



City Council Rules of Procedure

TABLE OF CONTENTS

1. Authority and Applicability.....	4
1.1 Authority.....	4
1.2 Applicability	4
2. General Rules.....	4
2.1 Public Meetings.....	4
2.2 Meeting Dates/Time	4
2.3 Quorum	5
2.4 Compelling Attendance	5
2.5 Teleconferencing.....	5
2.6 Minutes of Proceeding	8
2.7 Right of the Floor.....	8
2.8 Rules of Order.....	8
2.9 City Manager.....	8
2.10 City Attorney.....	8
2.11 City Clerk.....	8
2.12 Mayor/Vice Mayor	9
2.13 Call to Order.....	9
2.14 Preservation of Order	9
2.15 Point of Order.....	9
2.16 Authority to Clear Room Where Meeting Willfully Interrupted	9
2.17 Department Heads/Employees	9
2.18 Semi-Annual Recess.....	9
3. Types of Meetings.....	10
3.1 Regular Meetings.....	10
3.2 Adjourned Meetings	10
3.3 Special Meetings.....	10
3.4 Closed Session Meetings.....	10
3.5 Study Session Meetings.....	10
3.6 Media Attendance	10
4. Order and Preparation of Agenda.....	10
4.1 Order of Business	10

4.2	Agenda Preparation	11
4.3	Action Minutes.....	12
4.4	Approval of Final Agenda	12
4.5	Public Comment.....	12
4.6	Ex Parte Communications Report.....	Error! Bookmark not defined.
4.7	Staff Communication with the Public.....	Error! Bookmark not defined.
4.8	Public Hearings	13
4.9	Consent Calendar	Error! Bookmark not defined.
4.10	Future Agenda Item Requests	13
4.11	Hearing Items Out of Order	13
4.12	Upcoming Significant Agenda Item List.....	Error! Bookmark not defined.
5.	Citizens' Rights	13
5.1	Addressing the City Council	13
5.2	Disruptive Behavior	14
5.3	Written Communications	14
6.	Preparation of Ordinances, Resolutions and Contracts/Agreements	14
6.1	Ordinances.....	14
6.2	Resolutions	14
6.3	Contracts.....	15
6.4	Document Approval.....	15
6.5	Ordinance Introduction/Adoption.....	15
6.6	Majority Vote Required.....	15
6.7	Ordinance and Resolution Preservation.....	15
7.	Procedures Regarding Public Hearings	15
7.1	Introduction	15
7.2	Staff and Written Material Presentation.....	16
7.3	Public Testimony.....	16
7.4	City Council Deliberation	16
7.5	City Council Action	16
8.	Boards, Commissions and Committees	17
8.1	Citizens Boards, Commissions, and Committees.....	17
8.2	Appointments to Boards, Commissions, and Committees.....	17
8.3	City Council Participation	17
8.4	Action Minutes.....	Error! Bookmark not defined.

9. Suspension and Amendments of Rules	17
9.1 Suspension	17
9.2 Amendment.....	17
10. Miscellaneous Rules	17
10.1 Roll Call Votes.....	17
10.2 Personal Privilege	18
10.3 Protests	18
10.4 Motion to Reconsider	18
11. Rules of Debate	18
11.1 Mayor as Presiding Officer	18
11.2 Appeals	18
11.3 Precedence of Motions	18

1. AUTHORITY AND APPLICABILITY

1.1 Authority

As provided by Government Code Section 36813, the City Council establishes these Rules of Procedure for the conduct of meetings. The following rules shall be in effect upon their adoption by the City Council and until such time as they are amended or new rules adopted in the manner provided by these Rules.

1.2 Applicability

These Rules of Procedure shall apply to the Emeryville City Council, the Community Development Commission of Emeryville, the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, the Management of Emeryville Services Authority, and the Emeryville Public Finance Authority. All references to "City Council" include "Community Development Commission", "Successor Agency", "MESA", and "Finance Authority"; all references to the "Mayor and City Council Members" include "Successor Agency Chair and Members of the Redevelopment Agency", "Commission Chair and Members of the Community Development Commission", "MESA Chair and Members of the MESA Board", and "Finance Authority Chair and Members of the Authority Board"; all references to "City Manager" include "Executive Director of the Successor Agency", "Executive Director of the Community Development Commission", "City Manager of MESA", and "Executive Director of the Finance Authority"; all references to "City Attorney" include "Successor Agency General Counsel", "Commission General Counsel", "MESA Legal Counsel", and "Finance Authority Legal Counsel"; and all references to "City Clerk" include "Successor Agency Secretary", "Commission Secretary", "MESA Secretary", and "Finance Authority Secretary". The City Council agenda will include information that all regular or special meetings of the Emeryville City Council also serve as meetings of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency, the Community Development Commission, and Public Finance Authority when items are listed on the agenda.

