



HANDBOOK OF RULES AND PROCEDURES

LATHROP CITY COUNCIL

PREFACE

As provided by California Government Code Section 36813, the City Council of the City of Lathrop establishes the Handbook of Rules and Procedures contained therein. The Handbook shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended or new rules are adopted in the manner provided herein.

In addition to the Handbook of Rules and Procedures, the City Council has included in this document other information, which may be useful to the City Council, administrative staff, and the general public. This document is to be known as “The Handbook of Rules and Procedures of the City Council of the City of Lathrop.”

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**CITY OF LATHROP
CITY COUNCIL
RULES AND PROCEDURES**

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CHAPTER I – GENERAL POWERS and DUTIES

A. **Legislative Body:**

The governing legislative body of the City of Lathrop is a City Council consisting of a Mayor and four Councilmembers, all elected by the qualified voters of the City at large. When reference to all the members of the City Council, inclusive of the Mayor and Councilmembers, is intended, use of the term “City Council” is an appropriate substitute for the term “Mayor and Councilmembers.”

B. **City Council Basic Power:**

All powers of the City are and shall be vested in the City Council, subject to the provisions of the Lathrop Municipal Code and to the Constitution and statutes of the State of California.

C. **City Council:**

1. **Mayor:** The Mayor shall hold office for a term of two years. The Mayor shall be sworn into office following certification of the general municipal election and continue in office until a successor qualifies.
2. **Councilmembers:** Councilmembers shall hold office for a term of four years. Two Councilmember offices shall be elected at each general municipal election. Each Councilmember elected shall be sworn into office following certification of the general municipal election and continue in office until a successor qualifies.

D. **Mayor as Presiding Officer:**

The Mayor shall be recognized as the official head of the City of Lathrop for all ceremonial purposes and by the Governor for military purposes. In the time of public danger or emergency, the Mayor may, with the consent of the City Council, cause order to be maintained and enforce laws. The Mayor shall be the Presiding Officer of the City Council and shall preside at the meetings of the City Council. The Mayor may move, second, and debate from the Chair, subject to such limitations of debate as are imposed on all Councilmembers by these rules and shall not be deprived of any of the rights and privileges of a Councilmember as such Presiding Officer. The Mayor shall possess no veto power.

The Mayor shall preserve strict order and decorum at all times. The Mayor may announce special rules for the consideration of a particular item on the agenda, such as, but not limited to: The length of time persons may speak, require that, if desirable, a spokesperson address the Council on behalf of a group of persons and, in the event of a hearing, provide time for arguments and rebuttals from proponents and opponents. The Mayor shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the City Council, in which event a majority vote of the City Council shall govern and conclusively determine such question of order. The Mayor is eligible to vote on all motions, and shall direct the order of participation of Councilmembers. The Mayor shall, in all instances, have

the last chance to speak. The Mayor shall sign all ordinances and resolutions adopted by the City Council during the Mayor's presence.

E. Vice Mayor:

In the absence of the Mayor, the Vice Mayor shall possess and perform the power and duties of the Mayor. In that capacity, the Vice Mayor shall sign ordinances and resolutions adopted in his or her presence.

F. Vice Mayor Selection:

The Vice Mayor shall be appointed by the Mayor for a one year term at the first meeting in December. If, in any year in which an election for Mayor or Council takes place, and the first meeting in December occurs prior to the certification of the election results, then action under this section shall be delayed to the next meeting of the City Council, either regular or special.

G. Rules of Procedures:

1. The City Council shall determine its own rules of procedures and amend them from time to time, or adopt new rules as it deems necessary. Amendment to or adoption of new City Council Rules shall be accomplished by majority vote.
2. Any Councilmember may move the Mayor to enforce the rules and a majority vote of the City Council shall require the Mayor to so act.

H. Interference in Staff Functions:

The City Council shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member thereof, shall give orders to subordinates of the City Manager. No member of the City Council shall publicly criticize or censure any staff member of the City, and shall instead relay any criticism of a staff member privately through the City Manager.

The City Council shall deal with the Office of the City Attorney only through the City Attorney, except for purpose of inquiry, and neither the City Council nor any member thereof, should give order to subordinates of the City Attorney.

I. Council Position on Ballot Measure(s):

A 4/5 vote will be required for support or opposition on a ballot measure.

J. Protests

The Mayor and any Councilmember shall have the right to have the reasons for his or her dissent from or protest against, any action of the City Council entered into the minutes.

CHAPTER II – CITY COUNCIL MEETINGS

A. **Regular Meetings:**

Regular meetings of the City Council shall be open to the public and held on the second Monday of every month at the hour of 7:00 p.m. In the event that a closed session item or items, as that term is defined in the California Government Code section 54954.5, as amended from time to time, is required, it shall be adjourned to commence at a time prior to 7:00 p.m. depending on the amount of time required for the matter and shall be adjourned and/or continued at 7:00 p.m.

