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# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



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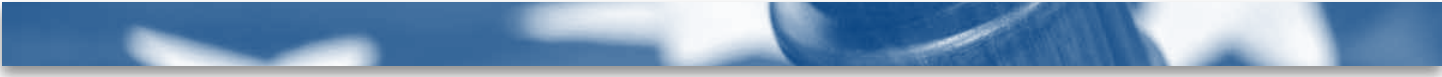
### **About the League of California Cities**

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and 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 education conferences and research, and publishes Western City magazine.

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### **ABOUT THE AUTHOR**

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



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## INTRODUCTION

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

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

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

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

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

### Establishing a Quorum

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

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

### The Role of the Chair

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

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

### The Basic Format for an Agenda Item Discussion

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

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

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

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

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

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

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

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

This is done in one of three ways:

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

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

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

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

## Motions in General

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

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

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

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

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

## The Three Basic Motions

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

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

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

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

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

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

### Multiple Motions Before the Body

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

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

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

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

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

### To Debate or Not to Debate

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

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

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

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

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

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

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

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

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

## Majority and Super Majority Votes

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

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

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

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

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

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

## Counting Votes

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

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

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

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

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

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



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

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

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

*How does this work in practice?*

*Here are a few examples.*

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

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

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

Now, exactly how does a member cast an “abstention” vote?

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

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

## The Motion to Reconsider

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

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

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

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

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

## Courtesy and Decorum

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

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

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

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

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

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

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

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

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

## Special Notes About Public Input

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

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

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

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




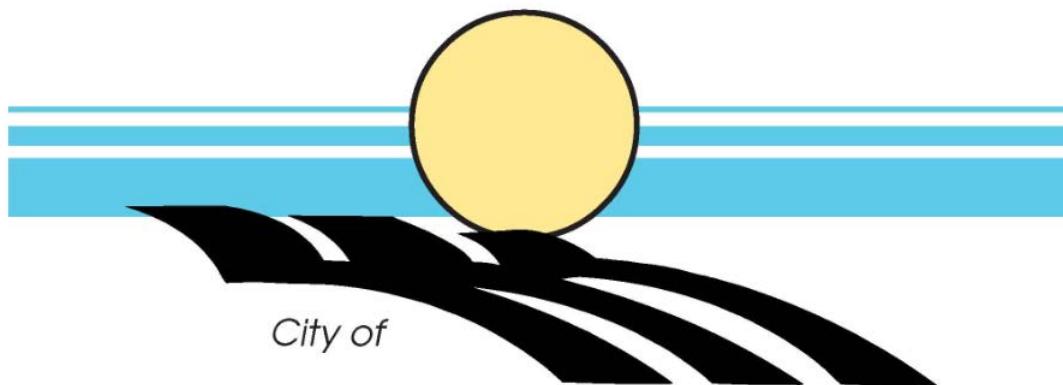
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# LEMOORE

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## Lemoore City Council Rules of Procedure

Adopted on April 17, 2018

**Resolution No. 2018-17**

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# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## CHAPTER 1 – AUTHORITY/ADMINISTRATION

### A. General Authorities and Applicability

1. The Charter of the City of Lemoore provides that the city council shall determine its own rules and order of business.<sup>1</sup> When not in conflict with the Charter of the City of Lemoore, or the Constitution or laws of the State of California, including the Ralph M. Brown Act,<sup>2</sup> 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 mayor has the primary responsibility to ensure that council members, staff, and the public adhere to these Rules.
3. Any council member who thinks the Rules are being violated may make a “point of order” to the Mayor or Mayor Pro Tem 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 four 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 21<sup>st</sup> Century* shall apply.



# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## CHAPTER 2 – DUTIES

### A. Duties of Council Members and Staff

1. Council members and city staff shall conduct the business of the City of Lemoore:
  - a. recognizing that stewardship of the public interest is of primary concern;
  - b. working for the common good of the people of Lemoore; 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 and Mayor Pro Tem

1. The mayor shall be elected every two years from among the council members by a majority vote at the council's first meeting in January.
2. 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.
3. The mayor pro tem shall be elected every two years from among the members of the council, other than the mayor, by a majority vote at the council's first meeting in January. In the absence of the mayor from the city or a council meeting, the mayor pro tem shall possess all powers of the office of the mayor, and be subject to all prescribed duties for that office.
4. Council members may remove the council appointed mayor and/or mayor pro tem due to lack of confidence and/or violation of the Lemoore Code of Conduct for City Council, Boards, Commissions and Committees. A consensus of at least three council members is required. If the mayor is removed, the mayor pro tem will take the position of mayor and a new mayor pro tem will be appointed by a consensus of at least three council members.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## CHAPTER 3 – CONDUCT OF COUNCIL MEMBERS

