



# COMMISSIONER'S HANDBOOK

**Revised: April 2025**



# COMMISSIONERS HANDBOOK

For Members of Commissions, Committees, Task Forces and Boards

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# INTRODUCTION

Welcome to public service!

The City of Pleasanton prides itself with having a large number of residents and community members like you who are volunteering and doing something for the betterment of the entire community. As a member of a commission, committee, task force or other board (collectively a “commissioner”), you’ll find your role requires time, effort and sometimes lengthy evening meetings. However, it also provides an opportunity for genuine public service which enables you to help shape the City’s future.

Because of a long-standing community value and tradition of public engagement, the City Council has established a number of commissions and committees that act as vehicles for channeling public input to the City Council, City staff and community organizations. In addition to regular commissions created by City ordinance and codified in the Pleasanton Municipal Code, the City Council regularly establishes committees, task forces and boards which are designed to address specific issues and/or programs.

The purpose of this handbook is to provide you with information on the City’s government and commission structure, and to introduce you to your role as a commissioner. This handbook also reviews the history, government and administrative organization of the City and provides general operating guidelines for all commissioners. A detailed description of each commission and information outlining meeting procedures and commission conduct is also included.

As a commissioner, you are essential to the City's commitment to developing policies and services that reflect the needs and values of our community. In carrying out your responsibilities, you will work closely with your fellow commissioners, the City Council and the City staff -- all of whom play a critical role in improving our community. It is hoped that this handbook will provide you with the information necessary to understand your role as a commissioner so that your experience can be positive and productive.

To help you with your role, the City has assigned a staff liaison to each commission, committee, task force and board. Please feel free to contact that individual at any time if you have questions regarding information in this handbook.

# Section I

## HISTORY

The area that grew to be the city of Pleasanton played a significant role in California history. The City's environs were first settled 4,000 years ago by the Ohlone peoples and later became a thriving agricultural area when the Spanish arrived in the 1770s.

Pleasanton's history has been largely shaped by its geographic location. Located along the first transcontinental railroad, the area was known as Alisal in the 1850s when it served as a main mercantile stopover during the Gold Rush era during which it enjoyed the nickname, "The Most Desperate Town in the West," due to a proliferation of bandits who ambushed unsuspecting gold miners returning with their riches.

The rolling grasslands were dotted with cattle and the area was home to the largest hops crop in the United States. The town was also home to a 500-acre ranch purchased in the 1880s by George and Phoebe Apperson Hearst. During his time in the area, George Hearst served as a United States senator.

Pleasanton was incorporated on June 18, 1894, and named for Major General Alfred Pleasanton of the Union Army. A typographical error by the U.S. Post Office is believed to be responsible for the current spelling of the city's name.

Pleasanton enjoys a strong equestrian heritage as home to the nation's oldest one-mile racetrack, built in 1858 by the Bernal family. This racetrack is located at the current day Alameda County Fairgrounds. The city also enjoyed brief celebrity as "Hollywood of the North", after serving as the location for the 1917 film, *Rebecca of Sunnybrook Farm*.

Pleasanton's rural character underwent unprecedented population growth in the 1960s joining other burgeoning Bay Area cities. During the 1980s, Pleasanton's modern-day position as a center of commerce given its location at the intersection of Interstates 580 and 680 was defined with the development of the Tri-Valley's first large business center – Hacienda Business Park – as well as the Stoneridge Shopping Center. By the mid-1980s, Pleasanton was the third fastest growing city in California.

During this same timeframe, the City of Pleasanton offered a vacant building on Main Street in downtown to the Amador-Livermore Valley Historical Society (ALVHS), known now as the Museum on Main. The Museum on Main building once housed the old Town Hall, Police Department, and the first library, and now serves the community by enhancing the knowledge and preservation of its history.

During the 1990s and 2000s, the city continued to grow its employment base, leveraging access to BART services, along with attracting high-value employers and a skilled talent pool. Over time, Pleasanton has developed a solid economic base with large employers like Workday, Oracle, Kaiser Permanente, Roche Molecular Systems, ThermoFisher, and 10x Genomics establishing facilities and investing in the community.

Pleasanton now occupies a land area of 24.2 square miles. Pleasanton's population has grown at a slower pace since 2010, when it had 70,537 residents. According to the city's 2020 decennial census count, Pleasanton is currently home to 78,252 residents. Today, Pleasanton enjoys a rich blend of historic turn-of-the century charm, and a high quality of life and economic well-being desired by both residents and businesses.

# Section II - City Government

## CITY GOVERNMENT

The City of Pleasanton incorporated in 1894. Pleasanton is a general law city operating with a City Council/City Manager form of government. This form of government provides the City with public policy direction from its City Council (the Mayor and four Councilmembers) and professional administration from its City Manager.

The City Council is the governing body of the City and is vested with all the regulatory and corporate powers of a municipal corporation provided for by State law governing general law cities. As a general law city, Pleasanton's Council structure, planning procedures and many other aspects of local government are controlled by State law. The City does, however, maintain a Pleasanton Municipal Code which sets forth Pleasanton's own specific regulations and laws.

## CITY COUNCIL

The City Council acts as the governing body of the City with all the regulatory and corporate powers of a municipal corporation provided under State law. In general, the Council establishes policies and programs, as well as appropriates funds for each City service.

The City Council consists of four elected City Councilmembers and one elected Mayor. Councilmembers are elected to represent one of four Council districts for a four-year term. The Mayor is elected city-wide for a two-year term. The Mayor and Council are subject to term limits as provided in the Municipal Code.

The City Council is the policy-making body of the City and is responsible for approving ordinances, resolutions, contracts, developments and reviewing major service proposals for meeting community needs, and determining the funding amounts and sources for all City services and facilities.

The City Council approves a City Budget consisting of the biennial (two year) operating budget and the Four-Year Capital Improvement Program (CIP) which establishes program expenditures and revenues on a yearly basis. For the CIP in particular, State law and City practice involves several commissions forwarding their recommendations to the City Council for capital expenditures and programs. The final adoption of the budget occurs only after holding a public hearing for the purpose of receiving public comment on City programs and expenditures.

**The Mayor and City Councilmembers are not full-time City officials or City employees and generally hold positions in private industry, business or other professions or personal enterprise. The City Council holds regular meetings on the first and third Tuesday of each month at 7:00 p.m. at 200 Old Bernal Avenue. All regular Council meetings are open to the public.<sup>1</sup>**

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<sup>1</sup> Limited Closed Sessions are not open to the public based on the parameters of State law.

## CITY ADMINISTRATION

City Administration is divided into 9 departments and the Livermore-Pleasanton Fire Department which provide service to the entire community. A summary of each department follows:

**City Manager's Office.** The City Manager provides the overall administration, leadership, and direction for the City organization. The City Manager's Office identifies for the City Council community issues and needs requiring legislative policy decisions, assures that programs and services are effectively and efficiently provided, and fosters public awareness of municipal programs, services and goals. In addition to the City Manager Administration, the department includes the City Clerk's Office, Economic Development and Communications. Economic Development staff provides business retention and attraction services, collaborates on local, regional and state business-supporting activities, and administers an active business license program. Communications staff oversees the City's communications and community engagement program and manages media channels, prepares informational materials, serves as a primary liaison with media, and develops communications outreach and strategies for strategic projects and programs.

**City Attorney's Office.** The City Attorney advises the City Council and City staff on all legal matters pertaining to City business, frames all ordinances, resolutions and other City documents, and performs all legal services required by the City Council. Staff attorneys work closely with the City Council, City Manager, department heads, and all City staff to carry out certain administrative duties as well as providing advice on sensitive issues. The City Attorney serves as the City's Risk Manager and handles most of the City's litigation.