Whenever the day fixed for any regular meeting of the City Council falls upon a day designated as a holiday, such meeting shall be held at the same hour on the next succeeding Monday not a holiday.

B. **Special Meetings:**

A special meeting may be ordered at any time by the Mayor whenever the public business may require it or upon the request from three members of the City Council. Whenever a special meeting shall be called, notice of such meeting shall be provided pursuant to State law.

C. **Study Sessions:**

The City Council may meet in a “study session” called as a Special Meeting for the purpose of acquiring information on a particular subject(s). Study sessions shall be open to the public. Study sessions are not public hearings; however, public input will be received. The City Council may not vote or otherwise express consensus or intent, and will not take any final action at a study session. The public shall be entitled to be heard at a subsequent meeting of the City Council prior to final action being taken.

D. **Agenda:**

In order to facilitate the orderly conduct of the business of the citizens of Lathrop, the City Clerk shall arrange an agenda of such matters as may have been timely provided for inclusion in the agenda. Each member of the Council shall be provided with a copy of the City Council agenda on the Wednesday prior to the City Council meeting. In order for this to occur, the City Clerk shall provide deadlines for the submittal of staff reports for inclusion in agendas.

E. **Duties of Presiding Officer:**

In addition to the duties described in Chapter I, Item D, referenced above, the Mayor shall act as the Presiding Officer at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council. The Mayor or Presiding Officer shall state each question coming before the City Council, and shall restate each question immediately prior to calling for the vote. Following the vote, the Mayor or Presiding Officer shall announce the results of the vote. The Mayor or Presiding Officer is eligible to vote on all questions, and shall direct the order of participation of Councilmembers. The Mayor or Presiding Officer shall, in all instances, have the last chance to speak.

F. Call to Order:

The meetings of the City Council shall be called to order by the Mayor, or in the Mayor's absence, by the Vice Mayor. In the absence of the Mayor and the Vice Mayor, the meeting shall be called to order by the most senior Councilmember present. This person shall serve as the Council's presiding officer until the arrival of the Mayor or Vice Mayor, or until adjournment of the meeting.

G. Roll Call:

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the City Council and the names of those present and those absent shall be entered into the minutes of the meeting. The Presiding Officer shall announce that a late Councilmember has arrived for the benefit of the television audience.

H. Quorum:

Three members of the City Council shall constitute a quorum for the transaction of business. A majority of a quorum shall be sufficient to pass any action taken by the City Council except on such matters, which, by law, require a greater majority. All ordinances, all resolutions, and all orders for the payment of money, require at least three (3) affirmative votes.

I. Lack of Quorum:

If a majority of the City Council are absent from any meeting, the remaining members of the City Council may declare the meeting adjourned to a stated time and place and shall cause to be prepared a written notice of the adjournment and conspicuously post it at the entrance to the Council Chambers within 24 hours of adjournment. If all members of the City Council are absent from a regular or adjourned regular meeting, the City Clerk may adjourn the meeting to a stated time and place, and cause a notice to be posted in the same manner as above.

J. Recognition to Speak, Councilmember:

Every Councilmember desiring to speak shall address the Mayor or Presiding Officer and, upon recognition by the Mayor or Presiding Officer, shall confine his or her remarks to the question under debate. The Presiding Officer shall recognize all requests to speak by Councilmembers.

1. ***Interruptions:***

A Councilmember, once recognized, shall not be interrupted while speaking unless called to order; unless a motion to raise a point of order is raised by another Councilmember, or unless the Councilmember speaking chooses to yield to questions from another Councilmember.

2. ***Challenged While Speaking:***

A Councilmember, challenged while speaking, shall cease speaking until the point of order is determined. The Councilmember shall be permitted to proceed if ruled to be in order. Conversely, the Councilmember shall remain silent or alter any remarks to comply with rules of the City Council if found not to be in order.

3. ***Public Hearings:***

Councilmembers should not speak to the merits of an issue, other than to ask questions, until the public hearing has been closed. If the agenda item is an appeal of other than a legislative matter, Councilmembers should acknowledge and state the substance of any prior non-privileged discussion of the item with any person (other than personal consultants not having an interest in the matter) at the beginning of the hearing.

K. Councilmembers' Obligation after Absence:

When a Councilmember is absent from an earlier meeting at which a matter was discussed, it shall be the duty of that Councilmember to become acquainted with the issues discussed by reading the documents presented and when possible, meeting with staff and listening to or viewing the taped recording of the meeting missed.