2. GENERAL RULES

2.1 Public Meetings

All meetings (except closed sessions as provided by State law) of the City Council shall be open to the public. No animals shall be allowed at or brought in to a public meeting by any person except (i) as to members of the public or City staff utilizing the assistance of a service animal, which is defined as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, or (ii) as to police officers utilizing the assistance of a dog(s) in law enforcement duties.

2.2 Meeting Dates/Time

Regular meetings of the City Council will be held on the 1st and 3rd Tuesday of each month, and will convene at 6:30 p.m., unless otherwise provided by resolution of the City Council. Regular meetings of the City Council also serve as regular meetings of the Successor Agency, Community Development Commission, and the Finance Authority. MESA meetings will be called separately as necessary. Adjourned regular or special

meetings may be called by the Mayor or a majority of the City Council. Meetings will adjourn at 11:30 p.m. unless a majority of the City Council votes to proceed with the business beyond that time.

2.3 Quorum

Three members of the City Council shall constitute a quorum necessary to transact business. In the event a quorum is not in attendance, those attending will be named in the minutes, and they shall adjourn the meeting to a later set time.

2.4 Compelling Attendance

Members must advise the Mayor or the City Manager to issue an "excused absence" when they are unable to attend, or it will be noted in the Action Minutes as an unexcused absence.

2.5 Teleconferencing

Pursuant to Government Code 54953 (the Brown Act), teleconferencing may be used for all purposes during any City Council meeting by Council Members for their participation in open and closed sessions of regular and special City Council meetings, either for entire meetings or a specific agenda item.

Traditional Teleconferencing Procedures

If a Council Member requests the use of teleconferencing for their participation in a meeting that they are unable to attend, the following requirements must be met in order to be in compliance with the regulations stipulated in the Brown Act:

1. At least a quorum of the City Council must participate from a location within the city's jurisdiction.
2. Each teleconference location must be identified in the notice and agenda of the meeting. When notifying the City Clerk that they will participate in a meeting via teleconferencing, the City Council Member will provide the address of the publicly accessible location from which they will teleconference, and the telephone number from which they will be participating, which shall be a land line, if available. This information will be included on the published meeting agenda.
3. Agendas must be posted at each teleconference location. Where practical, the agendas should be posted both outside the main facility of a teleconference location at a main entrance (e.g., outside an office building or hotel) and also outside the specific teleconference location (e.g., outside the particular room or office door).
4. Each location must be accessible to the public. This requirement precludes some locations, such as via cell phone while driving or in offices not accessible to the public. All telephones used for teleconferencing must have a functioning speaker to enable public access, even if there are no members of the public present at a particular location.

5. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
6. All votes taken must be by roll call.

At a meeting where teleconferencing will be used, the Presiding Officer will call the meeting to order and then, prior to the roll call, will ask that it be reflected in the minutes that, pursuant to California Government Code Section 54953, a Council Member will be participating via teleconference and will announce that the teleconference location has been identified in the notice and agenda for this meeting. Following the roll call by the City Clerk, the Presiding Officer will confirm with the teleconferencing party that they can hear the proceedings, have a copy of the agenda, have posted the agenda properly at their location, that their location is publicly accessible, and ask them to report whether or not there is a member or members of the public at their location. The Presiding Officer will further confirm that the Council Members present at the meeting can hear the teleconferencing party, and then may commence with the meeting business.

In the event that the Presiding Officer is not able to establish that all of the requirements as set forth in Brown Act regulations for teleconferencing have been met, the Council Member wishing to participate via teleconference would not be able to do so.

Teleconferencing Provisions Under AB 2449 (sunsets January 1, 2026)

AB 2449 authorizes legislative body members to use teleconferencing without complying with traditional teleconference requirements under the following conditions:

Under AB 2449, legislative body members may participate remotely a limited number of times per year. The maximum for each member is calculated based on the number of meetings held by their legislative body in a year.

