

**RULES OF PROCEDURE FOR COMMITTEES OF THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE**

**March 17, 2015**

**1.0 AUTHORITY AND APPLICABILITY**

1.1 Authority: As provided by Government Code Section 54954.3, the City Council of the City of Emeryville hereby establishes these Rules of Procedure for the conduct of meetings of committees created by action of the City Council and identified on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as "Council Committee"). These rules shall apply to all meetings of the Council Committees except for the Planning Commission and Housing Advisory and Appeals Board and shall be in effect upon their adoption by the City Council of the City of Emeryville and until such time as they are amended or new rules adopted.

**2.0 GENERAL RULES**

2.1 Public Meetings: All meetings of the Council Committees shall be open to the public. The Council Committees shall not meet in closed session. No dogs, cats, birds or any other animal or fowl 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 will be held on the days and convene at the times established by the action of the City Council creating the individual Council Committee or by amendment of the City's Roster of Local Boards, Commissions, and Committees. Regular Council Committee meetings shall not be scheduled for the month of August. Adjourned regular or special meetings may be called by the Presiding Officer of the Council Committee. All regular and special meetings of the Council Committees will adjourn no later than two (2) hours after the meeting is convened unless a majority of the Council Committee votes to proceed with the business beyond that time.

2.3 Quorum: At any meeting of a Council Committee that has seven (7) or more members, a quorum shall consist of no less than four (4) members of the Council Committee. For Council Committees that have no more than six (6) members, a quorum shall consist of no less than one-half (1/2) of the members of the Council Committee. A Council Committee shall not take any action in the absence of a quorum, except to adjourn or close the meeting. If a quorum no longer exists due to the withdrawal of one or more of the members, the meeting may continue; however, no action may be taken.

- 2.4 Right of the Floor: Any member of the Council Committee or person in attendance 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.
- 2.5 Rules of Order: Except in cases of conflict with these Rules, "Robert's Rules of Order" shall govern the proceedings of the Council Committees.
- 2.6 City Manager: The Emeryville City Manager or his or her designee shall attend all meetings of the Council Committees unless excused. The City Manager or his or her designee shall have the right to make recommendations and to take part in all discussions of the Council Committees, but shall have no vote.
- 2.7 Presiding Officer: The members of the Council Committee shall appoint one of its members to be the Presiding Officer. In the absence of the Presiding Officer, the members of the Council Committee present shall elect a Temporary Presiding Officer. At the first regular meeting in each fiscal year, the Council Committee shall appoint, by a majority vote, the Presiding Officer to serve for the subsequent year.
- 2.8 Call to Order: The Presiding Officer shall call the meeting to order at the hour appointed. In the absence of the Presiding Officer, the City Manager or his or her designee shall call the meeting to order. The Council Committee members present shall then proceed to elect a Temporary Presiding Officer.
- 2.9 Preservation of Order: The Presiding Officer shall preserve strict order and decorum, shall prevent threatening, bullying, or disruptive verbal attacks on the Council Committee members, staff, and/or citizens, confine debate to the item under discussion, and discourage demonstrations before the Council Committee such as applauding or "booing".
- 2.10 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?"
- 2.11 Authority to Clear Room Where Meeting Willfully Interrupted, Etc.: Upon instructions by the Presiding Officer, the Chief of Police or his or her 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. In the event that any meeting is willfully interrupted by an individual,

group or groups of persons so as to render the orderly conduct of such meeting infeasible and order cannot be restored by removal of the individual or individuals who are willfully interrupting the meeting, the Presiding Officer may order the meeting room cleared and continue in session. Only matters appearing on the Agenda may be considered in such a session. Duly accredited 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 Presiding Officer from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

- 2.12 Attendance: Each member of a Council Committee shall attend every regular or special meeting unless the member has notified the Presiding Officer or the City Manager or his or her designee in advance of his or her non-attendance. Any member who is absent from three (3) regular or special meetings in any 12 month period without providing the required notification will be automatically terminated from the membership of the Council Committee. The City Manager or his or her designee shall notify the terminated member, the Council Committee and the City Council of the termination.

### 3.0 **TYPES OF MEETINGS**

- 3.1 Regular Meetings: Unless otherwise noted on the published agenda, all Council Committees shall meet at Emeryville City Hall, 1333 Park Avenue, Emeryville, California for all regular and special meetings. If a regular meeting date shall fall on a holiday, the Council Committee shall meet at a time and date so designated by the Council Committee.
- 3.2 Adjourned Meetings: Any meeting of the Council Committees 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 Presiding Officer or by a majority of the Council Committee members during a regularly scheduled meeting. 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 Ralph M. Brown Act, as it may be amended from time to time.
- 3.4 Closed Session Meetings: The Council Committees shall not conduct closed session meetings.