L. Deadline for New Business:

No new item of business shall be discussed or considered after 10:30 p.m. unless a majority of the City Council votes to continue the meeting.

M. Business Items Out of Order:

The Mayor or Presiding Officer may, with the consent of the City Council, modify the order of the agenda.

N. Meeting Recordings:

All regular meetings (except closed sessions) of the City Council shall be audio and video recorded. Special meetings held in the City Council Chambers, excluding Study Sessions, may be audio and video recorded.

O. Agenda Format for Regular Meetings:

Order of Business: Promptly at the hour set for any meeting, the members of the City Council, City Manager, City Attorney, and City Clerk shall take their regular stations in the Council Chambers and the business of the City Council shall be taken up for consideration and disposition in the following order:

1. ***Preliminary:***

- Call to Order
- Closed Session
- Roll Call
- Invocation
- Pledge of Allegiance
- Announcements-Mayor and/or City Manger
- Informational Items
- Declaration of Conflict of Interest

2. ***Presentations:***
 - Introduction of New Employees
 - Presentations
 - Mayor & Councilmember Committee Reports
- 3 ***Citizen's Forum:***
 - Oral Communications
 - Written Communications
- 4 ***Consent Calendar:***
 - Waiving of Readings of Ordinances and Resolutions
 - Approval of Minutes
 - Consideration of Item(s) Removed from the Consent Calendar
5. ***Scheduled Items:***
 - Public Hearings
 - Appeals
 - Referrals and Reports from Boards, Commissions, and Committees
 - All Other Staff Reports and/or Action Items
 - Study Sessions
6. ***Council Communications:***
 - Appointments to Boards, Commissions, Committees
 - Councilmember Referrals
 - Mayor & Councilmember Comments
7. ***Adjournment***

P. Components of a Regular Meeting:

The published agenda shall consist of an agenda and summary reports providing sufficient information needed for deliberation and action.

1. ***Consent Calendar:***

Items of a routine, non-controversial nature may be placed on the consent calendar at the City Manager's discretion. All items may be approved by one motion and one vote. Any Councilmember, the City Manager, the City Attorney, or member of the public or their representative may request any item be withdrawn from the consent calendar for separate consideration in its regular order of business. Members of the public shall make such a request by filling out a Speaker Form indicating the item to be removed and submitting it to the City Clerk prior to the Consent Calendar being called. Prior to the approval of the Consent Calendar, corrections to item(s) on the Consent Calendar may be stated and corrected and Councilmembers may register a "No" vote on specific item(s) without removal from the Consent Calendar.

2. ***Public Communications:***

a. *Citizen's Forum:*

Subject to the time limits described in this document, any member of the public or their authorized representative, may address the City Council on any matter concerning the City's business, or any matter over which the City Council has control, whether on its posted agenda or not. Comments on items included on the agenda shall be reserved until the Council considers those items. However, the City Council is prohibited from extensively discussing, or taking action, on an item not appearing on its posted agenda under the provisions of the Brown Act. Any issue raised under "Citizen's Forum" will therefore be limited to a determination whether it should be placed on a future agenda for discussion, action, or report. The City Council can, however, allow its members or staff to briefly (no more than three minutes) respond to statements made, to ask questions for clarification, make brief announcements or report on his or her own activities. Unless directed otherwise by a majority of the City Council, all questions raised and not answered at a meeting will be responded to within 10 business days. Exceptions to this rule are set forth in the Brown Act. See also Section III – Decorum.

b. *Written:*

Any member of the public or their authorized representative may address the City Council by written communications. A copy of written communications shall be provided to each Councilmember.

3. ***Minutes:***

a. *Description:*

The minutes of a City Council meeting shall be "action minutes" which include the motions made, actions taken, and a brief summary of public comments.

b. *Reading of Minutes:*

If each Councilmember has been furnished with a copy of the minutes prior to the meeting, the minutes may be approved without reading. If a Councilmember raises a point of correction to the minutes of a City Council meeting, that correction may be approved at that meeting.

4. ***Legislative Matters:***
Generally, public hearings shall be conducted in the following order:

a. ***Regular Hearings:***

Staff presentation
Questions of staff by Councilmembers
Hearing opened by Mayor or Presiding Officer
Public Comments
Hearing closed by Mayor or Presiding Officer
Questions by Councilmembers
Discussion by Councilmembers
Action by City Council

b. ***Appeals:***

Staff presentation
Questions of staff by Councilmembers
Hearing opened by Mayor or Presiding Officer

- Appellant's comments
- Public comments
- Rebuttal-Appellant comments

Hearing closed by Mayor or Presiding Officer
Questions by Councilmembers
Discussion by Councilmembers
Action by City Council