### A. Norms and Expectations

1. Council members shall:
  - a. put constituents first at all times;
  - b. treat each other, staff, and 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;
  - n. continually work to build trust in each other; and
  - o. adhere to the City of Lemoore Code of Conduct for City Council, Boards, Commissions and Council Committees.<sup>3</sup>
2. Failure by any council member to follow these expectations could result in action taken by the City Council as a whole as allowed by law, including but not limited to public censure.
  - a. Any action taken by the City Council against a council member shall require a consensus to add such an item to the agenda, including a request of the action to be taken. The item will be then placed on the agenda for the next regularly scheduled meeting at which time discussion and action can be taken.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## B. General Conduct

1. Council 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. raise his/her hand and wait to be acknowledged by the mayor before speaking;
  - d. move to require the mayor to enforce these Rules, and the mayor 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 council member while speaking, by conversation or otherwise, nor disobey the Rules of the Council, or the mayor, except as otherwise herein provided;
  - g. prohibit disclosure of confidential communications and authorize public censure for failure to comply;
  - h. support the Rules established by the council;
  - i. not use social media during legislative body meetings; and
  - j. abide by these Rules in conducting the business of the City of Lemoore.

## C. Conduct with Council Members

1. Council 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 mayor's exercise of the affirmative duty to maintain order.

## D. Conduct with City Manager and Staff

1. Council members shall:
  - a. speak to the city manager directly on issues and concerns;

## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

- 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, or city clerk, including hiring, firing, promoting, disciplining, and other personnel matters;
- e. discuss directly with the city manager, city attorney, city clerk, or city treasurer 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, department directors, or division managers prior to the meeting whenever possible.

### **E. Conduct with the Public**

- 1. Council 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. Council 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; 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.

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### **G. Conduct with Boards and Commissions**

1. Council 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. Council 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. Council 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.4 every two years.
2. Council members shall receive at least two hours of sexual harassment prevention training within six months of taking office, and every two years thereafter, in accordance with AB 1825 and AB 1661 (Government Code sections 12950.1 and 53237.1).
3. Council members shall conduct themselves in accordance with such training.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## 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 council members or the city manager;
  - d. refrain from arguing with the public or council members; and
  - e. switch any electronic equipment such as pagers and cellular telephones to silent, airplane mode or off 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 council members 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. If requested, the city manager shall make available an informational briefing for council member 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 three days preceding potential council action.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## 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 council 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; and
  - c. The mayor 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 mayor may order the person to leave the council meeting. The Lemoore Police Department shall assist the mayor in enforcing the rules of decorum, including removing disorderly persons upon order of the mayor.
2. Lobbyists shall identify themselves and the client(s), business, or organization they represent before speaking to the council.
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 agendized items and unagendized matters within the subject matter jurisdiction of the city. At all other meetings, public comment is limited to agendized items.
  - a. Public comments should not be addressed to individual council 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 council 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;

## CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

- d. Members of the public with questions concerning Consent Calendar items may contact the staff person who provided 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; and
  - e. The mayor may stop a member of the public whose comments are not confined to the agenda item being heard. During the Public Comment portion of the agenda, the mayor may stop a member of the public whose comments are not within the subject matter jurisdiction of the city. The member of the public will be advised of the correct way to bring their position before council.
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. Three minutes per speaker;
  - b. Consent Calendar items. The consent calendar is considered a single item, and speakers are therefore subject to the three-minute time limit for the entire consent calendar. Consent calendar items can be pulled at a council member's request and will be considered individually, with up to three minutes of public comment per speaker;
  - c. Discussion Calendar items. Three minutes per speaker;
  - d. Time limits per meeting; and
    - (i) each speaker shall limit his/her remarks to the specified time allotment.
    - (ii) the mayor 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 mayor, with consensus of council, may further limit, or expand, the time allotted for public comments per speaker or in total for the orderly conduct of the meeting; such limits shall be fairly applied.



## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

3. Comment cards. Members of the public wishing to speak to the council are requested to submit to the city clerk a completed comment card indicating the agenda item or off- agenda item that they wish to address before the item is called.