AB 2302 (effective January 1, 2025), limits the allowable remote appearances by an individual Council Member to the following:

Five (5) times per year as the body regularly meets twice per month.

A member of a legislative body wishing to participate remotely under AB 2449 may do so either for “just cause” or under “emergency circumstances,” as those exceptions are defined under state law. The individual legislative body member must choose which exception to pursue.

Under either exception, at least a quorum of the members of the legislative body must participate at a single physical meeting location identified on the agenda, situated within the local agency’s jurisdiction, and open to the public. For this reason, no more than two members of a legislative body may utilize these teleconference provisions at any one time. Members participating remotely must have both audio and video capabilities.

Exception #1: “Just Cause”

Circumstances permitting use of “just cause” exception are limited to:

- Caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely.
 - A contagious illness that prevents the member from attending in person.
 - A need related to a physical or mental disability.
 - Travel while on business of the legislative body or another state or local agency.
1. In order to participate remotely under the “just cause” exception, the member must notify the City Manager, City Clerk, or Presiding Officer at the earliest possible opportunity of their need to participate remotely. The notification must include a description of the circumstances relating to the member’s need to appear remotely. Under state law, the description does not have to be more than 20 words and the member does not have to disclose any personal medical information.
 2. The member must disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with the individual. The Presiding Officer will ask the virtual participant to disclose this information following roll call.

Exception #2: Emergency Circumstances

Circumstances permitting use of “emergency circumstances” exception are limited to: A physical or family medical emergency that prevents a member from attending in person.

1. The member’s ability to participate remotely under the “emergency circumstances” exception is contingent upon making a request to the legislative body, which must take action by majority vote to approve the request. The member must notify the City Manager, City Clerk, or Presiding Officer at the earliest possible opportunity of their need to participate remotely. The notification must include a description of the circumstances relating to the member’s need to appear remotely. Under state law, the description does not have to be more than 20 words and the member does not have to disclose any personal medical information.
2. This item will be added as an urgency Item by the Presiding Officer, City Manager, or City Attorney at the beginning of the meeting and action taken following roll call. The member must disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with the individual. The Presiding Officer will ask the virtual participant to disclose this information following roll call.

Members are responsible for their own conduct in terms of complying with AB 2449, but failure to comply with state law constitutes a violation of the Brown Act, potentially jeopardizing the validity of these meetings. The City Clerk will advise the City Council of the number of times the member has utilized teleconferencing under these rules. Any legislative body member who attempts to join a meeting virtually in excess of the number of meetings allowed per year, or whose request to virtually attend a meeting under the "Emergency Circumstances" exception is not approved, will be marked as absent. They will be able to join the meeting as a member of the public.

2.6 Minutes of Proceeding

The City Clerk shall provide the City Council with Action Minutes of the City Council meetings as described in Section 4.3 of these rules. Most proceedings of the City Council shall be digitally recorded by the City Clerk or the Clerk's designee and retained as required by law. If the video transmission of the City Council meetings is, for whatever reason, interrupted or not properly functioning, the City Council shall take a vote to decide whether to proceed with the meeting.

2.7 Right of the Floor

Any Member desiring to speak shall first be recognized by the Presiding Officer and shall, with the exception of Public Comment, confine any remarks to the subject under consideration.

2.8 Rules of Order

Except in cases of conflict with these Rules, "Robert's Rules of Order" shall govern the proceedings of this City Council.

2.9 City Manager

The City Manager shall attend all meetings of the City Council unless excused, and in their absence, the City Manager's designee shall substitute. The City Manager shall have the right to make recommendations and shall have the right to take part in all discussions of the City Council but shall have no vote.

2.10 City Attorney

The City Attorney shall attend all meetings of the City Council unless excused, and in their absence, the Assistant City Attorney or other designee shall substitute. The City Attorney, upon request, shall give opinions, either written or oral on questions of law and shall act as City Council's parliamentarian.

2.11 City Clerk

The City Clerk shall attend all meetings of the City Council unless excused, and in their absence, the Deputy City Clerk or other designee shall substitute. The City Clerk shall record, prepare, and maintain the official record of the City Council and perform other related duties as prescribed by the City Council.