**City Clerk's Office.** The City Clerk's Office is responsible for ensuring the safeguarding of City records, preparing City Council minutes and processing City ordinances, resolutions and contracts. In addition, the City Clerk's Office coordinates municipal elections, oversees City compliance with public official reporting requirements, provides public information services, and coordinates central services, including mailing and duplicating.

**Community Development Department.** The Community Development Department helps provide a sustainable, well-designed physical environment and transportation network to preserve and enhance the quality of life in Pleasanton. The Department includes Planning, Building and Safety, Housing, Code Enforcement, Transportation/Traffic Engineering, Construction Services and Permit Center staff who combine to form a professional team that provides exceptional customer service and collaborative, innovative approaches to managing Pleasanton's long-term and short-term development, and ensuring a safe and efficient transportation system for all users.

**Finance Department.** The Finance Department is responsible for the safekeeping, management, and accounting of the City's financial assets. The department provides financial information and analyses to the public, the City Council, the City Manager and other departments. The department processes cash receipts, payroll, accounts payables, administers assessment districts and other debt, invests the City's funds, coordinates preparation of the City's operating and capital budgets, issues the annual financial report, and coordinates the City's audits.

**Human Resources Department.** The Human Resources Department supports the City and its vision by providing services in employee and labor relations, recruitment, classification and compensation, benefits, training and organizational development, workers' compensation and City policy development. The Department's mission is to provide exceptional services by recruiting the best talent, developing that talent and providing the workforce with a gratifying, safe and supportive work environment. Human Resources supports the organization by providing an inclusive workplace and endorses personal accountability. These services are provided with an emphasis on respect and consideration for the workforce and all customers.

**Information Technology Department.** The Information Technology Department is responsible for the technology needs of the City. The department administers and maintains all end point computing devices, software applications, data center infrastructure, and network. The Department also maintains all City web sites, electronic communications, and voice telephony systems, and cybersecurity technologies for protection of the City's systems and data from being compromised.

**Library and Recreation Department.** The Library and Recreation Department oversees library services; senior services; the City's performing, literary, visual, cultural and public art activities; environmental education; facility rentals; a variety of indoor and outdoor camps, classes, events, sports and aquatics for all ages; as well as cemetery, homeless and paratransit services.

**Livermore-Pleasanton Fire Department.** The Livermore-Pleasanton Fire Department's (LPFD) core purpose is to make the communities of Livermore and Pleasanton safe for all citizens to live and work through the protection of life, property and the environment. The department, through the Fire Prevention Bureau, is responsible for minimizing fire risk through positive fire code enforcement and weed abatement. The Operations Bureau prepares for and responds to all emergency fire, medical, rescue and hazardous materials incidents. Five of the department's ten fire companies are based in the City of Pleasanton. The LPFD also trains at the City's training facility in east Pleasanton. The department provides training to citizens in order to improve their safety and self-reliance in emergencies, plus the department plays a key role in the citywide Emergency Preparedness Plan.

**Public Works Department.** The Department provides essential services that improve and maintain public infrastructure to protect and enrich the lives of our residents. This is accomplished through three major divisions: Engineering Services, Operations and Utilities. The department oversees the City's utilities, parks, water, sewers, storm drainage, building and streets; designs, constructs and reviews public and private development.

**Police Department.** The Police Department is responsible for protecting the legal rights of individuals, minimizing crime and enhancing community safety. The department's personnel dispatch and respond to calls for service, conduct investigations, operate crime and drug abuse prevention programs, provide animal service and rescue, enforce parking limits, and manage crowds and traffic at special events. The police station serves as the Emergency Operations Center in the event of a disaster.



## PLEASANTON MUNICIPAL CODE

The *Pleasanton Municipal Code* sets forth the regulatory, penal and administrative laws of general application to the City pursuant to the authority granted in the California *Government Code* for general law cities. Amendments to the *Pleasanton Municipal Code* can only be made through the approval of an ordinance by the City Council, or a voter initiative.

The *Municipal Code* is available from the City's website at:

[https://library.qcode.us/lib/pleasanton\\_ca/pub/municipal\\_code](https://library.qcode.us/lib/pleasanton_ca/pub/municipal_code)

## ONE PLEASANTON: 5 YEAR STRATEGIC PLAN

Pleasanton's first citywide Strategic Plan, "ONE Pleasanton," is the culmination of an intensive months-long collaboration that brought the City Council and City staff together with hundreds of members of Pleasanton's diverse community to create a shared vision for the city's future. This Strategic Plan sets a progressive path for Pleasanton for the next five years, from 2023 through 2028. The plan will be integrated with the City's annual budget development, the capital project planning process, and other plans and programs to align strategies with resources to deliver successful outcomes.

This Strategic Plan serves as a roadmap, reflecting City Council policy direction to achieve five key goals:

- Funding Our Future: Fiscal Sustainability
- Optimizing Our Organization: Organizational Effectiveness
- Investing in Our Environment: Infrastructure, Public Facilities, and Sustainability
- Safeguarding Our City: Public Safety and Emergency Preparedness
- Building a Community Where Everyone Belongs: Livability and Community Development

Through the implementation of this Strategic Plan, the City will continue to strengthen the relationship between the city organization and our many community members and partners to build a resilient, vibrant community where everyone belongs. By working together, we can realize our vision of ONE Pleasanton.

To learn more about the Strategic Plan, visit:

<https://www.cityofpleasantonca.gov/assets/our-government/city-manager/strategic-plan.pdf>

## CITY VISION STATEMENT

*Our vision for the Pleasanton community is aspirational, a statement of the future.*

Pleasanton is a progressive, desirable city where a diverse community honors the city's historic character while working together to create an excellent quality of life now and for the future.

## **CITY MISSION STATEMENT**

*Our mission represents the purpose of the City of Pleasanton as an organization.*

We prioritize our residents and businesses by delivering a wide array of exceptional public services to support a safe, sustainable, and inclusive community.

## **CITY VALUES STATEMENT**

*Our values reflect expected behaviors of all members of the City of Pleasanton organization – including staff, as well as appointed and elected officials.*

*Our values also reflect the principles of a Community of Character created by the Pleasanton Community of Character Collaborative. These principles are responsibility, compassion, self-discipline, honesty, respect, and integrity. We strive to model these character traits and seek to foster a community culture built on these shared values.*

We value SERVICE to our community and to our colleagues by working together with professionalism, compassion and respect.

We value INTEGRITY by fostering transparency and being trusted to do what is right and accountable for our actions.

We value INCLUSION by actively considering, engaging, and involving the full diversity of people in our city and organization to build a community where everyone belongs.

We value INNOVATION by continuously improving how we work and welcoming new ideas as we seek lasting solutions to community and organizational concerns.

## **PLEASANTON GENERAL PLAN**

The Pleasanton General Plan is the adopted document used by decision makers and citizens to guide and interpret the City's long-range plans for development of land and conservation of resources. Each city and county in California is required by State law to adopt a general plan documenting its intentions for future development and conservation. The general plan must contain a land use map, adopted policies and supporting information adequate to make informed decisions concerning future change in the community.

The Pleasanton General Plan is general and flexible enough to allow for future change, but specific enough to inform citizens and decision makers of the City's policy regarding the future use of individual properties. The Pleasanton General Plan identifies methods for improving public facilities and services to meet community needs and establishes a framework within which zoning, subdivision and other government regulations are implemented. In addition, the Pleasanton General Plan provides a long-term perspective including projections for accommodating growth based on the most current available information. Finally, the Pleasanton General Plan is written in a manner which guides local decision-making and is available to all those concerned with the future of the community.