5. ***City Council Referrals:***

a. Any Councilmember may, prior to the posting of the agenda for a regular City Council meeting, bring any matter to the attention of the City Council which is not otherwise scheduled on a City Council agenda. The matter will be placed on the agenda in the Council Referral section. The sponsoring Councilmember shall give the City Manager a brief description of the subject to be printed in the agenda, sufficient to inform the City Council and public of the nature of the referral.

b. The City Council, after considering the referral, may do any of the following:

- (1) Take no action;
- (2) Refer the matter to staff to schedule as a future City Council agenda item;
- (3) Take action if Council finds that sufficient notice to the Council and the public has been provided by the published agenda, sufficient information has been received by the Council, and no formal published notice of a public hearing is required.

- c. The Councilmember who requested the referral has the privilege of speaking first on the item.
- d. No matter which has previously been brought before the Council under Council referral, and which a majority of the Council has declined to schedule as a future City Council agenda matter, shall be again brought before the Council under Council referral unless it is brought by a Councilmember other than the Councilmember who originally brought it.

6. ***Appointments:***

Appointments to the City Boards, Committees and Commission shall be made as described in Chapter V of this document.

Q. Addressing the City Council:

1. ***Speaker Form and Speaker Time:***

A person desiring to address the City Council is encouraged to complete a Speaker Form. Such use is voluntary. Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the Mayor or a majority of the City Council may, at the beginning of the hearing, limit the time for individual comments. When deemed necessary, the Mayor or a majority of the City Council may allocate a longer speaker time. The following time limits apply unless modified.

Applicant/appellant - 10 minutes

Individual speakers - 5 minutes

Rebuttal by applicant/appellant - 5 minutes

Each person shall stand at the podium, if one is available, and is requested to give his or her name and address for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the City Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without the permission of the Presiding Officer or a majority of the City Council. No question shall be asked of a Councilmember or a member of City staff except through the Presiding Officer.

2. ***One Speaker at a Time:***

No person, other than the person having the floor, shall be permitted to enter into any discussion without the permission of the Mayor or Presiding Officer. All discussions shall be through the Mayor or Presiding Officer, and no question shall be asked of a Councilmember except through the Mayor or Presiding Officer.

3. ***Questions and Comments from the Public:***

Questions and comments from the public shall be limited to the subject under consideration, except for Citizen's Forum.

4. ***Addressing the City Council after a Motion is made:***

No person in the audience may address the City Council after a motion is made without first securing permission to do so. Upon recognition by the Mayor or Presiding Officer and permission being granted by a majority of the City Council, the person so recognized shall confine him or herself to the question under discussion.

R. Continued Agenda Items:

It is City Council practice and policy that matters scheduled on an agenda will be heard at the meeting scheduled. When unforeseen circumstances mandate a request for continuance of an agenda item by an applicant, appellant, or other interested parties, the request must be made to the City Council at the outset of the consideration of the item. In addition, any person intending to make a request for a continuance shall inform the City Clerk, orally or in writing, as soon as possible prior to the meeting that such a request for continuance will be made. The City Clerk shall inform the Mayor. The City Council will consider the request for continuance prior to discussing the substance or merits of the agenda item. The interested parties may speak to the issue of a continuance without forfeiting the right to speak later to the merits of the issue if a majority of the Council so rules. Comments may be presented by persons not able to attend the meeting for which the item is finally scheduled if the City Council agrees to continue the item.

S. Public Hearing Closed:

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of a Councilmember addressed through the Mayor or Presiding Officer. However, a public hearing may be re-opened by the Mayor or Presiding Officer to hear new information at his or her discretion or by a majority vote of the City Council.

T. Cancellation of Meeting:

If the City Council considers and then decides to cancel a future regularly scheduled or special meeting it should take such action at the earliest prior meeting possible. Public notice shall be provided in accordance with the California Government Code.

CHAPTER III - DECORUM

A. **Enforcement of Decorum:**

The City Manager shall assign a sergeant-at-arms when necessary to attend City Council meetings for the purpose of maintaining order and decorum in the City Council Chambers and in the lobby. Upon instructions from the Mayor or Presiding Officer, the sergeant-at-arms shall eject any person from the City Council Chambers, in conformance with State law.

B. **Courtesy:**

1. ***City Council:***

The City Council shall accord the utmost courtesy to each other, City employees and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statements as to motives and personalities.

2. ***City Employees:***

Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

3. ***Public Speakers:***

Members of the public have the right to attend City Council meetings and to address the City Council on specific agenda items and under the Citizen's Forum section of the agenda. The right of members of the public to address the City Council includes their right to criticize the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council and members of the City Council.

