



# **CITY COUNCIL RULES OF PROCEDURE**

**Revised: July 19, 2022**



**CITY COUNCIL MEETING**  
**RULES OF PROCEDURE**

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## **1. Authority**

These rules of procedure are established for the effective and fair conduct of City Council meetings and to help promote public confidence in the integrity of local government. By adopting these rules, the City Council intends to balance a policy of full and free public action and debate with a need to manage its meetings effectively. [36813<sup>1</sup>].

The rules also include expectations for the appointments to the City's advisory bodies and their conduct consistent with the *Commissioners' and Committee Members' Handbook*.

## **2. Purpose**

The purpose of these rules is to document the City Council's accepted practices and to clarify expectations by establishing guidelines for the orderly, consistent, and fair conduct of the City Council's business.

These rules of procedure are intended to help implement, but do not limit or supersede, the state and local laws that govern the requirements and responsibilities for the City Council's meetings. Those laws include, but are not limited to, the California Constitution, the Brown Act<sup>2</sup>, the Political Reform Act<sup>3</sup>, and the Pleasanton Municipal Code.

These rules of procedure are not intended to limit the inherent power or the general legal authority of the City Council, and failure to follow these rules will not invalidate a City Council action.

## **3. Rules of Parliamentary Procedure**

The City Council has adopted *Rosenberg's Rules of Order, Revised 2011*, as its rules of parliamentary procedure, attached. In the event of a conflict between *Rosenberg's Rules of Order* and these rules of procedure, these rules of procedure shall control.

## **4. Applicability**

These rules of procedure apply to the preparation, posting, and distribution of the agendas for City Council meetings. They also relate to the orderly discussion of items and the City Council's voting procedures to take formal action or provide direction to staff. Lastly, they relate to respective powers for the Mayor and Councilmembers.

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<sup>1</sup> All citations are to the California Government Code unless otherwise noted.

<sup>2</sup> The Ralph M. Brown Act is located at California Government Code §§54950 et seq.; also known as the California Open Meeting Law.

<sup>3</sup> The Political Reform Act is an initiative measure adopted by California voters in 1974. The California legislature has adopted implementing statutes at California Government Code §§81000 et seq. and the Fair Political Practices Commission administers related regulations at Title 2 California Code of Regulations §§18104 et seq.

## **5. Presiding Officer**

The Mayor is the presiding officer for each meeting of the City Council that the Mayor attends. In the Mayor's absence, the Vice Mayor shall be the presiding officer for the meeting when the Vice Mayor is present. In the absence of both the Mayor and the Vice Mayor, the Councilmembers present at the meeting shall select a presiding officer. [36802].

The presiding officer shall have the Mayor's duties and responsibilities for conducting City Council meetings.

## **6. Mayoral Duties and Responsibilities**

The Mayor is directly elected for a two-year term in November of each even-numbered year. The Mayor is a member of the City Council and has all the powers of a Councilmember, except when exercising his or her unique mayoral duties. The Mayor enjoys, and shall not be deprived of, any rights and privileges as a Councilmember. Additionally, the Mayor shall have all the powers and duties of an elective Mayor as provided by statute. [34903, 36803; PMC 2.06.020].

### **6.1 Appointment of Vice Mayor and Vice Mayor Duties and Responsibilities**

The Mayor, with approval of the City Council, shall select the Vice Mayor at the meeting certifying election results in each even-numbered year and in December of each odd-numbered year, and affirms that the Vice Mayor shall have all the powers and duties of a mayor pro tempore as provided by statute.

If the Mayor is absent or unable to act, the Vice Mayor shall then serve for the Mayor, and shall have all of the powers and duties of the Mayor until such time as the Mayor returns or is again able to act. [34905, 36801].

### **6.2 Appointments to Intergovernmental Agencies**

The Mayor, with the approval of the City Council, shall appoint Councilmembers to serve on the various regional boards, commissions, and committees that require a City Council representative. [40605]. The appointments shall be made in December of each year, and periodically as the Mayor finds necessary.

Appointees may be removed from their positions by a majority vote of Councilmembers if the appointee is found to: (a) have a poor attendance record on the regional board, commission or committee; or (b) the appointee does not represent the City Council's position (except for those regional boards, commissions or committees where an appointee is legally required to be independent).



### 6.3 Seats on the Dais

The Mayor shall sit at the center of the dais for all City Council meetings. If the Mayor is absent, the Presiding Officer shall sit at the center of the dais.

In December of each year, the remaining seats on the dais shall be selected based on seniority of the Councilmembers (with a tie decided by random means of selection).

### 6.4 Mayor's Office

The Mayor shall have use of an office at City Hall. Councilmembers may also use this office for City business meetings if not in use by the Mayor, who shall have first priority.

### 6.5 Conducting Meetings

The Mayor's duties and responsibilities for conducting City Council meetings as the presiding officer are as follows:

#### 6.5.1 Call to Order

The Mayor shall call the meeting to order at the appointed time. If both the Mayor and the Vice Mayor are absent, then the City Clerk shall call the meeting to order and the Councilmembers present shall then select a presiding officer for that meeting.

#### 6.5.2 Preservation of Order

The Mayor shall preserve order and decorum, and shall discourage personal, verbal attacks on Councilmembers, staff, and/or members of the public, but shall not prohibit criticisms of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council or members of the City staff. The Mayor shall confine debate to the item under discussion. [36813, 38638, 54954.3, 54957.9]. See also Section 11.6 for Disruptive Speech and Conduct.

#### 6.5.3 Questions of Parliamentary Procedure

The Mayor shall determine all questions of parliamentary procedure in consultation with the City Attorney and City Manager.

#### 6.5.4 Reordering of Agenda

The Mayor may reorder the items on the agenda for a noticed meeting to accommodate members of the public who wish to speak on an agenda item that would otherwise be considered by the City Council later in the meeting. The Mayor

shall announce the reorder prior to calling members of the public to speak during the meeting open to the public.

#### 6.5.5 Motion to Be Stated and Roll Call Votes

The Mayor, or the Councilmember who made the motion, shall state all motions submitted for a vote by the City Council; and the Mayor or the City Clerk shall announce the result of the vote and identify the no votes and any Councilmembers that abstained or recused themselves from the vote. A roll call vote shall be taken for all teleconferenced meetings. No action shall be taken by secret ballot, but electronic tabulation may be used to record and report roll call votes. [54953(b)(2) and (c)(2)].