The Pleasanton General Plan meets all requirements for general plans stipulated in State laws including the mandatory elements: land use, circulation, housing, public safety, conservation, open space, environmental justice, air quality and noise. The Plan also includes optional elements covering public facilities and community programs, water, energy, air, community character, economic and fiscal matters, and subregional planning.

The Pleasanton General Plan is structured to facilitate access to information concerning the community. It documents existing conditions and projects future trends. It explains City policy and offers specific programs to alleviate potential problems. It serves as a reference document to help locate information from diverse sources. Finally, it provides a concise guide to making decisions about the future of Pleasanton.

# Section III – City Commissions

## SUMMARY OF COMMISSIONS

To take advantage of community resources, the City utilizes a number of commissions, committees and/or task forces<sup>2</sup> to advise the City Council on a wide range of activities.

Commissions are standing bodies established by City ordinance or resolution for long-term service and are not connected with one particular project. The City has nine standing bodies that are usually ongoing and meet on a regular basis. Each commission or committee may adopt an annual calendar establishing their regular meetings.

A summary of each commission and committee's duties, membership composition and general meeting frequency are described below.

### **Bicycle, Pedestrian and Trails Committee**

**Duties:** Advises the Parks and Recreation Commission and the City's Traffic Engineering Division on bicycle, pedestrian and trails related items including reviewing and prioritizing potential projects, policy recommendations, and the promotion of community awareness regarding non-motorized forms of transportation.

**Members:** 9 total members: five at-large members, one member from Planning Commission, one member from Parks & Recreation Commission, one member from Youth Commission, one member from Energy & Environment Commission

**Term:** Four years with a maximum of two terms

**Meetings:** Fourth Monday of every other month, 6:30 p.m., Senior Center, 5353 Sunol Blvd.

### **Civic Arts Commission**

**Duties:** Promote the acquisition and installment of works of public art in Pleasanton and makes recommendations to the City Council regarding the City's Civic Arts Program, including regarding grants.

**Members:** 7 total members: six adult members, one youth member (grade 9-12)

**Term:** Four years with a maximum of two terms

**Meetings:** First Monday of every other month, 7:00 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Economic Vitality Committee**

**Duties:** Assess the current and ongoing business climate in the City of Pleasanton and offer suggestions and recommendations to the City Council intended to maintain a strong economic development base in the City.

**Members:** 9 total members: two at-large members, one member each representing one of seven

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<sup>2</sup> Task forces and some committees are generally formed on an ad hoc basis to provide assistance to the City Council for a specific project, and as a result, have a term limited to the particular project. Past examples of these groups include the East Pleasanton Specific Plan Task Force and Youth Master Plan Implementation Committee. If you are a member of an ad hoc group, City staff will provide you with information detailing your group's responsibilities and goals.

groups – Commercial Real Estate, Downtown Business, Retail, Information Technology, Life Sciences, Commercial Services, and Professional Services

**Term:** Four years with a maximum of two terms

**Meetings:** Third Thursday of every other month, 7:30 a.m., City Council Chambers, 200 Old Bernal Avenue

### **Energy and Environment Commission**

**Duties:** Advise the City Council on energy and environmental matters, strategies, planning and protections and opportunities for conservation. Support the intent of the Pleasanton General Plan and Climate Action Plan's environmental goals, develop measurable energy strategies related to preservation, enhancement and conscientious utilization of environmental resources, and other energy related matters.

**Members:** 7 total members: five adult members, one youth member (grade 9-12), one alternate adult member

**Term:** Four years with a maximum of two terms, youth: one two-year term

**Meetings:** Third Wednesday of every other month, 5:30 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Human Services Commission**

**Duties:** Advise the City Council on the human service needs of the community and methods of fulfilling these needs. Particular emphasis is given by the commission to the human service needs of the socially and economically disadvantaged, the elderly and the youth of the community. Also makes grant recommendations to the City Council.

**Members:** 7 total members: six adult members, one youth member (grades 9-12)

**Terms:** Four years with a maximum of two terms, youth: one two-year term

**Meeting:** First Wednesday of each month, 7:00 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Library Commission**

**Duties:** Advise the City Council on matters related to the Pleasanton Library and library services including policy, rules, capital projects, service levels and ongoing operations. This commission also promotes the use of library services to the community.

**Members:** 7 total members: five at-large members, one youth member (grade 9-12), and one member who shall be selected from a recommendation made by the Friends of the Library.

**Terms:** Four years with a maximum of two terms, youth: one two-year term

**Meeting:** First Thursday of each month, 7:00 p.m., City Council Chambers, 200 Old Bernal Avenue

### **Parks and Recreation Commission**

**Duties:** Advise the City Council on matters related to the development and provision of services pertaining to parks and recreation facilities, programs and services, including capital budgeting for park development and improvements.

**Members:** 7 total members: six adult members, one youth member

**Terms:** Four years with a maximum of two terms, youth: one two-year term

**Meeting:** Second Thursday of each month, 7:00 p.m., City Council Chambers,  
200 Old Bernal Avenue

### **Planning Commission**

**Duties:** Prepare, adopt and administer the Pleasanton General Plan and specific plans; prepare recommendations to the City Council regarding amendments to the City's zoning ordinance; review and advise the City Council regarding subdivision maps; and investigate, hear and determine use permits, specified variances, permits and zoning ordinances.

**Members:** 6 total members: five adult members and one alternate member

**Term:** Four years with a maximum of two terms

**Meeting:** Second and fourth Wednesdays of each month, 7:00 p.m., City Council Chambers,  
200 Old Bernal Avenue

### **Youth Commission**

**Duties:** Act as the liaison between Pleasanton's youth community and the City Council; advise the Council on youth-related issues; promote an understanding and appreciation of community affairs among the youth of Pleasanton.

**Members:** 15 total members: three students from middle school, six students who are high school freshmen or sophomores, and six students who are high school juniors or seniors

**Term:** Two years, with maximum of two terms

**Meetings:** Second Wednesday of each month from September through May, 7:00 p.m.,  
Operations Services Center, 3333 Busch Road

The legislative actions setting forth the establishment of each of the above bodies is included in *Section V. Municipal Code Sections Describing City Commissions*.

## APPOINTMENT TO COMMISSIONS

The City has established guidelines for the appointment of members to City commissions, which are set forth in a resolution and included in *Section VI City Commission Related Resolutions* of this handbook.

In an effort to streamline the commissioner appointment process, appointments generally are made in April and September of each year. With the exception of certain appointments to the Youth Commission that have a term of two years, commission appointments are for a term of four years with a term limit of eight years, with some committee appointments for 3 year terms with six year maximum. The term limit does not apply to any time served as an alternate commissioner. Appointments to committees and task forces are determined by resolution based on the subject matter involved.

The commission appointment process includes an advertising period requiring interested candidates to submit an application to the City.<sup>3</sup> The Mayor, and sometimes interested City Councilmembers, will interview the candidates. At a City Council meeting, the Mayor will make an appointment and the Council will vote to approve or disapprove the appointment. A majority vote of the City Council is required to finalize the appointment. If no candidate received the required majority affirmative vote, the vacancy may be readvertised for a 15-day period and the review and appointment procedure will be repeated. Any person appointed but not approved by the City Council for a particular committee or commission is not eligible to reapply for that particular term of office or vacancy.