While the City Council meeting is in session, all persons must preserve order and decorum. A person who addresses the City Council under public communications for a specific agenda item or under the Citizen's Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

The Mayor or Presiding Officer shall request that a person who is breaching the rules of decorum cease such conduct. If, after receiving such a warning, the person persists in breaching the rules of decorum, the Mayor or Presiding Officer may order the person to leave the City Council meeting. If such person does not leave, the Mayor or Presiding Officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Mayor or Presiding Officer may direct the City Manager to contact law enforcement.

4. ***Appointed Members of Boards, Commissions and Committees:***

Appointed members of Boards, Commissions and Committees of the City shall observe the same rules of order and decorum applicable to the City Council.

C. Noise in the Lobby:

Noise emanating from the lobby outside the City Council Chambers, which disrupts City Council meetings, shall not be permitted.

D. Crowd Control in Council Chambers:

If the City Manager, or the City Manager's designee, anticipates in advance a crowd larger than the maximum number of attendees allowed in the City Council Chambers, he or she shall provide for appropriate crowd control.

E. Prohibited Consumption:

The consumption of controlled substances prohibited under federal law, tobacco, and alcohol is prohibited in the City Council Chambers.

F. Distribution of Literature and Other Materials in City Council Chambers:

No person shall distribute flyers, leaflets, placards or other literature or circulate any petition within the City Council Chambers other than City staff pertaining to City business. Such other literature may be displayed or distributed outside the City Council Chambers area.

G. Use of Electronic Communication Devices During City Council Meetings:

The City Council's use of electronic communication devices, such as cell phones and smart watches, during a City Council meeting may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving, either one of which is inimical to good government and transparency. Therefore, a Councilmember's use of electronic communication devices (including cell phones and smart watches), other than for the purpose of accessing agenda materials that are on a Councilmember's city issued I-pad/tablet device or lap top computer, is prohibited at the dais during City Council meetings and Closed Sessions. In the event of an urgent family/personal matter, a private landline will be dedicated for City Council family members and close relatives to reach the City Clerk's office for immediate assistance, and or to reach a member of Council while the meeting is in session.

CHAPTER IV - PROCEDURAL RULES

A. **Rules of Order:**

The City Council shall determine its own rules of order and amend them from time to time, or adopt new rules, as it deems necessary. Amendment to or adoption of new City Council procedures shall be accomplished by majority vote. A set of procedural rules, which is derived from Roberts Rules of Order, and which is attached to this handbook as Appendix A, shall assist the City Council's processing of motions.

B. **Rules of Discussion:**

1. ***Division of Question:***

If the question contains two or more propositions, each of which is capable of standing as a complete proposition if the others are removed, the Mayor may, and upon request of a Councilmember shall, divide the question.

2. ***Withdrawal of Motion:***

A motion may not be withdrawn by the maker of the motion without the consent of the Councilmember who seconded the motion.

3. ***Voting:***

The City Council shall vote by "voice vote" on all matters before it unless a roll call vote is required by law or is requested by the Mayor. Silence shall be recorded as an affirmative vote, unless abstention is required by law, in which case silence shall be recorded as an abstention. The Presiding Officer shall announce the results of the vote. The City Clerk shall show on ordinances and resolutions, the names of Councilmembers and their respective votes.

4. ***Failure to Vote:***

Absent a disqualification under State law, including conflict of interest provisions and prohibitions on participating when personal bias would prohibit a fair decision, it is the responsibility of every Councilmember to vote. Failure to vote that is not compelled by a legal disqualification shall constitute an affirmative vote. A Councilmember who fails to vote shall nonetheless be counted towards making up a quorum, unless otherwise required by State law.

5. ***Abstaining from Vote for Reasons Other than an Identified Legal Disqualification:***

A Member of the City Council who abstains determines not to vote "yes" or "no". A vote to "abstain" except for an identified legal disqualification shall be counted as an affirmative vote. A Councilmember shall state a reason for abstaining prior to doing so, failure to do so will constitute the same action as silence or failure to vote. A Councilmember who abstains from voting for other than an identified legal disqualification shall nonetheless be counted toward making up a quorum.

6. ***Abstention/Recuse: Conflict of Interest:***
Councilmembers shall disqualify themselves and abstain from voting if they have a financial conflict of interest or any other disqualification prescribed by law in a matter before the City Council. In such event, they may not participate in the discussion or the vote. Councilmembers shall state the specific reason for such disqualification. Unless the matter is on the consent calendar, the abstaining Councilmember shall leave the Council dais until the conclusion of the agenda item. The matter will then proceed as though the member is not present, and the member shall not be counted toward making up a quorum. Further requirement on abstention and absence from the Chambers may be imposed by State law.