### **7. General Rules – City Council Meetings**

The City Council shall comply with the Brown Act. In the event of a conflict between the Brown Act and these rules of procedure, the Brown Act shall control. [54950 *et seq.*, 54953].

City Council meetings shall be open to the public, but the public shall be excluded from closed sessions as authorized by state law. [54953(a), 54957].

City Council meetings, except for closed sessions, shall be open to the media. The media shall be excluded from closed sessions as authorized by state law. [54953, 54953.5, 54957, 54957.9].

City Council meetings may be recorded by the public and the media, provided such recordings do not interfere with orderly conduct of the meetings and do not constitute a persistent disruption of the proceedings.

#### 7.1 City Council Meeting Schedule

Each December, the City Council shall approve and thereafter follow an annual calendar for its regular meetings in the upcoming year. The annual calendar shall also identify dates for anticipated special meeting workshops. [36805].

#### 7.2 Quorum

The presence of three Councilmembers shall constitute a quorum of the City Council necessary to transact business at a meeting. In the event a quorum is not in attendance, those attending the meeting will be named in the minutes, and they shall adjourn the meeting to a set date, time, and location. If all Councilmembers are absent, the City Clerk shall adjourn the meeting to a set date, time, and location. [36810, 36811, 54955].

### 7.3 Absences

#### 7.3.1 Absence

If a Councilmember is absent without permission or good cause from all regular City Council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy pursuant to election by Municipal Code §2.04.030. [36513].

#### 7.3.2 Absentee Participation

If a Councilmember wants to participate in a meeting from another published location, the appropriate way to participate is through a teleconferenced meeting as provided for in section 7.4.6. Absent Councilmembers are discouraged from communicating their opinions on agenda items to staff or to other Councilmembers to convey at the Council Meeting on behalf of the absent Councilmember. [54953(b)].

### 7.4 Types of Meetings

#### 7.4.1 Regular Meetings

The City Council shall meet in the City Council Chambers at City Hall, 200 Old Bernal Avenue, for all regular City Council meetings. The regular meetings shall begin at 7:00 p.m. on the first and third Tuesday of each month, unless otherwise specified by posted notice. [36805, 54954].

#### 7.4.2 Special Meetings

Special meetings may be called by the Mayor, the City Manager, the City Attorney, or by a majority of Councilmembers. The call and notice for a special meeting must specify the items to be considered and the date, time, and location for the meeting. [36807, 54956(a)].

The City Council may take final action at a special meeting that is not a workshop.

#### 7.4.3 Special Meeting Workshops

The City Council may meet informally in special meetings designated as workshops that are called by the Mayor, the City Manager, or by a majority of Councilmembers. Workshops are special meetings intended for: training purposes such as ethics training, sexual harassment prevention and education, and specific technical subjects such as land use; team building; and to receive briefings and background information and hold general discussions on major issues before City Council action is required. Special meeting workshops are also intended for the City Council to work with staff to develop administrative items such as the budget,

for the City Council to receive public input on matters of community wide concern, and for similar activities.

Workshops are open to the public and are meetings for purposes of the Brown Act. The City Council may provide direction, but unlike other special meetings the City Council may not take a final action at a workshop. [54956].

#### 7.4.4 Closed Session Meetings

Closed sessions may only be held as authorized by state law and shall be held in accordance with the provisions of the Brown Act. The closed sessions may precede or follow a regular meeting or be called as a special meeting. In addition to the provisions in Section 7.4.2 Special Meetings, the City Attorney or City Manager may call and notice closed session meetings as special meetings. [54954.5, 54956.5, 54956.7-54957.1, 54962].

After meeting in closed session, the City Council shall reconvene in open session and the City Attorney shall make a public report, either orally or in writing, of any reportable action taken in the closed session and the related vote tabulation. [54957.1, 54957.7].

#### 7.4.5 Concurrent Meetings

Since the Councilmembers are also the members of geological hazard abatement districts, landscape lighting and maintenance districts, the housing authority, and other legislative bodies, the City Council may concurrently convene the meetings of the City and such legislative bodies that include all Councilmembers, or where Councilmembers constitute a quorum of such legislative bodies. [54952.3].

Joint meetings of the City Council and any other legislative body or bodies shall be noticed as a meeting for each body.

#### 7.4.6 Teleconferenced Meetings

The City Council may meet from different publicly noticed locations connected by electronic means consistent with the provisions of the Brown Act effective at the time of the scheduled meeting, or California laws as amended and in current effect. [54953].

#### 7.4.7 Adjourned Meetings, and Adjourned Regular Meetings

Any meeting of the City Council may be adjourned to a later date, time, and location, and the notice of adjournment shall be posted within 24 hours on or near the door of the place where the adjourned meeting was held. However, if the adjourned meeting is to reconvene less than 24 hours after adjournment, then a copy of the order or notice of the continuance shall be posted immediately following the meeting. [36809, 54955].

The Mayor, City Manager, or majority of Councilmembers may call for an adjourned regular meeting in consultation with the City Attorney to conduct a regular meeting on a date other than on a regular meeting date on the City Council's annual calendar. [54955]

#### 7.4.8 Emergency Meetings

If the Mayor, City Manager, or at least three Councilmembers determine that a catastrophic event has caused an emergency situation to exist as defined by law, then the City Council may immediately hold an emergency meeting. [54956 and 54956.5].

#### 7.4.9 City Council Committees

The City Council may form ad hoc City Council subcommittees that do not have final decision-making authority. The City Council may form standing City Council subcommittees.

City Council standing subcommittees comprised of less than a quorum of the City Council and that have continuing subject matter jurisdiction or a fixed meeting schedule established by the City Council, shall comply with the Brown Act and follow these rules of procedure. [54952(b)].

City Council Brown Act subcommittees comprised of less than a quorum of the City Council and that have other persons as members, shall comply with the Brown Act and follow these rules of procedure. [54952(b)].

Ad hoc City Council subcommittees comprised solely of less than a quorum of the City Council and that are limited to both a defined task and a duration are not subject to the Brown Act and are not required to follow these rules of procedure. [54952(b)].

### 7.5 Notice and Agenda Posting

The City Clerk shall post the notices and agendas for each City Council meeting in the bulletin board in front of City Hall, on the City's website, and at the location where the meeting will be held. Any requirement to post notices and agendas at a remote teleconferenced meeting location outside the City's jurisdiction shall be the responsibility of the Councilmember attending the meeting from that location. [54954.2, 54953].