In addition to the procedures for appointment, the City maintains a process for orienting commissioners to their position and leaving office. This process is outlined in *Section VI City Commission Related Resolutions*. In general, the orientation process involves a meeting with the staff liaison to review the commission's role, meeting procedures, key issues and may include a tour of the City.

## APPOINTMENT OF OFFICERS

Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year.<sup>4</sup> No commissioner shall serve more than two consecutive full terms as chairperson.

The chairperson shall:

1. Preside at all meetings;
2. Appoint commissioners as needed to serve on subcommittees and ad hoc committees, and
3. Call special meetings.

The vice chairperson shall preside in the absence of the chairperson.

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<sup>3</sup> Current members of a commission or committee (an incumbent) seeking reappointment may be subject to a different process.

<sup>4</sup> The Youth Commission has a different schedule for the selection of officers and terms.

The City Manager shall appoint a City employee to serve as a commission Staff Liaison who usually serves as secretary to the commission. The Staff Liaison/secretary to the commission shall keep true and accurate accounts of all actions of the commission at the commission's regular and special meetings.

## MAINTENANCE OF MEMBERSHIP

Every member of a committee or commission is required to regularly attend the scheduled meetings of their particular committee or commission. Meeting attendance and maintenance of membership guidelines are set forth in various sections of the *Pleasanton Municipal Code* which are included in *Section VI City Commission Related Resolutions* of this handbook.

In general, the ordinance states that if a member is absent from one-third or more of the regular meetings during a six-month period, that member may be removed from the commission subject to the following procedures:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the City Manager, who shall transmit a report to the City Council.
2. The City Manager shall notify in writing any member who has been absent from one-third of the regular meetings during the course of a six-month period of that fact and request that the member submit to the City Council in writing the reasons for the absences.
3. The City Council shall determine if the member's reasons for the absences were justified. If the City Council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the City Council shall terminate the term of office of the member and declare the office vacant.
4. If the City Council declares such office vacant, the City Council shall take appropriate steps to appoint a qualified person to fill such vacancy for the unexpired term and the City Clerk shall notify the member that the member's term has been officially terminated.

Subject to the above provisions, a commissioner will maintain membership until <sup>5</sup>:

1. The member's term has expired.
2. The member voluntarily resigns.
3. The member fails to maintain residence in the City.<sup>6</sup>
4. The position has been filled with another candidate.
5. The member becomes employed with the City in a capacity related to the duties of the commission.

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<sup>5</sup> Section III – Code of Conduct, and the *City Council Meeting Rules of Procedure* also provide that a commissioner must timely file the commissioner's Statement of Economic Interest.

<sup>6</sup> Excepting members of the Economic Vitality Committee, youth members of commissions, and non-voting members of the Bicycle, Pedestrian and Trails Committee who represent specific agencies.



6. The City Council removes a member. (A majority vote of Council is required to remove a member of a City commission or committee. The recommendation for removal may be made by the Mayor or any Councilmember.)

## COMPENSATION FOR COMMISSIONERS

City-appointed commissioners (including alternates) on the Planning Commission, Parks and Recreation Commission, Civic Arts Commission, Energy and Environment Commission, Human Services Commission, Library Commission and Youth Commission may receive \$50 for each commission meeting attended, with a maximum of \$100 per month.

The payment is subject to withholding taxes. Immediately after the appointment of a commissioner, contact will be made from the City related to the selection of withholding options.

The resolution establishing the commissioner payments is included in *Section VI – City Commission Related Resolutions*.

## TRAVEL POLICY

The City Council has adopted an administrative regulation governing reimbursement for business travel, training and meetings. This information is included in *Section VI City Commission Related Resolutions* of this handbook. Please refer to this section for detailed information.

In general, the City may provide a full or partial level of reimbursement for travel and training related to commission activities. However, any commissioner desiring to participate in travel, training and meetings (other than commissioner meetings) must have prior approval of the City Manager. No reimbursement will be provided without prior City Manager approval.

## CODE OF CONDUCT

To minimize conflict of interest exposure and to maintain a high level of trust with the community, a Code of Ethics is established as follows:

The Political Reform Act of 1974 , as amended, establishes conflict of interest guidelines for elected officials and some appointed officials. In addition, the City Council has adopted a local *Conflict of Interest Code* for itself, City committee members and commissioners and City employees. The following *Code of Ethics* guidelines are established to highlight and augment the Political Reform Act and the adopted local *Conflict of Interest Code*.

1. No elected or appointed official (including committee and commission members) or employees of the City of Pleasanton shall engage in any business or transaction or shall have financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties, or which would tend to impair their independence, judgment or action in the performance of such duties. Examples of such activities include, but are not necessarily limited to, the following:

- a. Using the prestige or influence of the City office or employment for private gain or advantage of him/herself or another, unless so specified by contract.

- b. Using time, facilities, equipment or supplies of the City of Pleasanton for the private gain or advantage of him/herself or another.
  - c. Using official information not available to the general public for their private gain or advantage or that of another.
  - d. Receiving or accepting money or other personal consideration from anyone other than the City of Pleasanton for the performance of work done or actions taken in the regular course of employment or duties for the City of Pleasanton.
  - e. Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the City of Pleasanton under circumstances from which it could reasonably be inferred that such was intended to influence him/her in their official employment or duties, or as a reward for official action.
  - f. Engaging in or accepting private employment or rendering services for private interests that may inhibit the proper discharge of their official employment or duties.
- 3. Elected and appointed officials shall comply with the *Ralph M. Brown Act (Brown Act, various State of California open meeting laws)* and all applicable open meeting laws to ensure that information is available to the public regarding the public's business.
  - 4. Every elected official, officer, appointee, consultant or contract personnel of the City of Pleasanton shall disclose completely the nature and extent of any interest, direct or indirect, which conflicts with their responsibility or duty.
  - 5. The City Council and the City Attorney shall administer this *Code of Ethics* for all elected and appointed officials.

In addition to the above, the *Political Reform Act* requires State and local agencies to adopt and promulgate conflict of interest codes. The City's code is currently included in Section VI – City Commission - Related Resolutions and City Policies.

In general, the code requires specified commissioners to submit annual statements of economic interest as prescribed by the State's Fair Political Practices Commission. The City's code in Section VI details the economic interest disclosure requirements for each commission. It is important that you review this information and complete the necessary material. The City Clerk will provide you with the necessary forms consistent with the submittal deadlines.

The State of California also requires that all officials who receive a stipend for attending public meetings complete ethics training totaling two hours every two years. This will not apply to Committee members not eligible to receive stipends. The City Clerk's Office will advise you of in-person and on-line training opportunities to meet this requirement.

**The failure to comport with the Code of Conduct, Conflict of Interest Code, or the above State law requirements constitutes grounds for removal from office.**

## **RESPONSIBILITY OF COMMISSIONERS**

To be selected as an active member of a commission provides an opportunity for meaningful public service. Although the duties of each commission vary widely, there are certain responsibilities that are common to all commissioner. The following is a summary of the important responsibilities of commissioners:

1. **Understand the Role and Responsibilities of the Commission**

One of the first responsibilities of a new member is to understand the commission's scope of responsibility and operating procedures. This information may be obtained by referring to the section of the Municipal Code related to your particular commission included in this section. The Planning Commission should be familiar with the Pleasanton General Plan; similarly the Youth Commission knowledgeable about the Youth Master Plan, and every other commission familiar with the ordinance or resolution that created it. City staff will provide copies of this information upon your appointment to the commission.