2.12 Mayor/Vice Mayor

The Mayor is a member of the City Council and thus has all the powers of a member. The Mayor shall be the Presiding Officer. In the Mayor's absence, the Vice Mayor shall preside. In the absence of both, the City Council Members present shall elect a Presiding Officer. The City Council, at the first meeting in December, or as soon thereafter as the matter can be decided, shall appoint by majority vote of the City Council (three votes required) the Mayor and the Vice Mayor to serve for the subsequent year.

2.13 Call to Order

The Presiding Officer shall call the meeting to order at the appointed time. In the absence of both the Mayor and Vice Mayor, the meeting shall be called to order by the City Clerk. The City Council Members present shall proceed to elect a Temporary Presiding Officer.

2.14 Preservation of Order

The Presiding Officer shall preserve strict order and decorum and prevent disruption of the meeting.

2.15 Point of Order

The Presiding Officer shall determine all points of order subject to the right of any member to appeal. If an appeal is taken, the question shall be, "shall the Presiding Officer's decision be sustained?"

2.16 Authority to Clear Room Where Meeting Willfully Interrupted

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by removal of individuals who are willfully interrupting the meetings, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the Agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

2.17 Department Heads/Employees

Department Heads shall attend City Council meetings when they have items on the agenda, or as directed by the City Manager. Other City staff shall attend City Council meetings as directed by the City Manager.

2.18 Semi-Annual Recess

The City Council shall recess for the month of August and the first meeting in January of each year, or such other month as approved by resolution of the City Council, which shall be known as the semi-annual recess. During the semi-annual recess, the City Council may be convened for special City Council meetings as provided for by law and these Rules.

3. TYPES OF MEETINGS

3.1 *Regular Meetings*

The City Council shall meet in the City Council Chambers for all regular meetings. Regular meetings shall begin as noted in Section 2.2 above on the 1st and 3rd Tuesday of each month, unless otherwise provided by resolution of the City Council. If the meeting date shall fall on a holiday, the City Council shall meet at a time and date so designated by the City Council.

3.2 *Adjourned Meetings*

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

3.3 *Special Meetings*

Special meetings may be called by the Mayor or by a majority of the City Council Members. The call for a special meeting must specify the day, hour, and place, and shall specify the subject(s) to be considered. Special Meetings shall be noticed and conducted in accordance with the Brown Act.

3.4 *Closed Session Meetings*

Closed Sessions may be held as part of a regular or special meeting of the City Council in accordance with the provisions of the Brown Act, as it may be amended from time to time.

3.5 *Study Session Meetings*

The City Council may meet informally in study sessions, workshops, training sessions or retreats called by the Mayor or the majority of City Council Members. Study Sessions are open to the public and are special meetings for the purposes of the Brown Act.

3.6 *Media Attendance*

All meetings (except closed sessions) of the City Council and City Boards/Commissions shall be open to the media, and may be recorded by tape, radio, television, and/or photography, provided such recordings do not interfere with the orderly conduct of the meetings.

4. ORDER AND PREPARATION OF AGENDA

4.1 *Order of Business*

1. Call to Order
2. Roll Call
3. Approval of Final Agenda (regular meetings only)
4. Special Orders of the Day

5. Council Member Special Announcements / Reports on Meeting Attendance
6. City Manager's Report
7. Ex Parte Communications
8. Public Comment for Consent Agenda and Items not on the Agenda (Special meetings only have public comment for items on the agenda)
9. Consent Calendar
 - a. Standing Item for all Ordinances to be introduced and read by title only
10. Public Hearings
11. Action Items
12. Department Head Reports
 - a. Announcement of commission/committee vacancies (if applicable)
13. Future Agenda Item Requests
14. Adjournment

4.2 Agenda Preparation

1. Items may be placed on the Agenda by the City Manager or the City Attorney, or by any Council Member once they have received majority approval of the entire Council upon making the request at a Council meeting under Future Agenda Item Requests, as described under Section 4.9, below. All items on the Agenda shall indicate in parenthesis the initiating department head or City Council Member.
2. Item titles and supporting documents are to be uploaded into the City's agenda management solution, by 5 p.m. on Monday, 15 days preceding the regular meeting date. Each item shall contain a title, a brief description of the action to be taken and the supporting documents as described in Item #3, below.
3. Each item listed on the Consent Agenda, as a Public Hearing or an Action Item shall be accompanied by a staff report with a complete discussion of the background, associated fiscal impact, alternatives, and the need for the action requested, along with any necessary resolutions, contracts or other supporting materials, uploaded and the automated approval review process initiated.
4. City staff will post the Agenda containing a description for each item of business to be considered at the regular meeting to the City's website, together with all reports and other supporting documents pertaining thereto, and will notify the City Council Members and the public of the availability of the Agenda on Wednesday, six(6) days preceding the regular meeting.