### **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 the mayor.
2. Members of the public wishing to address the council must approach the podium when recognized by the mayor and speak only from the podium.
3. Members of the public should, but are not required, to state their name and address before beginning comments.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## CHAPTER 6 – MEETING TYPES AND SCHEDULES

### A. Regular Meetings

1. The council shall meet the first and third Tuesday of each month generally beginning at 5:30 p.m. in the City Hall Council Chamber, 429 C Street, Lemoore, California, except as otherwise provided in the annually adopted meeting schedule or as otherwise revised by the council. Study session will begin at 5:30 p.m. with regular meeting at 7:30 p.m.
2. 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

A majority of the council members may call a special meeting by providing notice 24 hours in advance of the meeting to the mayor, to all council 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 mayor 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 mayor or designee notifies the council 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.

## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

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 four 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 mayor 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 on the first and third Tuesday of every month 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 council 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.<sup>5</sup>

### **F. Public Hearings**

1. The city clerk shall set council hearing dates 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 council 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

## CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

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 council 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 council member, in his or her sole discretion, may request the council approve the continuance for good cause;
  - d. At the meeting when the hearing is scheduled, but before the hearing starts, any council member may request the council approve a continuance; and
  - e. 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.

## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

### **G. Teleconferenced Meetings**

Members of the public may address the council via teleconference or other electronic device only in conjunction with a members' attendance at a duly noticed teleconference location set in accordance with the Brown Act.

### **H. Televised Meetings**

Meetings held in the council chambers are generally telecast via Facebook live and available on the city's official website.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## 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 mayor pro tem.
2. Council members may submit items for inclusion on a future agenda by orally making the request under City Council Report and Requests and receiving a concurrence of council.
3. Council members may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
4. 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.
5. Outside agencies may submit agenda items in accordance with the following:
  - a. items from outside agencies must be sponsored for agenda placement by council members 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 Lemoore 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 nationunless the proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers or duties of the City of Lemoore or its officers or employees.

## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

- c. rule 7.B.2 may be invoked only before public comment or council deliberation on the matter and by three 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 council members regarding meeting topics to ensure compliance with the Brown Act.
  - a. Except for records exempt from disclosure under the California Public Records Act<sup>4</sup> and otherwise by law, agendas or any other writings distributed to all or a majority of the council members 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 council 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 council member, or at the conclusion of the meeting if prepared by another person.<sup>7</sup>
2. Interested parties or their authorized representatives may address the council by written communications regarding agenda items.
  - a. Written communications received by the city clerk prior to posting of agenda will be included in the agenda packet material. Written communications received by the city clerk after that deadline will be delivered to council members at the city council meeting if related to an item on that meeting agenda.
  - b. Documents (10 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.

## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

### **E. Preparation of the Agenda Packet**

1. No later than noon on the Friday 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 prior to the start of the council meeting and published to the city’s website no later than the following day. No item shall be required to be considered by the council if the applicable written material is not delivered to the council before the agenda item is discussed 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; and
  - 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 council 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 Friday 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.



## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

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 council members determine in open session that the matter in question constitutes an "emergency"<sup>8</sup>; or
  - b. upon a determination by two-thirds of the council members, or if less than two-thirds are present by unanimous vote of the council 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 council 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. New Business-non-routine items requiring an oral presentation and discussion before action is taken.

## CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

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 public regarding matters not on the agenda but within the subject matter jurisdiction of the city.
9. City Council Reports and Requests:
  - a. brief oral or written reports summarizing meeting or conference attendance at city expense, as required by AB 1234<sup>9</sup>;
  - b. requests that city manager or staff report on various issues;
  - c. requests to place items on a future council meeting agenda (consensus by council must be received); and
  - d. reports on district and citywide activities or news.

### **K. Ordinances and Non-Binding Resolutions**

1. Ordinances on the agenda may be passed for publication or adopted in accordance with established procedures.
2. Ordinance changes during the review and adoption process:
  - a. The text of an ordinance receiving the necessary votes to bring the matter to council shall be the text that is included in the published agenda as pass-for-publication;
  - b. The text of an ordinance passed for publication shall be the text that is included in the published agenda for the meeting at which the adoption of the ordinance is discussed;
  - c. Notwithstanding subsections a, b, and c, typographical and clerical errors may be corrected at any time during the ordinance review and adoption process;
  - d. If a staff member intends to make a substantive (i.e., anything not typographical or clerical) change to an ordinance after it is included in a published agenda, at or before the time the ordinance adoption item is called on the agenda the staff member shall distribute sufficient written copies of the proposed change so that all other members, the council members, relevant city staff, and the public audience have copies;
  - e. Consideration of a proposed substantive change from the ordinance text that was included in the published agenda shall be continued until the next regular council meeting unless another meeting date is approved by council; and

## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

- f. If the council's motion to adopt an ordinance includes a change to the ordinance text from that published in the agenda, prior to the vote the city attorney or city clerk shall repeat verbatim the proposed change or otherwise indicate the change is reflected in the circulated written copy of the change.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## CHAPTER 8 – CONDUCT OF MEETING

### A. Call to Order – Mayor

1. The mayor, or in the mayor's absence the mayor pro tem, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the council to order.
2. In the absence of the mayor and mayor pro tem, 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 mayor pro tem or mayor pro tempore 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 and present within the city limits of Lemoore shall constitute a quorum.
2. Before the council proceeds with the business before it, the city clerk shall call the roll and note the council members present for the minutes. The late arrival of council members shall be entered into the minutes.
3. A council member shall be considered present at a meeting if the member either is physically in the council chamber or is participating in the meeting through teleconference in accordance with the Brown Act. Meeting attendance of council members through teleconference will be permitted on a case-by-case basis, determined by the majority of council.
4. Council members attending a council meeting through a teleconference are counted when determining a quorum unless they are not within the city limits of Lemoore.
5. Council 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 council members object.

Council members may request items be reordered by motion.

1. Public Comment will be held at the beginning of the meeting.
2. Consent Calendar items removed for discussion:
  - a. Council members or the city manager may request that an item be removed from the Consent Calendar for separate consideration;
  - b. Members of the public wishing to have an item removed from the Consent Calendar for separate consideration may make a request to a council member or the city manager prior to the beginning of council meeting;

## CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

- c. 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; and
  - 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 council member questions.
    - (ii) proponent, if applicable, speaks, followed by council member questions.
    - (iii) opponent, if applicable, speaks, followed by council 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 comment.
    - (viii) further council member discussion.
    - (ix) motion to close public hearing and take action. See Rule 6.F regarding continuances.
  - b. The mayor 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. New Business.
- 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 council members.
    - (ii) Public comments and information, followed by questions from the council 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 council members.

## CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

### 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 matter that is within the subject matter jurisdiction of the city.
2. In response to public comment on non-agenda items, the council 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, with consensus of council, to report to the council at a subsequent meeting; and
  - e. request staff, with consensus of council, 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 mayor shall call this fact to the attention of the city clerk.
2. The mayor then shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the mayor 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 mayor shall adjourn the meeting.

### F. Obtaining the Floor

1. Any council member wishing to speak must first obtain the floor by being recognized by the mayor. The mayor shall recognize any council member who seeks the floor when appropriately entitled to do so.
2. With the concurrence of the mayor, a council member holding the floor may address a question to another council member and that council member may respond while the floor is still held by the member asking the question. A council 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.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## 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 three 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 four affirmative votes, even if only four council members are present.
2. Voting Disqualification.
  - a. A council 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 council member shall openly state an abstention due to a conflict of interest or bias;
  - c. A council 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 council member's determination may be accompanied by an oral or written disclosure of the conflict of interest; and
  - e. A council 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 council member may remain on the dais for Consent Calendar items if the council member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.
3. Voting.

Voting is requested by the mayor with a roll call vote.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## 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. Council members may also deal directly with the city attorney 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 7A.



# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## CHAPTER 10 – VACANCIES

### A. Deemed Vacancies

1. Absence from five consecutive regular meetings without good cause shall operate to vacate the seat of the council member so absent. Good cause shall mean any absence which is due to illness, injury, accident or other reasons which prevent attendance not of willful intent.
2. A vacancy also occurs when any of the events prescribed in California Government Code § 1770 occur before the expiration of the council member term.

### B. Procedures for Filling Vacancies

1. A vacancy in the office of council member shall be filled within 60 days from the commencement of the vacancy by appointment or by calling a special election to fill the vacancy.
  - a. If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall reside in the district so vacant, be otherwise qualified, and shall hold office pursuant to one of the following:
    - (i) if the vacancy occurs in the first half of the term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the original term of office.
    - (ii) if the vacancy occurs in the first half of the term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of the term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.
  - b. If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy must reside in the district so vacant and be otherwise qualified. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.
2. Notwithstanding the appointment procedures in this Chapter 10, an appointment shall not be made to fill a vacancy on a city council seat if the appointment would result in a majority of the members serving on the council having been appointed.