7. ***Tie Votes:***
When one Councilmember is absent and a matter under discussion remains unresolved as the result of a tie vote on all motions made on such matter, the matter shall be automatically continued to the next Council meeting when it is reasonably known that all Councilmembers will be present, provided that this rule shall not apply to matters involving the appellate jurisdiction of the City Council. The City Council exercises “appellate jurisdiction” when it considers matters in which a subordinate body such as the Planning Commission could, but for an appeal to the City Council, confer final approval.

8. ***Appeal from the Mayor’s Decision:***
When the rules are silent, the Mayor shall decide all questions of order, subject to appeal by any Councilmember. When in doubt, the Mayor may submit the question to the City Council. Any decision or ruling of the Mayor may be appealed by request of any Councilmember. The Mayor shall immediately call for a vote to determine if the Mayor’s ruling shall stand.

CHAPTER V
BOARDS, COMMISSIONS and COMMITTEES
CITY REPRESENTATIVES and STANDING COMMITTEE

A. Boards, Commissions and Committees – City Representatives & Standing Committees:

1. ***Definitions:***

a. ***Boards, Commission and Committees:***

The City Council shall establish by ordinance all boards and commissions, which shall advise the City Council and perform such other functions and duties as prescribed by the City Council. Unless otherwise directed, ad hoc committees shall be established by resolutions.

b. ***City Representatives:***

Councilmembers and citizens may be appointed by the Mayor to serve on County, regional or multi-purpose agencies, committees and commissions to represent the City.

c. ***Standing Committee:***

The only standing committee of the City Council may be the Committee of the Whole. The Mayor or the Vice Mayor (in the Mayor's absence) shall be the Mayor of the Committee of the Whole. The Rules of Proceedings will be the same as the rules for the City Council.

2. ***Application and Appointment Process:***

The members shall be appointed by the Mayor with the approval of the City Council, in accordance with the following procedure:

a. ***Vacancy, Announcement, Interview and Applicant Pool:***

The City Clerk shall maintain records of membership status of boards, commissions and committees. The Clerk shall notify the City Council of each vacancy.

When a vacancy occurs, the Mayor shall announce the vacancy and application deadline at a Council meeting and invite the public to apply for the position or positions.

b. ***Application Required:***

No person shall be appointed to a board, commission or committee without filing a written application for appointment with the City Clerk prior to the close of business on the date of the deadline for receipt of applications.

c. ***Scheduling of Appointment:***

The City Clerk shall schedule, on the regular City Council meeting agenda, as designated by the Mayor, a notice of the Mayor's intention to make an appointment to a board, commission or committee.

- d. *All Applications Provided to All Councilmembers:*
The City Clerk shall include in the City Council's agenda packet for the Council meeting at which the Mayor's appointment is scheduled, all current applications filed for appointment to the board, commission or committee designated in the Council Referral section of the Agenda. In the event there are multiple vacancies on the same board, commission or committee the Mayor shall schedule the appointment and name the appointees of all vacant positions of any one board on the same Council meeting.
- e. *Councilmember Prohibition:*
Unless the legislation adopted by the City Council for a particular board, commission or committee expressly provides otherwise, no Councilmember shall be eligible for appointment as a member of, or representative or liaison to a City board, commission or committee.
- f. *Applications: Current List:*
A current list of applicants is established each year. Applications may be submitted to the City Clerk at any time between January 1 and December 31. These applications may be considered for various vacancies throughout the year; however, on December 31, any remaining applications of these persons not appointed will be void. In order to be considered in the following year, new applications will need to be submitted starting January 1.

B. Appointment to Outside Agencies

1. *Citizen Appointments:*
Any appointment of any person, except a Councilmember, as a member of a County, regional, multi-purpose agency, or other outside agency shall be accomplished in the same manner as appointments to boards, commissions and committees. Any appointment of any person, except a Councilmember, as a representative or liaison of the City to any board, commission or committee, shall be in the same manner as appointments to boards, commissions and committees.
2. *Councilmember Appointments:*
Councilmembers shall provide the Mayor with requested appointments at the Council meeting at which the appointments are scheduled. The Mayor shall, instead of nominating, announce the appointment of the designated Councilmember as a member of a County, regional, multi-public agency, or other outside agency, at the time the matter is considered at the City Council meeting.

If no motion is made by a Councilmember, immediately following the Mayor's announcement, to submit the Mayor's intended appointment to formal vote of the City Council, the Mayor's announced appointment is deemed approved.

C. Interference in Board, Commission and Committee Functions:

Members of boards, commissions, and committees are appointed pursuant to Chapter V, Section A(2) of this Handbook to serve designated functions and duties. No member of the City Council shall interfere with the decisions or actions of the boards, commissions, and committees, unless such matter is removed by a majority vote of the City Council from the board, commission or committee to the Council.