#### 7.5.1 Regular Meetings

It is the City Council's expectation that the agendas for regular meetings should be posted, and agenda packets delivered to the City Council at least 6 days before the meeting dates, but in no event shall the agenda for a regular meeting be posted less than 72 hours before the meeting date. [54954.2].

### 7.5.2 Special Meetings and Workshops

Notice of the call for a special meeting must be delivered and received by each Councilmember and the media (which have requested notice) at least 24 hours before the special meeting, and must be posted at least 24 hours before the special meeting date. To the extent possible, it is the City Council's goal that the notice and agendas for special meeting workshops should be posted at least 6 days before the meeting dates, and in no event shall the notice and agenda for a workshop be posted less than 24 hours before the meeting date. [54956].

### 7.6 Actions Limited to Posted Agendas

The City Council shall not discuss or take action on any item not appearing on the posted notice or agenda for that meeting. However, as permitted by the Brown Act, Councilmembers and staff may briefly respond to statements made or questions posed by the City Council or by members of the public addressing the City Council. Councilmembers may ask a question of City staff or a speaker for clarification, make a brief announcement, or make a brief report on their own activities. [54954.2(a)(3)]

However, the City Council may take action on items not appearing on the agenda in the following situations:

- a. If an emergency situation (as defined by law) exists as determined by three Councilmembers; or
- b. 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<sup>4</sup> vote of the members of the City Council present at the meeting (or if less than two-thirds are present, then a unanimous vote of those present). [54954.2, 54956, 54956.5].

### 7.7 Continuance of Agenda Items

#### 7.7.1 Continuance Before an Item is Considered

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

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<sup>4</sup> See *Rosenberg's Rules of Order*, pages 3-4 for Majority and Supermajority Votes and Counting Votes.

- d. Any Councilmember may continue an item (not subject to a legally or City-imposed deadline) to the next City Council meeting or to another date agreeable to a majority of the City Council. A Councilmember using this procedure shall state the reason for such continuance. An agenda item may be continued only once using this procedure.<sup>5</sup>
- e. A participating party as defined in Section 9.5.4 Participating Parties may request that its item be continued to the next City Council meeting or another date. A majority vote by the Councilmembers may grant such request so long as the item is not subject to a legally or City-imposed deadline.

#### 7.7.2 Continuance During Consideration

Once an item has been taken up for consideration, City staff, a Councilmember, or a participating party as defined in Section 9.5.4 Participating Parties may request a continuance of the item. The item may only be continued following a majority vote of the Councilmembers present.

#### 7.7.3 Public Comment for a Continued Item

If the opportunity for the public to address the City Council has concluded, or the public hearing portion of an item was formally closed, and the item was returned to the City Council for deliberation before it was continued, then the opportunity for public comment on the item will not be reopened absent a motion by the City Council. [54955].

#### 7.8 Consideration of items to be heard after 11:00 p.m.

Prior to or by 10:30 p.m., the City Council, in consultation with staff, 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 City Council 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 legal deadline.

#### 7.9 Points of Order, Privilege, and Personal Privilege

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

#### 7.10 Minutes

##### 7.10.1. All Proceedings Recorded

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<sup>5</sup> The same item may not be continued another time by a different individual Councilmember. A City Council majority may continue the item an additional time (so long as not subject to legally or City-imposed deadline).

An account of all open meetings of the City Council shall be recorded, and minutes prepared, by the City Clerk. [36814, 40801]. After the City Council approves the meeting minutes, the City Clerk shall enter them into official minute books of the City Council.

#### 7.10.2 Approval

The minutes for a City Council meeting shall be reviewed and approved as set forth in this section.

- a. The City Council shall approve minutes for a regular meeting, special meeting, and special meeting workshops.
- b. A Councilmember may not approve the minutes for any City Council meeting that the Councilmember did not attend, unless the Councilmember observed the meeting or reviewed a video or audio recording prepared for that meeting. Also, a Councilmember may not approve the minutes for a meeting that they were not eligible to attend as a Councilmember.
- c. If no Councilmembers are eligible to approve the minutes for a City Council meeting, then the City Clerk shall attest to the accuracy of the meeting minutes and enter them into official minute books of the City Council.
- d. The minutes shall be approved without reading if the City Clerk has furnished each Councilmember with a copy.

#### 7.10.3 Preferred Method of Recordation and Minutes

City Council meetings which are open to the general public are recorded by electronic means. Audio and video tapes of such City Council meetings are not the official record of those meetings. The approved minutes constitute the only official record.<sup>6</sup>

### 7.11 Staff Attendance

#### 7.11.1 City Manager

The City Manager, or designee, shall attend all City Council meetings,. [PMC 2.08.130]. The City Manager may make recommendations and shall have the right to take part in all discussions of the City Council, but shall have no vote.

#### 7.11.2 City Attorney

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<sup>6</sup> A majority of the City Council who were at the meeting can amend and re-adopt meeting minutes.



The City Attorney, or designee, shall attend all City Council meetings. Upon the City Council's request, the City Attorney shall provide opinions and recommendations, either written or oral, on questions of law and procedure.

#### 7.11.3 City Clerk

The City Clerk, or designee, shall attend all City Council meetings open to the general public. The City Clerk shall record, prepare, and maintain the official record of such City Council's proceedings and perform other related duties as may be prescribed by the City Council and the City Manager. [36814, 40801].

#### 7.11.4 Department Heads/Employees

Department Heads and employees shall attend City Council meetings as directed by the City Manager.

#### 7.11.5 Sergeant-at-Arms

The Chief of Police, or designee, serves as Sergeant-at-Arms will attend City Council meetings as directed by the City Council or the City Manager. [38638].

### 7.12 Meetings That Are Not Subject to the Brown Act

As provided by the Brown Act, a quorum of the City Council may attend conferences and similar gatherings, open community meetings organized by a person or organization other than the City Council, open and noticed meetings of another legislative body other than a City advisory body, and social and ceremonial gatherings without complying with the notice and agenda requirements in these rules of procedure, provided that the Councilmembers do not discuss among themselves business of a specific nature that is within the City's subject matter jurisdiction. [54952.2(c)(3)-(5)].

Meetings of an ad hoc City Council subcommittee are not subject to these rules of procedure unless the Mayor or City Council expressly state that the committee shall follow these rules. [54952 and section 7.4.9.].