City staff responsible for the programs within each commission's scope of interest are available to assist new members in becoming familiar with their roles and duties and will provide information about City policies, minutes of past meetings and other helpful data.

2. **Be Careful to Represent the Entire Commission**

Individual members should refrain from representing their views or recommendations as those of the entire commission unless the commission has officially voted to approve the recommendation. Commissioners making recommendations or expressing views not approved by the majority of the commission should indicate that they are representing only themselves as individuals. When making statements to the press, posting on social media or writing letters to the editor, commissioners should indicate which actions are only recommendations and indicate when final action will be taken by the City Council or the commission. Most commission actions are recommendations to the City Council.

Minority reports may be submitted by individual commissioners on actions taken by the commission. The disagreement should be stated in the minutes and a copy of the minority report should be placed in the commission's records. If the commissioner was absent at the time action was taken, they may state the desire to submit a minority report at the next meeting.

3. **Be Representative of the Whole City**

Although commissioners may be selected, in part, because they represent certain groups or interests, once selected each commissioner should represent the entire public interest of the City and not just their respective group or interest. The question "What is best for the entire community?" should take precedence over "What is best for my interest group?"

4. **Keep the Lines of Communication Open**

As an influential member of the community, a commissioner is in the unique position of serving as a liaison between the City and the general public in helping to reconcile contradictory viewpoints and building a consensus around common goals and objectives. A commissioner must serve as a link between the community, staff and the City Council by presenting City programs and recommendations and also providing a channel for citizen expression. A primary

role of the commission is to determine the interests of the citizens concerning City programs, and make recommendations to the City Council.

5. **Do Your Homework and Be Thorough in Your Recommendations**

Commissioners, in connection with their role, often spend many hours in research on a particular problem. Commissioners should thoroughly review staff reports, plans and material provided in advance of meetings. This information (or links to it) will be provided to you by the staff liaison assigned to your commission.

6. **Be Conscious of Your Relationship to the City Council, Other Commissions and City Staff**

It is important to remember that City staff works for the City Manager, and through the City Manager, for the City Council and the community at large. Staff does not work for commissioners. It is, therefore, not appropriate for commissioners to direct staff or to become involved in the administrative or operational concerns of City departments. While staff can provide routine information on ongoing projects, a formal request to the City Council must be made for staff involvement in major projects.

If commissioners have questions or are concerned with staff services provided to the commission, the City Manager should be contacted to review the matter.

City staff is required by the City Council to make individual professional recommendations which may, or may not, agree with those of a commission. The staff is required to present fairly a commission's recommendations and explain them, but will not defend them if in disagreement.

Your commission is not a substitute for regularly constituted government. The responsibility for allocating scarce public resources rests with the community's elected representatives, the City Council, and cannot be designated to an outside group, however capable and interested it might be.

Commissions should review City policies related to programs under their scope of interest and make recommendations for changes to the City Council. There are regular opportunities to do this when making proposals for City Council Priorities, which generally occurs every two years. However, commissions must adhere to the policies approved by the Council as expressed in the General Plan, Municipal Code, and other official documents.

7. **Establish a Good Working Relationship with Other Commissioners**

On many occasions, the success or failure of the efforts of a commissioner is largely dependent on the degree of cooperation among the individual commissioners. To help build a consensus around common goals and objectives, commissioners will often have to reconcile contradictory viewpoints. While commissioners are encouraged to become more familiar with each other during your service, be mindful that a majority of commission should not meet outside of scheduled commission meetings to discuss matters within your jurisdiction. That could give rise to a violation of State law regarding open meetings, as public business should not be conducted outside of meetings that are open to the public.

Each commissioner should do their part to ensure that meetings proceed in an orderly and

constructive manner. The chair is primarily responsible for seeing that consideration of items on the agenda move along without delay, but with reasonable time allocated to each item. Each commissioner can assist the chair by becoming familiar with the basic rules of parliamentary procedure and by adequately preparing any presentations they make to the commission.

8. **Political Participation**

Serving as a City commissioner does not restrict an individual from participating in political activities at any level of government, whether local, state or federal. However, if a commissioner takes a position on a political issue outside of the role of commissioner, they must take steps to assure a distinction between personal viewpoints and positions of the commission. If commissioners use the title of their appointed office when participating in these activities, they must make it clear that they are not representing or speaking for the commission, but rather using the title for identification purposes only. Further, a commissioner may not use public resources for personal gain, including political gain, or support of campaign activity for a candidate or ballot measure. Please contact your staff liaison or the City Attorney's Office if you have questions regarding political activity by individual commissioners or your commission.

## **MISCELLANEOUS COMMISSION MATTERS**

A. **Use of Staff for Outside Activities**

Requests that involve change of policy, detailed research or analytical work or use of significant staff time shall be submitted to the full commission for consideration, which may then be forwarded to the Department Head, City Manager, or City Council for approval, depending on the scope.

B. **Press Releases**

All press releases pertaining to the commission shall be issued on City letterhead on behalf of the entire commission. No press releases pertaining to commission action shall be released by individual commissioner(s). Only the City Manager's Office is authorized to make press releases pertaining to City activities and events of public importance as the City Manager's Office determines necessary and appropriate to keep the public informed.

C. **Reimbursement Policy and Procedures**

Any activity, including travel and attendance at seminars, resulting in a request for reimbursement must be requested prior to incurring personal expenses. Any request must be preapproved by the City Manager. The City will not reimburse any expense not preapproved by the City Manager.

D. **Commission Equipment/Supplies**

Any special equipment or supplies purchased by the City for the use of a commissioner shall remain the property of the City, and shall be returned to the City upon leaving office.

# Section IV – Meeting Procedures

## OPEN MEETING REQUIREMENTS

### **Purpose**

The *Brown Act* is California's "sunshine" or open meetings law for local government. In a nutshell, it requires local government business to be conducted in open and public meetings. The *Brown Act* is based upon State policy that the public must be informed so it can keep control over its own government.

### **Who is Covered**

Legislative bodies are the basic local governmental unit subject to the *Brown Act*. A legislative body includes a commission or committee, whether the commission or committee is decision-making or advisory in nature.

### **Public Meetings**

The *Brown Act* requires that all commission meetings shall be open to the public. A meeting, generally, occurs when a majority of the legislative body gathers at the same time and in the same place to hear, discuss or deliberate upon anything that is within the subject matter jurisdiction of the legislative body or city. In order to be lawful, a meeting must be noticed, have an agenda and follow other procedural rules.

While at a public meeting of your commission, be mindful of your electronic devices, such as smart phones, laptops and tablets. Do not use such devices to communicate with other commissioners, members of the public, or undertake ad hoc research while your commission is considering a matter. Doing so results in parts of the decision making process occurring outside of the public's view (and also implicates due process concerns for some commission decisions).

What commissioners also must be careful about are "serial meetings". These are meetings by which a quorum of your commission uses any direct communication or technological device, such as telephone, e-mail, blog, etc., to develop collective concurrence on actions outside of a public meeting. These serial meetings are by definition unlawful because there is no way to notice such meetings or to provide for public participation. Something as simple as pressing "Reply All" to an email sent by City staff to all commissioners can inadvertently trigger such a serial meeting violation. For example, if your "Reply All" message tries to convince other commissioners to join your point of view on an issue coming before your commission, that is a Brown Act violation because commissioners are considering an issue outside of the public's view. State law also prohibits commissioners from using social media platforms to hold an unnoticed virtual meeting. You may not respond to another commissioner's social media posts regarding items in the jurisdiction of your commission; which prohibition includes even a thumbs up or emoji indicating agreement or disagreement.