D. Removal of member of board or commission or committee or City representative.

Any member of a board, commission or committee and any City representative or liaison to an outside agency, may be removed by a vote of not less than three (3) Councilmembers, initiated by either the Mayor or a Councilmember. Any proposed removal shall be scheduled as a Council Referral on the agenda of a regular Council meeting, with the name of the person proposed to be removed printed on the agenda.

E. Waiver of Requirements:

In the event compliance with any of the above requirements would seriously interfere with or interrupt the important business of the City, the City Council may, with the approval of four Councilmembers, waive one or more of said requirements.

PROCEDURAL RULES

A. RULES OF ORDER:

The following rules shall be used as a guide to the conduct of the meetings of the City Council; provided, however, that the failure of the City council to conform to said rules shall not, in any instance, be deemed to invalidate the action taken. It should be noted here the identities of some of the motions listed in these Rules differ from the same or equivalent rules identified in Robert's Rules of Order. In the event that these rules are not sufficient to guide the Council's determination of any matter, the most recent edition of Robert's Rules of Order shall control.

B. PROCESSING OF MOTIONS:

The Mayor shall state the motion. When a motion is made and seconded, it shall be restated by the Mayor before discussion or debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it. The Mayor shall restate the motion prior to voting.

C. PRECEDENCE OF MOTIONS:

When a motion is before the City Council, no other motion shall be entertained except to:

- (1) Fix the time to adjourn to
- (2) Adjourn
- (3) Take a recess
- (4) Raise a question of privilege
- (5) Raise a Point of Order (or call for agenda adherence)
- (6) Table
- (7) Close discussion (or close debate or call the previous question)
- (8) Limit or extend limits of discussion
- (9) Postpone to a time certain (or continue to a time certain)
- (10) Refer to staff, board, commission, committee or officer
- (11) Substitute the motion
- (12) Amend the motion
- (13) Postpone indefinitely
- (14) Motion to reconsider
- (15) Motion to reschedule

D. PURPOSE OF MOTIONS WHEN USED:

- (1) **Motion to Fix Time to Adjourn To:** A motion to fix the time to which to adjourn requires a second, is amendable and is debatable only as to the time (and date) to which the meeting is to be adjourned, and at which time (and date) any unfinished business will be considered. The purpose of the motion to fix the time (and date) to which to adjourn, is to set a time for duration and termination (adjournment) of the meeting, taking into consideration the completion of any unfinished business which may remain at adjournment. The time and date to which unfinished business will be considered may or may not be the next regular meeting.
- (2) **Motion to Adjourn:** A motion to adjourn requires a second and is not debatable except to set the date and time to which the meeting is adjourned to consider the unfinished business. The purpose of a motion to adjourn is to terminate the meeting forthwith, notwithstanding that the business on the agenda has not been completed, and notwithstanding a time fixed for adjournment has not yet arrived. A motion to adjourn shall be in order at any time, except as follows: (i) when repeated without intervening business or discussion; (ii) when made as an interruption of a Councilmember while speaking; (iii) when a motion to close discussion has been made; and (iv) while a vote is being taken.
- (3) **Motion to Take a Recess:** A motion to take a recess requires a second, is amendable, but is not debatable. The purpose of a motion to take a recess is to interrupt the meeting. The custom and practice of the City Council is that the Mayor will sense the need for and consensus for short recesses and declare such without formal motion; a formal motion is intended to be used when there is not an apparent consensus.
- (4) **Motion to Raise a Question of Personal Privilege:** The right of a Councilmember to address the City Council on a question of personal privilege shall be limited to cases in which the Councilmember's integrity, character, or motives are questioned, or to when the welfare of the City Council is concerned; the maker of the motion may interrupt another speaker if the Mayor recognizes the "privilege." The motion does not require a second, is not amendable, and is not debatable.
- (5) **Motion to Raise a Point of Order (Call for Agenda Adherence):** A motion to raise a point of order or call for agenda adherence does not require a second, is not amendable, and is not debatable. The purpose of the motion is to question whether a matter being discussed is adhering to the agenda item being considered. The custom and practice of the City Council is that the Mayor will sense the consensus of the City Council to take agenda items out of order, in order to expedite the efficient conduct of the meeting. A formal motion to change the agenda order of business or a formal motion to call for Council agenda adherence is intended to be used when there is no apparent consensus.