Briefings of less than a quorum of the City Council are not subject to these rules of procedure provided the briefings comply with the Brown Act. [54952.2].

## **8. Development of Agenda**

The City Manager, with input from the Mayor, is responsible for preparing the City Council's meeting agenda. Items may also be placed on an agenda for City Council consideration in the following ways: by direction of the Mayor; by direction of the City Attorney in consultation with the City Manager; by direction of a majority of Councilmembers during the matters initiated portion of the agenda to place an item on a future agenda; and under any processes set forth by statute or ordinance that requires

City Council action, including City Council consideration of land use matters, appeals, and other matters as set forth in the Pleasanton Municipal Code.

The agenda shall contain a brief general description of each item of business to be transacted or discussed, including any items to be discussed in closed session. [54954.2, 54954.5].

## **9. Order of Business – Regular Meetings**

The usual order of business for regular meetings shall be as follows:

- |                                      |  |
|--------------------------------------|--|
| 1. Call to Order and Pledge to Flag  | 6. Meeting Open to the Public            |
| 2. Remarks and Roll Call             | 7. Public Hearings and Other Matters     |
| 3. Report on Closed Session (if any) | 8. Matters Initiated by the City Council |
| 4. Agenda Amendments                 | 9. Council Reports                       |
| 5. Consent Calendar                  | 10. Adjournment                          |

### **9.1 Call to Order, Pledge to Flag, Remarks, Roll Call, Report on Closed Session**

These parts of the agenda are for the pledge of allegiance, roll call and the reporting out from any closed session items that may have occurred prior to the meeting.

The City Council shall assign, on a rotating basis, a member (except the Mayor), to lead the Pledge of Allegiance. Following the Pledge, the assigned Councilmember may then make remarks (e.g., commendations, announcements, dedications), appropriate for opening the public meeting.

### **9.2 Agenda Amendments**

The agenda may be amended as provided in Section 6.5.4 Reordering of Agenda and Section 7.7 Continuance of Agenda Items.

### **9.3 Consent Calendar**

The consent calendar portion of the agenda is for routine items such as: approval of minutes<sup>7</sup>, resolutions confirming actions from a previous meeting, the introduction and adoption of ordinances<sup>8</sup>, and the processing of administrative items such as the approval of contracts, the acceptance of public improvements, and other routine items requiring City Council approval by ordinance, resolution, or law. Prior to taking action on the

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<sup>7</sup> The City Council waives the full reading of the minutes when the City Clerk has provided a copy of the minutes to the City Council in advance of the meeting.

<sup>8</sup> The first reading and introduction of any ordinance on the Consent Calendar will include a reading of the title by the City Clerk, City Attorney or Mayor. The second reading and adoption of an ordinance on the Consent Calendar will note on the agenda when a Councilmember voted “No”, abstained or recused from the first reading and introduction; which will be reflecting in the vote tally of the final ordinance. The City Council waives the full reading of all ordinances at time of introduction and adoption per 36934.

Consent Calendar, a Councilmember may ask questions about, or comment on, a Consent calendar item without moving the item from the Consent Calendar.

Any Councilmember may pull an item from the Consent Calendar for separate discussion. Members of the public may address the City Council on consent calendar items by following the procedures set forth in Section 11 Public Participation. Speakers are generally limited to three (3) minutes, or as determined by the Mayor.

The items on the consent calendar are generally approved by the City Council by a single motion.

#### 9.4 Meeting Open to the Public

This portion of the agenda is for City proclamations to recognize significant community events, people, or days. The City Manager, or designee, may develop a policy regarding proclamations as a guide. It is also for the City Council confirmation of appointments to advisory bodies and to administer the oath of office to advisory body members. As authorized by the Mayor or the City Manager, this portion of the agenda is also for other local, regional, or state legislative bodies and elected officials to make brief presentations to the City Council concerning activities of interest to the City.

These are ceremonial matters and not action items by the City Council. While the preference is for proclamations to be included in the posted agenda, the desire to recognize a significant community event, person, or day may arise or be discovered after an agenda is posted. In that case, the Mayor may make additional proclamations at a City Council meeting so long as they do not unduly interfere with the City Council's business.

This portion of the agenda is also for any member of the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. Speakers are generally limited to three (3) minutes, or as determined by the Mayor. However, to prepare and preserve a proper administrative record, public comments concerning an item listed elsewhere on the agenda should be reserved and addressed to the City Council when that item is called for consideration.

The procedures for public comments during the Meeting Open to the Public are set forth in Section 11 Public Participation.

#### 9.5 Public Hearings and Other Matters

The public hearing and other matters portion of the agenda is reserved for items that require, by statute or practice, a noticed public hearing for action. The notices for public hearing items shall be posted in a newspaper of general circulation and mailed to property owners as required by law. [6060]. This portion of the agenda is also for items for City Council discussion and action that do not require formal statutory notice and hearing.

The procedures for public hearings and other matters are as follows:

### 9.5.1 Introduction

The Mayor shall introduce each item for hearing and consideration.

### 9.5.2 Staff Presentation

A member of City staff will then:

- a. Introduce themselves and the item by identifying the report and other written material included in the agenda packet for the City Council's consideration, as well as any written comments received from the public.
- b. Identify any supplemental written materials that have been provided to the City Council for consideration, which were received or prepared for the item after the meeting agenda was published.
- c. Identify any other staff members or consultants that will be part of the staff presentation or are otherwise present and available for City Council questions.
- d. State whether the applicant is present and whether the applicant intends to make a presentation to the City Council.
- e. Make an oral report, unless waived by the City Council.

### 9.5.3 City Council Questions

Following the staff presentation, Councilmembers are limited to asking technical or clarifying questions of City staff and consultants on the item, but shall not at this portion of the meeting express personal opinion or debate the merits of the item under consideration.

### 9.5.4 Participating Parties

Following City Council questions after the staff presentation, the applicant and/or appellant, and other named participants in the item that is party to an agenda item (collectively "participating parties") may address the City Council for generally ten (10) minutes. After the Mayor determines that no other participating parties wish to address the City Council on the hearing item, the Mayor will then invite City Council technical questions for clarification of the participating parties and staff concerning the item. Participating parties shall address the City Council following the procedures set forth in Section 11 Public Participation and Section 11.4 Participating Parties Addressing the City Council.