5. Notwithstanding the foregoing, the Agenda for a regular meeting shall be publicly posted and made available to the City Council Members and the public as soon as practicable, but no later than 72 hours before the regular meeting. The Agenda for a special meeting shall be publicly posted and made available to the City Council Members and the public as soon as practicable, but no later than 24 hours before the special meeting. The Agenda for a regular meeting or special meeting will be publicly posted in the three (3) public places identified in Section 2-8.01 of the Emeryville Municipal Code.

4.3 *Action Minutes*

The Action Minutes shall be accurate and shall consist of clear concise statements of every City Council action, including the motions made and the vote thereon. The City Clerk shall have exclusive responsibility for preparation of the Action Minutes and any directions or corrections of the Action Minutes shall be made only by action of the City Council at a City Council meeting.

4.4 *Approval of Final Agenda*

This heading provides an opportunity to approve the Agenda as published, or to allow a Council Member to make a motion that, for example, an item be added or deleted from the agenda or that the order in which the items are to be discussed be changed. Such a motion must be seconded and requires a vote.

4.5 *Ex Parte Communications Report*

Ex parte communication is any substantive oral or written communication between a decision maker and another party to the matter that is relevant to the merits of an agenda item, and which takes place outside of a City Council meeting that has been noticed and is open to the public.

When an ex parte contact does occur, the Council Member must disclose the contact and the substance of the information communicated on the record at the Council meeting where the item will be taken up.

4.6 *Public Comment*

Any person who desires to address the City Council on any item listed on a regular meeting Agenda under the Consent Calendar, or on a matter not on the Agenda which item is within the subject matter jurisdiction of the City Council, may do so during that portion of the Agenda called Public Comment. Special meetings will not include Public Comment for non-agenda items. The City Council and City staff may respond to public comments on items listed on the Agenda under the Consent Calendar, but may only respond to public comments on matters not on the Agenda in a way that is in accordance with California Government Code Section 54952.2. As such, for public comments on matters not on the Agenda, the City Council or City staff, upon recognition of the Presiding Officer, may respond only briefly to statements made or questions posed, ask a question for clarification, refer the person to City staff or others for information, request staff to report back at a future meeting, direct staff to place a matter of business on a future

meeting, or take action on an item in accordance with California Government Code Section 54952.2(b).

4.7 *Consent Calendar*

Items listed under the Consent Calendar are those items staff anticipates will not require City Council discussion and are routine in content. The Consent Calendar also includes resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action and second readings of ordinances. Any City Council Member or City staff may remove an item from the Consent Calendar for individual or separate discussion and action. The City Manager may also remove an item from the Consent Calendar.

4.8 *Public Hearings*

Items requiring a Public Hearing will be posted in at least three public places identified in Section 2-8.01 of the Emeryville Municipal Code and advertised and mailed to property owners as required by law.

4.9 *Future Agenda Item Requests*

Under this heading, Council Members may make requests for items to be added to future agendas. Majority Council support must be received for the addition to be approved. The item may not be discussed in detail at this meeting, other than very briefly to give staff direction on the request. The City Manager and City Attorney will provide guidance on scheduling these added items given their knowledge of upcoming matters already scheduled.

4.10 *Hearing Items Out of Order*

The Presiding Officer may remove an item from the Agenda for consideration and action out of the order shown on the Agenda unless, by a majority vote, the City Council votes not to consider acting on the item out of order.

5. **CITIZENS' RIGHTS**

5.1 *Addressing the City Council*

Any person may address the City Council on the following Order of Business portion of the Agenda as identified in Section 4.1:

1. Public Comment
2. Consent Items before action is taken as part of Public Comment
3. Public Hearings
4. Action Items
5. Any other portion of the Agenda as required by the Brown Act.