**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. If possible, the meeting will be relocated to accommodate a larger crowd. 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 Lemoore Police Department shall enforce this chapter.

For health and safety reasons of the public, council may relocate the meeting as necessary.

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## CHAPTER 12 - CITY COUNCIL COMMITTEES/REGIONAL ORGANIZATIONS

### A. General

1. The mayor will recommend possible appointments to council of members to standing committees, ad hoc committees, regional organizations, and joint powers agencies. Consensus of council is required.
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 as 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. Ad Hoc Committees

1. Establishment.
  - a. The 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; and
  - 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. All ad hoc committee member recommendations must have the consensus of council.
2. Scheduling; Meetings.
  - 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 council members, city manager (or designee), and the city attorney (or designee) of the meeting details; and
  - b. Council members who are not members of an ad hoc committee shall not attend meetings of that ad hoc committee.

## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

### **3. Dissolution.**

- a. Once an 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;
- b. An ad hoc committee is automatically dissolved one year after its first meeting, unless it is dissolved earlier under Rule 12.C.3.a; and
- c. The City Clerk will provide a periodic report to Council announcing the dissolution of ad hoc committees.

### **C. 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, with consensus of council.

## CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

### CHAPTER 13 – BOARDS, COMMISSIONS AND COMMITTEES

#### A. Vacancies and Appointments

1. When any vacancy occurs on a board, commission or council committee, the city clerk shall announce that vacancy pursuant to the standard outreach procedures. For routine vacancies, the announcement is made approximately two 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 vacancy will be advertised for no less than 30 days. 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 mayor for review and recommendation.
3. After reviewing the submitted nomination(s), the mayor shall make a recommendation to fill the vacancy at the next regular council meeting. All applications will be included with the recommended nomination to council.
4. At the next regular council meeting, the council shall vote whether to confirm the appointment. Consensus of at least two council members is required.
5. If the council does not approve the appointment, discussion shall take place and another recommendation shall be made. Council shall vote whether to confirm the new appointment.
6. 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.
7. In making nominations and appointments to city boards and commissions, the mayor and council members 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.

## CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

## END NOTES

- 1 California Government Code, § 34450 et seq.
- 2 California Government Code, § 54950 et seq.
- 3 City of Lemoore Code of Conduct for City Council, Boards, Commissions and Council Committees (Attachment A).
- 4 California Government Code, § 53234 et seq.
- 5 California Government Code, § 54957.1.
- 6 California Government Code, § 6250 et seq.
- 7 California Government Code, § 54957.5(b).
- 8 California Government Code, § 54956.5.
- 9 AB 1234, codified at California Government Code, § 53232.3.

**et seq.** *abbr. Lati.*

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.



**CITY OF LEMOORE  
CODE OF CONDUCT FOR CITY COUNCIL, BOARDS,  
COMMISSIONS AND COUNCIL COMMITTEES**

The Code of Conduct is supplemental to the Lemoore Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards, commissions and committees. The Code of Conduct describes how Lemoore officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

*As a City Official of the City of Lemoore, I agree to these principles of conduct.*

*We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Lemoore.*

*We assure fair and equal treatment of all people.*

*We conduct ourselves both personally and professionally in a manner that is above reproach.*

*We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.*

*We take care to avoid personal comments that could offend others.*

*We show no tolerance for intimidating behaviors.*

*We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.*

*We serve as a model of leadership and civility to the community.*

*Our actions inspire public confidence in Lemoore government.*

*Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.*



## **CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE**

*We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.*

*We respect differences and views of other people.*

*We adhere to the principles and laws governing the Council / Manager form of government and treat all staff with respect and cooperation.*

*We will refrain from interfering with the administrative functions and professional duties of staff.*

*We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a Department or Department Head or Staff person.*

*We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.*

*We will work with staff in a manner that consistently demonstrates mutual respect.*

*We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.*

*We will communicate directly with the City Manager, Department Heads or Designated Staff contacts when asking for information, assistance or follow up.*

*We will not knowingly blindsides one another in public and will contact staff prior to a meeting with any questions or issues.*

*We will not attend City Staff Meetings unless requested by staff.*

# CITY OF LEMOORE-COUNCIL RULES OF PROCEDURE

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