- a. For matters being considered on appeal, the appellant (if not the applicant) may address the City Council following City Council questions after the staff

presentation. Then, if there is an applicant for the matter, the applicant can speak to the City Council, followed by members of the public. The appellant will then have a rebuttal opportunity. [Sections 9.5.5. and 11].

#### 9.5.5 Opening and Closing the Public Hearing

The purpose of the public hearing is to provide members of the public with an opportunity to address the City Council concerning the hearing item, as well as to express their support or opposition to the item. The Mayor will formally announce the opening of the public hearing and invite members of the public to address the City Council on the hearing item. Public speakers shall address the City Council following the procedures set forth in Section 11 Public Participation.

After the Mayor determines that no other member of the public wishes to address the City Council on the hearing item, for items involving a participating party, the Mayor shall provide the participating party time for rebuttal, generally limited to five (5) minutes.

After the participating party's rebuttal, or if the item does not involve a participating party, the Mayor will formally close the public hearing and return the item to the City Council for City Council comments and deliberation.

#### 9.5.6 Comments and Deliberation

Once an item of business returns to the City Council for comments and deliberation, the Mayor will invite the Councilmembers to discuss the item to develop concurrence for a motion. Councilmembers may ask questions of staff as part of their deliberations. The procedures for City Council deliberation are set forth in Section 12 City Council Deliberation.

With permission of the Mayor, Councilmembers may pose further questions to the participating parties or the public by re-opening the public hearing. After such questions and answers are heard, the Mayor shall re-close the public hearing and return the item for City Council comments and deliberation.

#### 9.5.7. City Council Action

After City Council comments and deliberation, the Mayor shall call for a motion and a second as set forth in Section 13 Motions, and the City Council may make such motions as set forth in that section.

### 9.6 Matters Initiated by Council and Council Reports

This portion of the agenda is for:

1. The City Council to provide guidance and direction to staff concerning items to be included on future agendas and information to be provided in response to questions

raised during the meeting open to the public. The item will be placed on such agenda if a majority of the City Council present agrees.

2. A majority of the City Council to request staff to provide information, perform studies, or undertake other administrative functions or to develop information for Council action at a future meeting. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or if it will involve substantial staff resources, the City Manager will report to the City Council.

3. A Councilmember may request that an item be placed on a future agenda, if a majority of the City Council present agrees.

4. Each member of the City Council to provide brief reports as required by reimbursement policy.[53232.3(d)].

5. The City Manager, City Attorney, and City staff to provide information of community interest to the City Council and to seek direction from the City Council concerning items to be included on future agendas.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a)].

#### 9.7 Adjournment

This portion of the agenda is for the Mayor to adjourn the City Council meeting to its next meeting. The meeting may be adjourned to a regular meeting, special meeting, special meeting workshop, adjourned regular meeting, or adjourned special meeting. The Mayor may adjourn the meeting in honor of a distinguished Pleasanton resident or other person of community interest that has passed away.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a)].

Adjournment at any other point in the meeting requires a formal motion by the City Council.

### **10. Order of Business – Special Meetings and Workshops**

No matters except those specified in the notice and agenda for a special meeting or special meeting workshop may be discussed at those meetings.

The usual order of business for special meetings and workshops shall be as follows:

#### 10.1. Call to Order

This portion of the agenda is the same as it is for a regular meeting.

## 10.2. Public Comment

The purpose of this portion of the agenda is to provide the public with the opportunity to address the City Council on only those items listed in the posted notice and agenda for the special meeting or workshop.

Public speakers shall address the City Council following the procedures set forth in Section 11 Public Participation.

However, unlike a regular meeting, the agenda for a special meeting will not include a meeting open to the public or opportunity for the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction, unless that opportunity is expressly included in the agenda.

## 10.3 Special Meeting Item and Workshop Item

Generally, the procedures for this portion of the agenda follow the procedures in Section 9: Call to Order, Pledge to Flag, and Roll Call, Section 9.5.1 Introduction, 9.5.2 Staff Presentation, 9.5.3 City Council Questions, and 9.5.6 Comments and Deliberations. The City Council may take a final action at a special meeting, but not at a workshop, as set forth in Section 7.4.2 Special Meetings and Section 7.4.3 Special Meeting Workshops.

## 10.4 Adjournment

This portion of the agenda is the same as it is for a regular meeting.

# **11. Public Participation**

A City Council meeting is a limited public forum. Members of the public have the right to address the City Council and to attend its meetings, except for closed sessions and other meetings that permit the public to be excluded as a matter of law. During the meeting open to the public portion of a regular meeting agenda, members of the public have a right to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction but not listed on the agenda. Members of the public also have the right to address the City Council before the City Council considers or takes action on an item on any regular meeting agenda, except for items properly listed or considered in the Call to Order and Pledge to Flag, Matters Initiated by Council, Council Reports, and the Adjournment portions of the agenda. Members of the public shall be provided an opportunity to address the City Council concerning any item that is described in the notice for special meeting workshops and special meetings. [54954.3].

The procedures for addressing public comments to the City Council are as follows:

## 11.1 Addressing the City Council

Members of the public who want to address the City Council during the meeting open to the public or before the City Council considers or takes action on an item should indicate

their desire by submitting either a speaker card<sup>9</sup> requesting to speak to the City Clerk, or designee, or by using other methods specified by the City Clerk in the agenda for that meeting (use of speaker cards or such other methods are referred to as “speaker cards”). The methods for addressing the City Council will be described at each meeting. The City Clerk will prominently display the methods to address the City Council in the City Council Chambers or other location where the City Council gathers in person for a meeting.

Before an item is considered by the City Council, the City Clerk shall identify or provide the submitted speaker cards to the presiding officer in the order that they are received for each agenda item.

The purpose of submitting a speaker card to request to speak is to help the presiding officer conduct the City Council’s meetings and to complete its business in an orderly fashion. The intent is not to limit testimony. Therefore, a member of the public will not be denied an opportunity to speak if a speaker card lacks information or because a speaker wants to remain anonymous.

### 11.2 Speaker Time Limit

The amount of time allotted to each member of the public wishing to address the City Council shall generally be limited to a maximum of three (3) minutes. The Mayor may adjust the amount of time allotted to each speaker based upon the number of persons wishing to speak, the complexity of the item if one is being considered, the anticipated time reasonably needed to complete the remaining items on the meeting agenda, and other reasonable factors. [54954.3(b)]. Individual members of the public may not yield their allotted time, or any remaining portion thereof, to anyone else.