- (6) **Motion to Table:** The purpose of the motion is to terminate further consideration of the subject being discussed, without qualification. The effect of the motion, if approved, is to not only end discussion on any other motion being considered, but to preclude any other motion being made. A motion to table requires a second, is not amendable, and is not debatable. If the intent of the motion is actually to interrupt business for more urgent business, a motion to postpone or continue to a time certain at the same or another meeting shall be used instead of a motion to table. If the intent is to postpone indefinitely, a motion to postpone indefinitely shall be used in place of a motion to table. If the intent of the motion is to actually qualify termination of any further consideration, a motion to postpone or continue, or some other main motion should be used instead of a motion to table. No motion to “take from the table” shall be recognized, either at the same or subsequent meeting. The foregoing shall not preclude any Councilmember from placing the subject on an agenda for a later City Council meeting, under Council Referrals.
- (7) **Motion to Close Discussion or Debate:** A motion to close discussion requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If the motion to close discussion fails, discussion is reopened; if the motion passes, then the Mayor shall call for the vote on the pending motion. The purpose of the motion is to close discussion on pending motions without qualification. The custom and practice of the City Council permits the Mayor to terminate discussion upon sensing the consensus of City Council to do so without a formal motion. The custom and practice of the City Council also permits the Mayor, reflecting the consensus of the City Council, to consider a motion to close discussion, to state such consensus and declare that the vote will be on the pending motion.
- (8) **Motion to limit or Extend Discussion or Debate:** A motion to limit or extend discussion or debate requires a second, is amendable and is not debatable. The purpose of the motion is to limit the time individual members of the City Council may speak on the subject or motion being considered, or to extend the time limit previously fixed.
- (9) **Motion to Postpone to Time Certain or Continue to a Certain Time:** A motion to postpone to time certain or continue to a certain time is amendable, and is debatable as to the propriety of postponement and as to time set in the motion. The purpose of the motion is to postpone the subject under discussion to another specified time and date if the continuance is to another date and meeting.
- (10) **Motion to Refer to Staff Advisory Body or Officer:** A motion to refer requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made.
The purpose of the motion is to send the subject to the City Manager, advisory body or other City officer for further study and report back to City Council, at which time the subject will be fully discussed.

- (11) **Motion to Substitute Motion:** A motion to substitute the motion under consideration with another motion requires a second, is not amendable, and is debatable. A motion to substitute must be germane to the subject and compatible with the underlying purpose of the motion under consideration; and if passed, the substitute motion will, by its own action, eliminate the necessity to vote on the motion being substituted. If the substitute motion fails to pass, debate will resume on the motion previously being considered.
- (12) **Motion to Amend Motion:** A motion to amend a motion requires a second, is amendable, and is debatable only when the motion to which it applies is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order, but an amendment raising an independent question or one that is not germane to the main motion shall not be in order. Amendments take precedence over the main motion and the motion to postpone indefinitely. Amendments to amendments are voted on first, then the amendment, then the main motion as amended.
- (13) **Motion to Postpone Indefinitely:** A motion to postpone indefinitely requires a second, is not amendable, and is debatable. If the motion is adopted, the principal question shall be declared lost. The purpose of the motion to postpone indefinitely is to avoid a direct vote on the main motion or on any other motion on the subject under discussion. Its correct use is when the intent is to specify qualifications or conditions upon which the City Council would again consider the subject. It should not be confused with the motion to table, which is a means of terminating consideration of a subject without qualification.
- (14) **Motion to Reconsider:** A motion to reconsider any action taken by City Council may be made only immediately following the final action on the agenda subject under discussion and prior to the City Council taking up another agenda subject for consideration. A motion to reconsider requires a second, is debatable, and is not amendable. Such motion must be made by a Councilmember who voted on the prevailing side of the final action, but may be seconded by any Councilmember. A motion to reconsider shall have precedence over all other motions. The purpose of a motion to reconsider is to bring back the matter for consideration. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion.
- (15) **Motion to Reschedule:** Notwithstanding paragraph (14), a Councilmember who voted on the prevailing side of a motion which disposed of an agenda item, may at any time during the next meeting following the action taken, make a motion to reschedule the subject for further consideration at a future meeting; provided the Mayor may postpone the motion until the conclusion of whatever other agenda item is under discussion. The motion to reschedule requires a second, is not debatable, and is not amendable. The maker of the motion may make a very brief statement of reason for the motion. If the motion passes, the Mayor shall determine by consensus

or vote, the meeting date at which the subject shall be rescheduled, which shall take into consideration whatever publication of notice and any special notice to interested parties that may be required. If a Councilmember, whether or not voting on the prevailing side, wants the City Council to “reconsider” a subject upon which final action has been taken by the City Council, and the Councilmember is precluded from making a motion to reconsider or reschedule pursuant to paragraph (14) and the foregoing provisions of paragraph (15) the Councilmember may seek such “reconsideration” by scheduling the subject as a “Council Referral” on a subsequent agenda.