A majority of your commission, however, may attend a purely social gathering or attend conferences or seminars without running afoul of the *Brown Act*, so long as a majority does not discuss among themselves city business of a specific nature.

Finally, a legislative body, such as the City Council, can meet in closed session for certain express purposes such as to discuss litigation or labor or property negotiations. Those exceptions, however, will rarely apply to commissions.

### **Private Meetings**

Persons with applications or other matters pending before a commission may approach individual commissioners. Whether to meet privately with such persons is always a decision for a commissioner to make. To help make that decision, commissioners should consider the following points:

- The public's business should be discussed in public whenever possible.
- City staff can advise you regarding the legality and/or propriety of private meetings.
- The commission will make better decisions when all commissioners have access to the same information.
- You should inform the full commission at the public meeting when you have held such a private meeting.

### **Penalties**

There are civil remedies and criminal misdemeanor penalties for *Brown Act* violations. The civil remedies include injunctions against further violations, orders nullifying any unlawful action and orders determining the validity of any rule to penalize or discourage the expression of a member of the commission. Criminal penalties may result if a person is found guilty of a wrongful deliberate intent to deprive the public of information to which it is entitled under the *Brown Act*.

Certainly the best way to avoid these type penalties is to conduct the commission's meetings in public, keep to matters on the agenda and check with the City Attorney if you have any questions or doubts about whether an action may run afoul of the *Brown Act*.

## GENERAL MEETING PROCEDURES

In order to serve the public's interest and to assure continuity of public meetings, the City has adopted procedural policies for commission meetings as follows.

### A. Types of Meetings

Commission meetings shall be confined to the following categories:

1. Regular Meetings

Commissions shall meet for all regular meetings at a specific time and location. (See Section III for a listing of meeting days and times.)

If the meeting date should fall on a legal holiday, the commission shall meet at another time and date so designated by the commission.

2. Adjourned Meetings

Any meeting of the commission may be adjourned to a later date, place and time provided no adjournment is for a longer period than the next regularly scheduled meeting.

3. Special Meetings

Special meetings may be called by the commission chairperson or by a majority of the commission. The call for a special meeting must specify the day, hour and place and shall specify the subject/subjects to be considered as required by law. Twenty-four hours' notice must be given prior to meetings. Only specified matters may be discussed at special meetings.

4. Study Sessions /Workshops

The commission may meet informally in study sessions or workshops called by the commission chair or by a majority of the commission. Study sessions shall be held to receive briefings and background information and hold general discussions on major issues before formal commission action is required. Study sessions are open to the public and are subject to the *Brown Act*, thus, they must be noticed and open to the public. Other than providing direction to staff, the commission may not take any formal action on items agendaized for a study session.

5. Joint Meetings

Joint meetings with outside governing bodies may be called or authorized by the commission chair or by a majority of the commission.

### B. Meetings Open to the Public

1. All commission meetings, except closed session meetings as permitted by law, will be open to the public in accordance with the *Brown Act*.



2. During the “Meeting Open to the Public” portion of the agenda, no action or discussion shall be taken on any matter except that the commission may briefly respond to a statement, ask a question for clarification, provide a reference to staff for factual information, or request staff to report back at a subsequent meeting.
- C. **Media Attendance**  
All meetings that are open to the public shall be open to the media, and may be recorded, provided such recordings do not interfere with orderly conduct of the meetings.

## AGENDA FOR COMMISSION MEETINGS

- A. **General**  
Each commission meeting shall follow a written agenda.
- B. **Setting of Agenda**
1. The staff liaison, with input from the commission chair, shall prepare the agenda.
  2. A commissioner may place an item on the agenda as provided in *Section D.5* below.
  3. A member of the public may request that an item be placed on a future commission agenda. If the staff liaison does not schedule the item, a commissioner can raise the request as provided in *Section D.5* below.

- C. **Order of Agenda Items**  
Regular commission meetings begin at a time agreed upon by the commissioners and include each of the following items, if applicable, in order:

- |                      |                                      |
|----------------------|--------------------------------------|
| 1. Call to Order     | 5. Meeting Open to the Public        |
| 2. Roll Call         | 6. Public Hearings and Other Matters |
| 3. Agenda Amendments | 7. Matters Initiated by Commission   |
| 4. Consent Calendar  | 8. Commissioner Reports              |
|                      | 9. Adjournment                       |

- D. **Format of Agenda**  
The agenda for regular meetings shall include, at a minimum, the following sections:

1. **Call to Order and Pledge of Allegiance**

The chairperson shall call the meeting to order at the designated date and time specified on the agenda.

2. **Meeting Open to the Public**

- a. During the “Meeting Open to the Public” portion of a meeting, any person may address the commission provided that the item: (1) is of interest to the public and is within the subject matter jurisdiction of the commission; and (2) is not otherwise on the agenda. State law does not allow the

chairperson to require that a speaker state his or her name or address.

- b. The commission shall take no action or discuss any item raised under this portion of the agenda except that the commission may briefly respond to statements made or questions posed, and in addition, either on its own initiative or in response to such questions, may ask a question for clarification, provide a reference to staff or other resources for factual information or request staff to report back at a subsequent meeting.

3. Consent Calendar

Items listed under the “Consent Calendar” are those items that staff believes will not require commission discussion and that are routine in nature.

Any commissioner may remove any item from the consent calendar to another portion of the agenda for discussion. Prior to taking action on the Consent Calendar, a commissioner may ask questions about, or comment on, a Consent Calendar item without moving the item from the Consent Calendar.

4. Public Hearings and Other Matters

Items requiring a public hearing will comply with State law and City ordinances as to notice. Procedures for conducting public hearings are described later in this section.

5. Matters Initiated by Commission for Discussion/Action

The purpose of the “Matters Initiated by Commission” portion of the meeting is to allow commissioners to raise issues and, if necessary, to request information from staff or to request that items be scheduled on future agendas. A commissioner may request that an item be placed on a future agenda, if a majority of the commission present agrees.

6. Commission Reports

Commissioners may provide brief summaries of meetings attended in a liaison capacity, or of programs, trainings or conferences paid for by the City.

E. Agenda Posting

City staff shall post an agenda at least 72 hours before any commission meeting at City Hall offices at 200 Old Bernal Avenue, 123 Main Street, at the meeting location, and also on the City's website

The agenda shall specify the time and location of the meeting and contain a brief description of each item of business to be transacted or discussed at the meeting.

F. Delivery of Agenda Material to Commissioners and Use of Technology Equipment

City staff shall endeavor to deliver all agenda materials, including all staff reports and exhibits, to the commission no later than one week preceding a regular commission meeting.

City staff may elect to provide agenda material through electronic media in a format suitable for computers or tablets. Because the use of electronic media raises concern regarding Brown Act, due process and Public Records Act requirements, the following policy applies to the use of these electronic devices.

Commissioners are required to use their own electronic devices during public meetings to review agenda materials. The City will not provide computers or tablets to commissioners.

Commissioners should not communicate privately with each other, the public, or City staff, or browse the Internet or use email or social media, during meetings.

G. **Minutes of Meetings**

Staff shall record an account of all public regular and special commission meetings. These minutes, following approval by the commission, will be considered the City's official record of the meeting.

1. **Preparation of Minutes**

To ensure uniformity of minute entries and to save time composing the record, all minutes will be prepared in a standardized format in accordance with the City's administrative policy.

Minutes will include a statement of all commission actions, including motions made and vote thereon. Public comments by members of the public shall include names (if provided).