Prior to calling for public comment during the meeting open to the public, as well as before the City Council considers or takes action on an item, the Mayor shall set and announce the time limit for each member of the public to speak before inviting members of the public to address the City Council.

### 11.3 Members of the Public Addressing the City Council

- a. Speaker cards shall be used to call each speaker to come forward to address the City Council. When calling a speaker to come forward, the next two speakers can also be identified so that they are prepared to address the City Council when called.
- b. The Mayor may request, but cannot require, that each speaker state his or her name and address before providing comments to the City Council. A speaker is not required to provide his or her name or address in order

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<sup>9</sup> A speaker card asks a person to provide the speaker’s name, address, phone number and agenda item. A speaker is not required to provide name, address or phone number. This information is used to ensure the accuracy of minutes, and will not be retained after the minutes have been approved by the City Council.



to address the City Council. However, to the extent such information is relevant to the issues being considered by the City Council during a public hearing, the absence of such information may bear on the speaker's credibility and the weight the City Council affords the speaker's comments.

- c. Speakers shall address their comments only to the City Council as a body and not to a particular member.
- d. Members of the public may only address the City Council when called to speak from the lectern, microphone or other device. No member of the public, other than the speaker so called, may address the City Council, unless called upon by the Mayor.
- e. If a speaker asks a question of a Councilmember or the Mayor, Councilmembers and the Mayor are not obligated to answer any questions asked. If a speaker asks a question of City staff, the Mayor may ask staff for a brief answer while the speaker is at the lectern.
- f. Members of the City Council and the Mayor are limited to asking clarifying or technical questions of speakers, but shall not at this portion of the meeting express personal opinion, comments or debate the merits of the item under consideration.
- g. Speakers shall not use their time to unduly disrupt the orderly conduct of the City Council's meeting.
- h. Speakers are encouraged to avoid repetition.
- i. Speakers are encouraged to avoid making personal attacks.
- j. Each speaker shall relinquish the lectern when his or her time to address the City Council has expired.
- k. A speaker may use his or her allotted time to read letters or other documents, play electronic recordings at a non-amplified volume, or otherwise present information to the City Council in a non-disruptive manner, provided those activities are completed within the allotted time.

Speakers who desire to present photos, videos or recordings are encouraged to contact the City Clerk's Office in advance if the speaker has questions about formats, if any, available to present information.

- l. When called upon during the meeting open to the public portion of the agenda, speakers may address the City Council on any item of interest to

the public within the City Council's subject matter jurisdiction. [54954.3(a)].

- m. When called upon to provide public comment on a specific item of business on the agenda, speakers shall focus their comments on that specific item of business before the City Council. [54954.3(a)].

#### 11.4 Participating Parties Addressing the City Council

Participating parties shall comply with the procedures set forth in Section 11 Public Participation when addressing the City Council, except that the participating parties shall each have up to a maximum of ten (10) minutes to make visual presentation and address the City Council and five (5) minutes for rebuttal. The Mayor may set and announce the time limit for each active participant to address the City Council based upon the same criteria set forth in Section 11.2 Speaker Time Limit.

When the City Council is acting in its quasi-judicial capacity, the Mayor may further modify the rules of procedure in this section, or adopt such additional rules of procedure and speaker times as may be reasonably necessary, to afford the active participants with procedural due process commensurate with the rights at issue.

- a. A quasi-judicial matter generally involves: (a) a hearing held to apply a rule or standard; (b) to an individual person, project or circumstance; (c) the taking of evidence; and (d) results in a decision (including adoption of findings) based on facts and arguments submitted at the hearing.<sup>10</sup>
- b. For quasi-judicial matters, requirements of due process and fair hearings apply. A Councilmember should remain open-minded and not pre-judge a matter before the hearing. If a Councilmember speaks with participating parties or members of the public outside of the hearing, the Councilmember should summarize those ex parte communications at the hearing. If the hearing involves a specific site, the Councilmember should disclose at the hearing if the Councilmember visited that site.

#### 11.5 Public Criticism

Public criticism of the City's policies, procedures, programs, or services, or of the acts or omissions of the City Council, shall not be prohibited. However, the rights of each speaker to express his or her views is not absolute and nothing in these rules of procedure are intended to confer any privilege or protection for expression beyond that otherwise provided by law. [54954.3].

#### 11.6 Disruptive Speech and Conduct

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<sup>10</sup> An example of a quasi-judicial matter which might come before the City Council is an appeal of the Planning Commission's decision on a conditional use permit.

Any person unduly disrupting a City Council meeting may be requested by the Mayor to leave the meeting. The Mayor shall discourage demonstrations before the City Council, such as applauding or booing. Upon instructions by the Mayor, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the Mayor's judgment, has disrupted the meeting. [36813, 38638, 54954.3, 54957.9, Penal Code 403]. When possible, the Mayor is encouraged to use alternative means, such as direction to speakers to avoid disruption or by taking a recess to review these rules with the speaker, to avoid disruptions to allow the City Council to complete its business.

## 11.7 Written Communications

### 11.7.1 Submitted after the hearing notice, but before the Agenda Publication

Any member of the public may submit written comments and materials to the City Council through the City Clerk's Office. All written comments and materials are encouraged to be submitted between the date public hearing notices are published (10 days prior to the meeting) and noon on the day before agenda publication (7 days prior to the meeting). The City Clerk shall deliver all written comments and materials received by 12:00 p.m. the day before agenda publication as part of the agenda packet for the posted agenda.

### 11.7.2 Submitted Post Agenda Publication

Any member of the public may submit electronic comments to the City Council using the electronic submission process the City Clerk specifies and makes available on the City's website within the timeframe provided on the agenda. Any additional attachments can be submitted directly to the City Clerk. The City Clerk shall post on the City's website, and as otherwise required by law, and deliver any additional materials received by 12:00 p.m. the day of the meeting to the City Council in a supplemental packet prior to the meeting.

Physical copies of written comments and materials, and electronic and physical materials submitted to the Clerk's Office before 12:00 p.m. on the day of the City Council meeting will be included in the supplemental packet, and made available to the public as otherwise required by law. After 12:00 p.m. on the day of the City Council meeting, any member of the public that desires to submit materials to the City Council for consideration at that meeting is hereby encouraged to present 8 copies of the materials to the City Clerk for distribution to the City Council at its meeting when the item is considered.

