they have been able to participate in the process.

4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct.

The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

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

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

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

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

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

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

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

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

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

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

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move ...” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

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

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

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

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

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

To Debate or Not to Debate

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

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

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

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

A motion to fix the time to adjourn.

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

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

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

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

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

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

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

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

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

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

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

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

If you are running the British Parliament, Robert's Rules of Order is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

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

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

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

Courtesy and Decorum

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

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

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

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

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

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

lege relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

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

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

Special Notes About Public Input

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

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

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

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

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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