2. **Recordings of Meetings**

It is the policy of the City to record its regular meetings.

a. **Not official records**

The recordings of the commission meetings are not the official record of those meetings. The approved minutes constitute the only official record.

b. **Maintenance of Recordings**

Recordings shall be maintained in accordance with the City's Records Retention Schedule. Arrangement for review or recordings may be made with the staff liaison. The City is not required to provide verbatim transcripts of any recording.

## **MEETING ORDER AND ATTENDANCE**

A. **Presiding Officer**

The commission chairperson, if present, shall preside. In the absence of the commission chairperson, the vice chairperson shall preside. In the absence of both, the commissioners

present shall select a presiding officer.

The presiding officer shall preserve order and decorum at all meetings of the commission, announce the decisions on all subjects and decide all questions of order.

B. **Right of Floor**

Any commissioners desiring to speak shall first be recognized by the presiding officer and shall confine any remarks to the subject under consideration.

C. **Points of Order, Privilege and Personal Privilege**

See *Rosenberg's Rules of Order* page 7.

D. **Quorum**

Except as otherwise provided in a commission's formation ordinance or resolution, a majority of the commission shall constitute a quorum necessary to transact business. In the event a quorum is not in attendance, those attending will be named in the minutes and shall adjourn the meeting to a later set time.

## MEETING PROCEDURES

In addition to the requirements of State law and procedures described herein, *Rosenberg's Rules of Order*, attached, shall govern the conduct of commission meetings.

A. **Call To Order**

The commission chairperson or vice chairperson shall call the meeting to order at the hour appointed. In the absence of both, the meeting shall be called to order by the staff liaison and those commissioners present shall proceed to select a temporary presiding officer.

B. **Preservation of Order**

The presiding officer shall preserve order and decorum, shall prevent verbal attacks on commissioners, staff and/or citizens, and shall confine debate to the item under discussion. Commissioners shall not delay or interrupt the proceedings nor disturb another commissioner while speaking.

C. **Speaker Cards**

All speakers are requested to complete a speaker card and to submit the card to the commission prior to the item being heard. (Again, speakers may not be required to provide this information.)

D. **Disorderly Conduct**

Any person whose conduct disrupts the commission meeting or its orderly consideration of the public's business may be barred from the meeting by the presiding officer, unless permission to continue is granted by a majority vote of the commission.

E. **Point of Order**

The presiding officer shall determine all points of order, subject to the right of any commissioner to appeal as herein defined.

F. **Motion to Be Stated**

The presiding officer shall state all motions submitted for a vote and announce the result of all persons who vote in favor, against, recuse or abstain.

G. **Actions Limited to Posted Agenda/Items Too Late For Agenda**

The commission shall not take action or discuss any item not appearing on the posted agenda except as permitted by the *Brown Act*. The *Brown Act* permits the commission to take action on an item not appearing on the posted agenda under the following situations:

1. If any emergency situation (as defined by law) exists as determined by a majority vote of the commission;
2. If there is a need for immediate action that came to the City's attention after the agenda was posted as determined by a two-thirds vote of the commissioners present (or if less than two-thirds of the commissioners are present, a unanimous vote of those commissioners present); or
3. The item was posted pursuant to *Section IV* for a prior meeting of the commission 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.

When an item arises during a regular meeting which requires commission action, but which is not listed on the posted agenda and cannot be added to the agenda as described above, commission may request staff to report back on the item at a subsequent meeting, as provided for in *Section IV Matters Initiated by Commission*.

H. **Items Considered After 11:00**

Prior to or by 10:30 p.m., the commission, in consultation with staff liaison, shall determine by vote which agenda items, if any, it will take up that evening, with the intent of completing those items by 11:30 p.m. At 11:30 p.m. the commission shall determine by vote whether it will complete action on the current agenda item and any others. Any other agenda items scheduled for the evening but not taken up or completed shall be continued to a future date, unless subject to a legal deadline.

## **PROCEDURES REGARDING PUBLIC HEARINGS AND COMMENTS BY THE PUBLIC ON OTHER AGENDA ITEMS**

A. **Commencement**

Noticed public hearings shall commence at the time specified in the notice of hearing or as soon thereafter as is reasonably possible, and shall continue until completed, unless continued under *Subsection H* of this section.

Public comment on other agenda items shall commence when the presiding officer so indicates and may continue until all persons have spoken, unless continued in accordance with this

Any item may be continued to any subsequent meeting by majority vote of the commission, unless subject to a legal deadline. This may be done if additional information is deemed necessary.

**B. Procedures**

The presiding officer shall announce the subject of the item, declare the public hearing open when applicable or ask for public comments. If necessary to assure completion of the item, the presiding officer may establish time limits for the presentations by individual speakers. If the public hearing is opened but continued to a date specific, the item does not have to be re-noticed.

To assure due process, all agenda items other than those on the Consent Calendar shall be conducted as follows:

**1. Review of Written Material/Oral Presentations**

- a. Generally, this includes review of staff reports and other written material included in the commission agenda packet. Written material from staff shall be submitted to the commission in accordance with *Delivery of Agenda Materials to Commissioners...*, *Subsection F* above. Members of the public are encouraged to provide any written material to the commission in advance of the commission meeting. Whenever possible, commissioners shall try to obtain from staff clarification or answers to questions before the meeting. Responses provided by staff may be shared with the entire commission as supplemental agenda material.
- b. An oral report may be presented by a City staff member.
- c. Staff responds to commissioner questions, comments and concerns, if any.

**2. Public Hearing/Comment**

- a. The purpose of the public hearing and public comment is to provide an opportunity for the public to be heard regarding the matter. In general, the order of speakers for public hearings should be:
  1. Project/issue applicant or spokesperson
  2. Members of the public speaking on the project/application
  3. Rebuttal by applicant or spokesperson
- b. No person may speak without first being recognized by the presiding officer. The presiding officer shall instruct speakers to:
  1. Complete a speaker card (but cannot be required);
  2. Speak from the podium;
  3. Give the speaker's name before starting the presentation (again, may not be required, but failure to provide goes to credibility of speaker);

4. Keep comments within specified time limits, if any;
    5. Avoid repetition; and
    6. Direct any questions or comments to the commission.
  - c. Commissioners may ask questions of speakers, of each other, or of staff during the public hearing or during the public comment portion of the agenda. Commissioners are limited to asking technical or clarifying questions on the items, and shall not at this portion of the meeting express personal opinion or debate the merits of an item under consideration.
  - d. Prior to commission deliberation, an effort will be made to answer questions from all speakers.
3. Commission Deliberation and Action
  - a. After determining that no other member of the public wishes to speak, the presiding officer shall declare the public hearing and comment opportunity closed, and return the matter to commission for comments, deliberation and action. Thereafter, no additional testimony shall be received by the commission as to the item except the commission may direct questions to staff, the applicant or to other members of the public before taking action or upon reopening the public hearing or comment opportunity.
  - b. The commission shall take action, if appropriate, on the matter. The commission may discuss/debate the matter before taking action. The commission may at any time (unless prohibited by law) continue the matter if additional information is necessary.
4. Permitting Public Comment After a Motion
  - a. After a motion has been made and seconded, the presiding officer may permit further public comment on the motion, provided no commissioner objects. The purpose of this opportunity shall be for the public, including the applicant/appellant, to address matters specific to the motion and not to restate prior testimony.
  - b. After all such comment is heard, the presiding officer shall reclose the public comment opportunity and then follow the procedures in *Section 3.b.*, above.