### 11.7.3 Special Meetings and Workshops

For special meetings and workshops, the City Clerk shall specify the instructions and timeframes for the public to submit comments and materials in the agenda for those meetings.

## **12. City Council Deliberation**

City Council deliberations shall be orderly and guided by the Mayor to reach a decision on the item before them or to provide the direction sought by staff.

Once an item is before the City Council for deliberation, the Mayor shall call upon each individual Councilmember present, in turn, to comment on the item. Usually after each Councilmember has had the opportunity to comment on the item, the Mayor shall invite a motion. Councilmembers shall not interrupt any other Councilmember that is speaking.

## **13. Motions**

### **13.1 Making a Motion**

The Mayor may recognize a Councilmember for the purposes of making a motion. However, a motion may be made by any Councilmember as well as by the Mayor.<sup>11</sup> Once a motion has been made, the Mayor will solicit a second. A motion shall die unless it receives a second. If a motion receives a second, the Mayor shall then invite debate and discussion on the motion and any amendments.

Any Councilmember who makes a motion may withdraw it during debate and discussion, even to the point of interrupting a speaker to do so. If the motion is so withdrawn, the Mayor may ask the Councilmember who had seconded the motion if that Councilmember wishes to make the motion, subject to another Councilmember's second.

### **13.2 Motions**

See *Rosenberg's Rules of Order* pages 3 and 4 for types of motions, amendments, substitutes, multiple motions, and debate.

### **13.3 Miscellaneous Motions, Reviews and Appeals**

#### **13.3.1 Motion to Suspend the Rules of Procedure**

A motion to suspend these Rules of Procedure is debatable and to the extent possible should be addressed to a specific rule. If the Rules of Procedure are suspended in their entirety, such a motion does not supersede law or the Pleasanton Municipal Code.

#### **13.3.2 Motion to Reconsider**

A motion to reconsider any action taken by the City Council may be made as follows: (1) The motion must be made by a Councilmember that voted along with majority that voted for the original motion that passed, although the motion for

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<sup>11</sup> While the Mayor, or presiding officer, has full rights to participate, it is recommended that the Mayor, or presiding officer, generally does not make or second a motion unless other Councilmembers fail to do so. See *Rosenberg's Rules of Order* pg. 3.

reconsideration may be seconded by any Councilmember; (2) The motion must be made either at the meeting at which the action to be reconsidered was taken, or, at the next regular meeting, provided appropriate due process is afforded to any participating parties; (3) The motion is debatable; (4) If any participating party has left the meeting, or if the motion comes at a subsequent meeting, the ultimate decision to be reconsidered must take place at a subsequent meeting; and, (5) If the original hearing was a public hearing, a new notice of hearing must be given before the matter is reconsidered.

### 13.3.3 Council Review

A majority of the City Council, or an individual member of the City Council, may elect to have the City Council review any action of City staff or any board, commission or committee as provided in the Pleasanton Municipal Code.

### 13.3.4 Councilmember Appeal of Procedural Decision of Presiding Officer

Any Councilmember may appeal any procedural ruling by the Mayor. If a Councilmember so moves and the motion is seconded, after debate, the ruling of the Mayor may be reversed by majority vote. If an appeal is taken, the question shall be, "Shall the decision of the Mayor be sustained?"

## **14. Action and Direction**

### 14.1 Votes, General Rules

Unless otherwise provided, the City Council's actions must be passed pursuant to a majority vote on a motion, and the motion may not be considered unless it is seconded. A simple majority vote by those Councilmembers present is necessary to pass a motion providing direction to staff or establishing administrative policy, however motions for the adoption of resolutions and ordinances require an affirmative vote of at least three Councilmembers to pass the motion as provided in Section 16.4 Majority Vote by Three Councilmembers Required.

A Council majority may, before the vote is called, require that a roll call vote be taken on the motion before the City Council. For such roll call vote, Councilmembers' names will be called by the City Clerk in order of: Councilmember who made the motion; Councilmember who seconded the motion; then others alphabetically; with the Mayor's name called last. Councilmembers shall not give explanations for their vote during roll call.

If a motion does not receive the necessary majority vote for passage, the Mayor may solicit additional discussion and another motion for further deliberation and voting. If further discussion and deliberation does not result in a motion receiving a majority vote necessary to pass a motion, the Mayor may declare that "no action has been taken" and proceed with the remainder of the agenda. In the event of a tie vote, the procedures in section 14.2 Tie Votes, shall control.

If a Councilmember is present at the meeting but abstains from voting on a motion or is silent during the vote on the motion, then the rules in section 14.3 Abstentions and Silence shall govern how the Councilmember's silence or abstention is tabulated.

#### 14.2 Tie Votes

Generally, a motion fails if there is a tie vote. After a tie vote, the City Council should try to reach consensus, and the Mayor may solicit additional discussion and another motion in an attempt to break the tie. If the tie vote occurs during a Councilmember absence, and the absent Councilmember does not have a conflict of interest related to the item being voted on, the City Council shall continue the item to a subsequent City Council meeting when the absent Councilmember is expected to be present in an effort to resolve the tie (unless subject to a legally or City-imposed deadline). If the tie vote is not resolved, the motion shall fail and the Mayor may declare that "no action has been taken" and proceed with the remainder of the agenda.

#### 14.3 Abstentions and Silence

The City Council strongly discourages abstentions since abstentions without either legal conflict<sup>12</sup> or appearance of conflict may impede the City Council's actions, for example by causing a tie vote. Abstentions also deprive Pleasanton residents of one vote of five, or representation of their district, and may diminish accountability of Councilmembers on items of legitimate concern. At the same time, it is not the City Council's intention to impede any individual Councilmember's right to choose not to speak or vote on an item. A Councilmember shall publicly state the reason for an abstention.

The City Council adopts 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 Councilmember who abstains or is silent counts as "present" for determining a quorum, but when counting votes is treated as if the Councilmember is not voting.

#### 14.4 Protests

Any Councilmember shall have the right to enter into public record reasons for dissent or protests against any motion carried by the majority.

### **15. Advisory Bodies**

#### 15.1 Implementation of Municipal Code

##### 15.1.1 Creation and Appointments

The City Council may create boards, commissions, or committees to advise the City Council. [PMC Title 2].