The following shall apply:

1. Each person or group desiring to address the City Council shall approach the podium or use the “raise hand” feature on Zoom and wait until recognized by the Presiding Officer.
2. Each person addressing the City Council during a public comment period is requested but not required to state their name for the record.
3. Each speaker is limited to two (2) minutes to present their comments to the City Council at each speaking opportunity. At the discretion of the Presiding Officer, time limits may be further adjusted. Also at the Presiding Officer’s discretion, one, but no more than two, speakers may yield their time allotment to another designated speaker. The speaker must be present at the meeting or on Zoom in order to yield their time.
4. All remarks on an Agenda Item should be directed to the Mayor and City Council as a body and not to any particular member of the City Council or staff.
5. No person, other than members of the City Council and the person having the floor shall be permitted to enter into the discussion.
6. No question shall be asked of City Council Members or staff except through the Presiding Officer.

5.2 Disruptive Behavior

The Presiding Officer shall discourage demonstrations before the City Council, such as applauding or booing. Upon instructions by the Presiding Officer, the Chief of Police or their designee may be called for the purpose of removing any person who, in the Presiding Officer's judgment, has violated the rules of conduct and has disrupted the meeting.

5.3 Written Communications

Any person may submit written comments to the City Council through the City Clerk or City Manager's Office via email or through the Written Comment Card available on the website. Items will be forwarded to the Council Members, and added to the public binder available in the Council Chambers.

6. PREPARATION OF ORDINANCES, RESOLUTIONS AND CONTRACTS/AGREEMENTS

6.1 Ordinances

All ordinances shall be prepared by the City Attorney and shall be presented to the City Council only when ordered by the City Council through an approved future scheduling item or requested by the City Manager, or prepared by the City Attorney on their own initiative. The ordinances prepared by the City Attorney and adopted by the City Council shall be the official legislation of the City.

6.2 Resolutions

Resolutions are prepared for submission by City Department staff. The City Attorney shall review and approve, in advance, all resolutions presented to the City Council. The final resolution, as reviewed and approved as to form by the City Attorney and adopted by the

City Council, shall be the official legislation of the City. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. Urgency resolutions shall be avoided except when absolutely necessary.

6.3 Contracts

All contracts shall be prepared or approved by the City Attorney and shall be presented to City Council only when ordered by City Council through an approved future scheduling item, or submitted by the City Manager or City Attorney.

6.4 Document Approval

The City Council shall not take action on ordinances, resolutions, or contracts until they have been reviewed by the City Manager and approved as to form and legality by the City Attorney or Assistant City Attorney.

6.5 Ordinance Introduction/Adoption

Ordinances shall not be passed within five (5) days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance, as defined by California Government Code Section 36934, or an interim ordinance as provided by Government Code Section 65858, may be passed immediately upon introduction at either a regular or special meeting. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a motion waiving the full reading and allowing the ordinance to be read by title only is adopted. There will be a standing item on the Consent Calendar for Ordinances to waive first reading and introduce by title only.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five (5) days after alteration. Corrections or typographical or clerical errors are not alterations within the meaning of this section.

6.6 Majority Vote Required

Unless otherwise provided by law, an affirmative vote of at least three (3) members of the City Council shall be necessary to adopt an ordinance or resolution.

6.7 Ordinance and Resolution Preservation

Following adoption of an ordinance or resolution, the City Clerk will assign a number and post according to law. The ordinances and resolutions, as prepared and approved by the City Attorney, shall be filed and preserved by the City Clerk's Office.

7. PROCEDURES REGARDING PUBLIC HEARINGS

7.1 Introduction

The Presiding Officer announces the subject of the public hearing.

7.2 Staff and Written Material Presentation

1. Staff summary report and other written material included in the Agenda packet is received and filed (e.g. protest, etc.) and noted for the record.
2. Written material not in the Agenda packet, if any, is received and filed.
3. Oral staff report, if any, is presented by staff member.
4. The applicant/representative gives presentation.
5. Staff and applicant/representative respond to City Council Member questions.

7.3 Public Testimony

1. Presiding Officer declares the public hearing open. The purpose is to provide an opportunity to concerned members of the audience who wish to testify in support or opposition to the matter being heard.
2. Presiding Officer instructs members of the audience:
 - a. To speak from the podium or use the “raise hand” feature in Zoom;
 - b. To give their name before speaking, although the speaker is not required to identify him/herself or provide an address in order to speak;
3. That the normal time limit for each speaker is two (2) minutes; and
4. That repetition should be avoided.
5. Questions by speakers will be noted prior to City Council deliberation.
6. Prior to City Council deliberation, upon a vote of a majority of the City Council, the public hearing may be continued to a date certain.