## **RULES OF DEBATE**

### **A. General**

The presiding officer shall request a motion. If a motion is made and seconded, all commissioners will have an opportunity to state an opinion on the motion. Once all commissioners who wish to be heard on the motion have spoken, the presiding officer shall call the question.

B. **Commissioners/presiding officer Right to Debate**

Any commissioner, including the presiding officer, may make, second and debate motions.

C. **Types of Motions**

Business is conducted by acting on motions. A subject is introduced by a basic motion. Once this has been seconded and stated by the presiding officer, nothing else should be taken up until it is disposed of. Once a motion has been stated, the mover may not withdraw it without the consent of the commission. Most motions must be seconded.

Motions shall be made and amended in accordance with *Rosenberg's Rules of Order*, attached. Generally, once a motion has been made and seconded, the commission may consider further motions to amend, substitute, postpone or table the original motion.

D. **Debate of Motions**

1. **Getting the Floor**

Every commissioner desiring to speak on a motion that has been seconded shall address the presiding officer, and, upon recognition, shall confine him/herself to the question under debate, avoiding personalities and indecorous language. Once recognized, the commissioner shall not be interrupted unless to call him/her to order, or as herein otherwise provided.

2. **Privilege of Closing Debate**

After reasonable debate has been conducted, the presiding officer shall call for the question that will begin the voting procedure.

E. **Voting Policies**

1. **Presence for Vote**

- a. Any commissioner, once having answered the call of the roll or having been noted as being present at a meeting, shall advise the presiding officer prior to leaving the meeting room for the remainder of a meeting.
- b. A commissioner, once having answered the call of the roll as being present at a meeting, and not excused as herein provided, has an obligation to vote on each and every matter considered by the commission even though he or she may temporarily be absent from the meeting room.
- c. The vote on any matter being considered by the commission may be delayed by the presiding officer until all commissioners who are present for a meeting and not excused as herein provided are present at the meeting room.
- d. Notwithstanding other provisions of these policies, no commissioner can be forced to vote.



- e. No commissioner with a statutory financial conflict of interest should vote on the matter creating such conflict.
2. Majority Vote Required  
A majority of the commissioners present and eligible to vote is required to take action.
3. Silence and Abstention  
The City has adopted the rule for counting votes as “those present and voting” as described in *Rosenberg’s Rules of Order* (see pages 5 and 6). Under this rule, a commissioner who abstains or is silent counts as “present” for determining a quorum, but when counting votes is treated as if the commissioner is not voting.

F. **Tie Votes**

Generally, a motion fails if there is a tie vote. After a tie vote, the commission should try to reach consensus, and the presiding officer may solicit additional discussion and another motion in an attempt to break the tie.

1. If there are no vacancies on the commission, and if all commissioners are not present, a tie vote on a motion shall be carried forward to the next meeting at which a quorum of commissioners are present.
2. If all commissioners are present, but one or more commissioners abstain, or if there is a vacancy on the commission:
  - a. As to any matter which the commission is required by law to take final action, a tie vote on a motion shall be considered no action.
  - b. As to any matter which the commission is considering on appeal, a tie vote on a motion shall be deemed no action and the decision which was appealed shall stand.
3. Any person whose application is not approved or is denied as a result of this policy may reapply in accordance with the *Pleasanton Municipal Code*. Nothing contained in this policy shall prohibit a commissioner who could not participate in a decision involving a resubmitted application if the commissioner is no longer required to abstain.

G. **Continuation of an Item**

1. After calling the meeting to order, the presiding officer may ask City staff if there are any agenda amendments. City staff shall advise if any items should be continued and the presiding officer shall identify such item and announce that it has been continued.
2. A majority of the commission may continue an item (not subject to a legally or City-imposed deadline) to the next commission meeting or to another date agreeable to a majority of the commission.
3. A majority of the commission may table an item (not subject to a legally or City-

imposed deadline). To “table” an item means to put the matter on hold; it is not scheduled to return on a specific date.

4. Any commissioner may continue an item (not subject to a legally or City-imposed deadline) to the next commission meeting or to another date agreeable to a majority of the commission. A commission using this procedure shall state the reason for such continuance. An agenda item may be continued only once using this procedure.<sup>7</sup>
5. An applicant may request that its item be continued to the next commission meeting or another date. A majority vote by the commission may grant such request so long as the item is not subject to a legally or City-imposed deadline.
6. Once an item has been taken up for consideration, City staff, a Councilmember, or an applicant may request a continuance of the item(not subject to a legally or City-imposed deadline). The item may only be continued following a majority vote of the commissioners present.
7. If the opportunity for the public to address the commission has concluded, or the public hearing portion of an item was formally closed, and the item was returned to the commission for deliberation before it was continued, then the opportunity for public comment on the item will not be reopened absent a motion by the commission.

H. **Protests**

Any commissioner shall have the right to enter into the record reasons for opposing any motion carried by the majority.

I. **Motion to Reconsider**

Any commissioner who voted with the majority may move reconsideration of any action at the same meeting or at the next regular meeting, providing no legal rights have intervened to create an estoppel. A majority of the commission present must approve the motion to reconsider. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous approval.

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<sup>7</sup> The same item may not be continued another time by a different individual commissioner. A commission majority may continue the item an additional time (so long as not subject to legally or City-imposed deadline).

## Section V

### MUNICIPAL CODE SECTIONS AND RESOLUTIONS DESCRIBING CITY COMMISSIONS AND COMMITTEES

The following Pleasanton Municipal Code sections and City resolutions set forth the roles, duties and responsibilities of City Commissions and Committees. Commissioners are encouraged to become familiar with this information as a means of carrying out the duties of their respective commissions.

1. Human Services Commission: Municipal Code Chapter 2.28
2. Youth Commission: Municipal Code Chapter 2.29
3. Planning Commission: Municipal Code Chapter 2.30
4. Energy and Environment Commission: Municipal Code Chapter 2.31
5. Parks and Recreation Commission: Municipal Code Chapter 2.32
6. Library Commission: Municipal Code Chapter 2.34
7. Civic Arts Commission: Municipal Code Chapter 2.39
8. Bicycle, Pedestrian and Trails Committee: [Resolution No. 2024-003](#)
9. Economic Vitality Committee: [Resolution No. 2024-004](#)

To view the Municipal Code, visit: <https://ecode360.com/43018819#43018919>

## Section VI

### CITY COMMISSION RELATED RESOLUTIONS AND CITY POLICIES

The following information includes adopted City policies and procedures related to City Commissions. Commissioners are encouraged to become familiar with this information as a means of carrying out the duties of a City Commissioner.

1. [Resolution No. 97-18](#) Procedure for Appointment
2. [Resolution No. 95-115](#) Procedure for Orientations and Leaving Office
3. [Resolution No. 95-113](#) Term and Service Limits for Commissions
4. [Resolution No. 02-046](#) Commissioner Compensation
5. [Resolution No. 2024-016](#) Conflict of Interest Code, Form 700 Filers
6. [Resolution No. 22-1338](#) Travel and Reimbursement Policy for Elected and Appointed Officials
7. Rosenberg's Rules of Order with cheat sheet (attached)



# Rosenberg's Rules of Order

REVISED 2011

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

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

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

## VISION

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

### 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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## ROSENBERG'S RULES OF ORDER CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn" (Only needed prior to the end of the agenda)	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
Postpone consideration of	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Introduce a motion	"I move that..." or "I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..." (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee	"I move that the question be referred to a committee for more study"	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This would generally just be used if something is not on the agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..." (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).