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<sup>12</sup> When a Councilmember has a legal conflict of interest under the Political Reform Act or Government Code §1090, the Councilmember "recuses" from participation in the decision.

#### 15.1.2 Notice of Vacancy

The City typically advertises for vacancies on boards, commissions and committees two times a year. The City Clerk generally shall cause notice thereof to be advertised for a minimum of thirty (30) days. For unscheduled vacancies, a special vacancy notice shall be advertised as required by law. [54974]. The Mayor and any other interested Councilmembers shall interview all candidates.

#### 15.1.3 Scheduling of Interviews

Following the close of the advertised period, City staff shall distribute to the City Council the applications and shall schedule the interviews of the candidates.

#### 15.1.4 Recommendations

After the City Council has received the applications and/or after the candidates are interviewed, any Councilmember may make a recommendation to the Mayor as to an appointment.

#### 15.1.5. Appointments

The Mayor shall make all appointments to the City's advisory bodies, subject to City Council approval, except as noted in the Pleasanton Municipal Code. [40605]. If the Mayor's appointment is disapproved, the Mayor shall continue to make appointments until an appointment receives at least three affirmative votes.

Appointees may be removed from their position by a majority vote of Councilmembers for reasons which include, but are not limited to: (a) poor attendance; (b) failure to timely file Statements of Economic Interest; or (c) other maintenance of membership provisions in the Municipal Code or resolution forming the advisory body.

#### 15.1.6 Eligibility of City Employees

While City employees are not precluded from serving on advisory boards, commissions, and committees, there is a potential for conflict. The City Council and any subcommittees to the City Council shall not make appointments that are potentially incompatible with City employment for any reason. For example, an appointment will be incompatible with City employment if:

- a. An act of the advisory board, commission, or committee may later be subject directly to the control, inspection, review, audit, or enforcement of any other City officer or employee.
- b. The time demands of the advisory board, commission, or committee would render performance of duties as a City employee less efficient.

### 15.1.7 Interviews of Members Eligible for Reappointment

If the term of any commissioner, committee member, alternate and/or board member is about to expire or has expired, and the person is eligible to serve additional time on the commission, the Mayor, upon receiving written application from the person stating an interest in being reappointed, contributions during prior term, attendance and accomplishments while serving, may waive the procedures in subsections 15.1.2, 15.1.3 and 15.1.4 if the Mayor intends to reappoint the person. The Mayor shall notify other Councilmembers of the Mayor's intention to waive the procedures of those subsections in a reasonable time prior to such procedures being waived.

### 15.2 Direction to Advisory Boards, Commissions, and Committees

Within the scope of their duties and responsibilities established in Title 2 of the Pleasanton Municipal Code, or otherwise by the City Council, the boards, commissions, or committees (collectively referred to as "advisory bodies" or "advisory body" for the purposes of this subsection) created by the City Council are directed to:

1. Follow the *Commissioners and Committee Members' Handbook*, as revised.
2. Follow *Rosenberg's Rules of Order* for parliamentary procedure as modified by these rules of procedure.

## **16. Document Preparation and Approval for an Agenda**

### 16.1 Ordinances

No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, prepared by the City Attorney on his or her own initiative, or recommended by the City Manager and developed with the City Attorney's assistance. [36936].

### 16.2 City Attorney Approval as to Form

All ordinances, resolutions, and contracts shall be approved as to form by the City Attorney, or his or her attorney designee, before being placed on the agenda. If the City Manager finds it necessary or expedient to place a contract on a City Council agenda for authority to execute it, but the contract is not yet in final form or has not been signed by the other parties, the City Council shall condition its authorization to execute the contract on the final contract being in substantially the same form as the one presented for the City Council's consideration with such changes as may be directed by the City Council, and upon the City Attorney's approval of the final contract as to form. If the contract is substantially changed or is not approved as to form by the City Attorney, then the contract must be placed on a subsequent agenda for the City Council's consideration.



16.3 Ordinance Introduction/Adoption

The City Council hereby establishes and directs that reading the title of a proposed ordinance will be considered to constitute a full reading of the ordinance, unless a majority of the City Council present asks for a full reading. [36934].

16.4 Majority Vote by Three Councilmembers Required

An affirmative vote of at least three members of the City Council shall be necessary to adopt an ordinance and a resolution, and to approve a contract for the expenditure of funds. An urgency (emergency) ordinance must be adopted by at least four members of the City Council. [36936, 54954.2, 54956.5].

16.5 Ordinance Preservation

Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, publish a summary, and post the full text according to law. The ordinance shall be filed and preserved in the City Clerk’s Office.

16.6 Consent Calendar, Public Hearing, or Matters for Consideration

Ordinances not requiring a public hearing may be presented to the City Council for introduction and adoption on either the consent calendar or other matters for consideration portion of the agenda. The City Attorney shall determine the placement of an ordinance on a City Council agenda in consultation with the Mayor and City Manager, or as directed by the City Council.

**17. City Council Expectations**

17.1 Following Meeting Rules of Procedure

These Rules of Procedure express both statutory requirements and standards of conduct expected for Councilmembers. Councilmembers are responsible for adhering to these procedures.

Councilmembers should respectfully point out to the offending Councilmember infractions of these Rules of Procedure. If offenses continue, then the matter may be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

If after consultation with the Mayor the Councilmember’s behavior continues to violate these Rules of Procedure, the alleged violation(s) can be brought up with the City Council at a public meeting.

17.2 Limited use of electronic devices or other forms for private communications during meetings

Councilmembers should not utilize electronic devices or other forms for private communications during a meeting to communicate among themselves, the public, or anyone else during a City Council meeting on substantive matters related to City business (except for an emergency). This restriction on the use of electronic devices and other forms for private communications preserves compliance with the Brown Act and due process.

**18. Failure to Observe Rules of Procedure**

Failure to observe any of the listed procedures does not serve as an independent source of challenge to any action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by an individual Councilmember or by the City Council as a whole.

Attachment: *Rosenberg's Rules of Order* (Rev. 2011)



# 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.

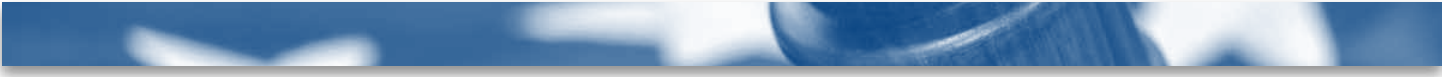
### About the League of California Cities

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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