3.5 Media Attendance: All meetings of the Council Committees shall be open to the media, and may be recorded by tape, radio, television, photography, provided such recordings do not interfere with the orderly conduct of the meetings.

#### 4.0 TRAINING/ORIENTATION

Council Committee members of Community Advisory Bodies are required to attend one of the Council Committee training/orientation workshops conducted by the City Clerk's Office each July upon appointment to a scheduled vacancy and at least every two years thereafter. Members appointed to fill an unscheduled vacancy shall attend an orientation session with the City Clerk's Office within one month of assuming office and thereafter attend one of the July workshops at least every two years.

#### 5.0 WORK PLANS AND ANNUAL REPORTS

5.1 Each Council Committee shall work with committee staff to develop a two-year work plan, aligned with the City's budget cycle, for submittal to the City Council by the second City Council meeting in October as information following the adoption of the City's two year budget. The work plan shall be based upon the following:

- City Council established or adopted goals and priorities, including, but not limited to City priorities as expressed through the City budget, the General Plan, the Climate Action Plan, and other City policy documents applicable to the committee.
- Resource availability - budget, staff support, committee member time.
- Departmental work priorities.
- Committee member knowledge, interest, and expertise.

5.2 Each Council Committee shall be responsible for submitting an annual committee report to the City Council by the second City Council meeting in October with information that outlines the committee's past year's accomplishments and highlights the committee's top two proposed priorities for the coming year. The annual committee report should also include recommended changes to the committee's two-year work plan.

## 6.0 **ORDER & PREPARATION OF AGENDA**

### 61 Purpose of Agenda

The purpose of Council Committee agendas is to comply with provisions of the Brown Act. Only items listed on the agenda may be considered. The agenda also facilitates the Committee's work in assisting with setting City policy direction, establish program and budget priorities, and provide oversight of City programs and initiatives within the Committee's scope of responsibility.

**6.2 Agenda Order of Business:** All agendas of Council Committees shall adhere to the following format:

1. Call to Order and Roll Call
2. Public Comment
3. Agenda Items
  - a. Approval of Minutes
  - b. Description of Item to be Discussed/Acted Upon
  - c. Description of Item to be Discussed/Acted Upon
4. Communications and Reports
  - a. City Staff Announcements
  - b. Council Committee Member Announcements
5. New Business for Next Regular Council Committee Meeting – Date
6. Future Agenda Items (no specific date)
7. Adjournment

### 6.3 **Agenda Preparation:**

1. Agenda Items may be placed as New Business in accordance with the Council Committee work plan by a majority of the City Council; a majority of the Council Committee; the City Manager; or the City Attorney. Future Agenda Items may be placed by on the agenda by any Council Committee member but do not become New Business unless placed on the agenda as stated above. Council Committees shall have no authority to direct staff or approve or authorize any contracts, or the payment of money; as any such action must be conducted as part of a regular or special meeting of the City of Emeryville City Council and approved by a majority of the City Council.
2. Agenda Items are to be delivered to the City Manager, or his or her

designee, by 5 PM, seven (7) days preceding the regular meeting date. Each item shall contain a brief description of the matter to be discussed.

3. Any written material to accompany the agenda shall be delivered to the City Manager, or his or her designee, by 5 PM, seven (7) days preceding the regular meeting date.
  4. The City Manager, or his or her designee, in consultation with the Presiding Officer, shall finalize the Agenda by 5 PM, six (6) days preceding the regular meeting.
  5. The Agenda together with all reports pertaining thereto shall be provided to Council Committee members by 5 pm, five (5) days preceding the regular meeting.
  6. The Agenda for a regular meeting shall be made available to the public as soon as it is made available to the Council Committee members, and in no event later than 72 hours before the regular meeting. The Agenda for a special meeting shall be made available to the public as soon as it is made available to the Council Committee members, and in no event later than 24 hours before the special meeting.
- 6.4 Hearing Items Out of Order: The Presiding Officer may remove an item from the Agenda for consideration out of the order shown on the Agenda, unless, by a majority vote, the Council Committee votes to not consider and act on the item out of order.
- 6.5 Minutes: The City Manager, or his or her designee, shall have exclusive responsibility for preparation of the Minutes of the Council Committee meetings and any corrections of the Minutes shall be made only by action of the Council Committee. The Minutes shall be an accurate, clear and concise statement of every Council Committee action, including the motions made and the vote thereon.
- 7.0 **CITIZENS RIGHTS**
- 7.1 Addressing the Council Committee:
- A. Any person may address the Council Committee on the following Order of Business portions of the Agenda as identified in Section 4.1:

1. Agenda Items
2. Public Comment

B. The following shall apply for “Agenda Items”:

1. Each person desiring to address the Council Committee on an Agenda Item shall signal their desire to address the Council Committee (e.g. raising their hand) after the matter has been presented to and discussed by the members of the Council Committee.
2. Before the Council Committee takes action on the item, if any action is contemplated, the Presiding Officer shall recognize those members of the public who have signaled their desire to address the Council Committee. Each person, once recognized by the Presiding Officer, shall approach in an orderly fashion, and state their name and city of residence for the record. To assist with preparation of the minutes of the meeting, each person is asked to sign their name on a speakers list at the podium, but is not required to do so.
3. Each individual speaker is limited to two (2) minutes for any comment on an Agenda Item. At the discretion of the Presiding Officer, the time allotted to an individual speaker may be further adjusted.
4. At the discretion of the Presiding Officer, the total amount of time allotted to comments from members of the public on an individual Agenda Item may be limited if deemed necessary in order to complete the business of the Council Committee as listed on the Agenda.
5. All remarks on an Agenda Item shall be directed to the Presiding Officer and the Council Committee as a body and not to any particular member of the Council Committee, staff or member of the public.
6. No person, other than members of the Council Committee, the City Manager or his or her designee, and the person recognized by the

Presiding Officer shall be permitted to enter into the discussion.

7. No question shall be asked of the Council Committee Members, the City Manager, or staff except through the Presiding Officer.

C. The following shall apply for “Public Comments”:

1. Any person who desires to address the Council Committee on any item not on the Agenda, which item is within the subject matter jurisdiction of the Council Committee, may do so during that portion of the Agenda called Public Comment.
2. The Council Committee members and City staff may only respond to public comments in accordance with California Government Code Section 54952.2. Accordingly, the Council Committee members and City staff upon recognition of the Presiding Officer, may only briefly respond to statements made or questions posed, ask a question for clarification, refer the person to City or School District staff or others for information, request staff to report back at a future meeting, or direct staff to place a matter of business on a future meeting. Notwithstanding California Government Code Section 54952.2(b), no discussion or action shall take place on any item not listed on the published agenda.
3. Each speaker is limited to two (2) minutes for any comment during “Public Comments”. At the discretion of the Presiding Officer, the time allotted to an individual speaker may be further adjusted.
4. At the discretion of the Presiding Officer, the total amount of time allotted to “Public Comments” may be limited if deemed necessary in order to complete the business of the Council Committee as listed on the Agenda.

D. The following shall apply for any other portion of the Agenda:

1. At the discretion of the Presiding Officer, members of the public may be allowed to address the Council Committee on any other portion of the Agenda, if the member of the public is recognized by the Presiding Officer.



2. Each speaker is limited to one (1) minute for any comment on any other portion of the Agenda.
3. At the discretion of the Presiding Officer, the total amount of time allotted to comments from members of the public on any other portion of the Agenda may be limited if deemed necessary in order to complete the business of the Council Committee as listed on the Agenda.

7.2 Written Communications: Any person may submit written comments to the Council Committee through the office of the City Manager, and request that the Council Committee receive copies in the Agenda packet provided such written comments are relevant to matters within the subject matter jurisdiction of the Council Committee and are received in sufficient time to include in the Agenda packet.

#### 7.0 **SUSPENSION AND AMENDMENTS OF RULES**

7.1 Suspension: Any provision of these rules not already governed by State law may be temporarily suspended by a majority vote of the Council Committee.

7.2 Amendment: These rules may only be amended or new rules adopted by a majority vote of the City Council of the City of Emeryville.

#### 8.0 **MISCELLANEOUS RULES**

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

8.2 Roll Call Votes: Upon demand by any Council Committee member a roll call vote shall be taken on any motion before the Council Committee. The Presiding Officer's name shall be called last with the other members' names called in alphabetical order by the City Manager or his or her designee. Each member present at a meeting of the Council Committee and duly appointed to serve on the Council Committee shall be entitled to cast one vote. The adoption of any resolution or motion shall require the vote of the majority of the members present.

8.3 Personal Privilege: The right of a Council Committee member to address the Council Committee on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of the Council Committee member are

in question, or to where the welfare of the Council Committee is concerned. The Council Committee member may not interrupt the speaker, however, until recognized by the Presiding Officer.

- 8.4 Protests: Any Council Committee 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.
- 8.5 Motion to Reconsider: A motion to reconsider any action taken by the Council Committee may be made in accordance with the following:
- a. The motion must be made by a member of the prevailing side, although it may be seconded by any Council Committee member.
  - b. The motion is debatable and has precedence over a pending motion.
  - c. The motion must be made before the adjournment of the next regular meeting.