7.4 City Council Deliberation

1. After the Presiding Officer has determined that no other members of the public wish to speak, the matter is returned to the City Council for deliberation. The Presiding Officer may close the public hearing at this time.
2. The City Council may ask questions of staff, applicant/representative, or speakers for clarification.
3. Staff and/or City Council Members answer prior speaker's questions.
4. The City Council debates and makes a motion.

7.5 City Council Action

1. The City Council may, at this time, vote to reopen and continue the public hearing, if any additional information is requested (e.g. staff report).
2. The City Council may:
 - a. Vote on the item;
 - b. Offer amendments or substitute motions allowing additional public testimony; or

- c. Continue the matter to a later date for a decision. (Please note that if the public hearing has been closed, no additional reports or testimony may be received at the later date unless the applicant agrees to the admission of such additional reports or testimony and is given an adequate opportunity to respond.)

8. BOARDS, COMMISSIONS AND COMMITTEES

8.1 *Citizens Boards, Commissions, and Committees*

The City Council may create standing or ad hoc advisory boards, commissions, or committees. With the exception of the Planning Commission, which shall adopt its own Rules of Procedure, the advisory boards, commissions and committees created by the City Council shall operate under the Rules of Procedure for Local Boards, Commissions and Committees of the City Council of the City of Emeryville unless otherwise approved by the City Council.

8.2 *Appointments to Boards, Commissions, and Committees*

The City Council shall appoint, from among eligible applicants, members to serve on all committees and commissions without prior review or recommendation from the members of the committee or commission to which the appointment is to be made. A majority of the City Council must confirm all appointments at a City Council meeting.

8.3 *City Council Participation*

Any Council Member may attend any advisory body meeting to observe, but not to participate, in the discussion or deliberation of any item within the subject matter jurisdiction of such bodies.

9. SUSPENSION AND AMENDMENTS OF RULES

9.1 *Suspension*

Any provision of these rules not already governed by the City's Municipal Code or State law may be temporarily suspended by a majority vote of the City Council.

9.2 *Amendment*

These rules may be amended or new rules adopted as a regularly scheduled Agenda item by a majority vote of the City Council.

10. MISCELLANEOUS RULES

10.1 *Roll Call Votes*

In compliance with California Senate Bill 751, enacted in 2013, to amend Section 54953 of the California Government Code, the legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each Member present for the action. To accomplish this, the City Clerk shall take a verbal roll call vote on any and all motions before the City Council. The Mayor's name shall be called last and the

Vice-Mayor next to last with the other members' names called in alphabetical order by the City Clerk.

10.2 *Personal Privilege*

The right of a City Council Member to address the City Council on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of the City Council Member are called into question by a public speaker, or to where the welfare of the City Council is concerned. The City Council Member may not interrupt the speaker, however, until recognized by the Presiding Officer.

10.3 *Protests*

Any Council Member shall have the right to enter into the public record reasons for dissent or protests against any action carried by the majority, after the vote has been taken.

10.4 *Motion to Reconsider*

A motion to reconsider any action taken by the City Council may be made in accordance with the following:

1. The motion must be made by a member of the prevailing side, although it may be seconded by any City Council Member.
2. The motion is debatable and has precedence over a pending motion.
3. The motion must be made before the adjournment of the next regular meeting.

11. RULES OF DEBATE

11.1 *Mayor as Presiding Officer*

The Mayor shall be the Presiding Officer and may move, second, and debate from the chair, and shall not be deprived of any rights and privileges of a City Council Member.

11.2 *Appeals*

Any ruling of the Presiding Officer may be appealed at the request of a City Council Member. The Presiding Officer shall call the roll to determine if the ruling is upheld.

11.3 *Precedence of Motions*

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

1. **Motion to Amend** - (Debatable only as it relates to the amendment.) An amendment which modifies the motion is in order; however, a substitute motion is in order if the intent is changed. Amendments are voted on first, main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall be only one amending motion on the floor at any time.

2. **Motion to Postpone** - A motion to postpone indefinitely is debatable. If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.
3. **Motion to Table** - (Undebatable and not subject to amendment.) The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time prior to the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is killed.
4. **Motion to Reconsider** - As outlined in Section 10.4
5. **Motion to End Debate** - Any City Council Member may make a motion to end debate, which shall require four affirmative votes to pass.