

EMERYVILLE CITY COUNCIL RULES OF PROCEDURE

Revised ~~March~~ April 17, 2015~~2~~

1.0 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, ~~and~~ 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" ~~and "Community Development Commission"~~; all references to the "Mayor and City Council Members" include "Successor Agency Chair and Members of the Redevelopment Agency", ~~and~~ "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", ~~and~~ "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", ~~and~~ "Commission General Counsel", "MESA Legal Counsel", and "Finance Authority Legal Counsel"; and all references to "City Clerk" include "Successor Agency Secretary", ~~and~~ "Commission Secretary", "MESA Secretary", and "Finance Authority Secretary".

2.0 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 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 of the Successor Agency and City Council will be held on the 1st and 3rd Tuesday of each month, and will convene at 7:15 P.M. and 7:16 P.M., respectively, unless otherwise provided by resolution of the City Council. Regular meetings of the Community Development

~~Commission, MESA and the Finance Authority shall be held annually on the 1st Tuesday of each July and will convene at 7:12 P.M., 7:13 P.M., and 7:14 P.M., respectively, unless otherwise provided by resolution of the City Council.~~

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Adjourned regular or special meetings may be called by the Mayor or a majority of the City Council. ~~All regular meetings of the Community Development Commission and the City Council will convene at 7:15 P.M. and 7:16 P.M., respectively, unless otherwise provided by resolution 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 Recap as an unexcused absence.
- 2.5 Minutes of Proceeding: The City Clerk shall provide the City Council with an Action Recap of the City Council meetings as described in Section 4.3 of these rules. All proceedings of the City Council shall be videotape recorded by the City Clerk 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.
- 2.6 Right of the Floor: Any member desiring to speak shall first be recognized by the Mayor and shall, with the exception of Public Comment, confine any remarks to the subject under consideration.
- 2.7 Rules of Order: Except in cases of conflict with these Rules, "Robert's Rules of Order" shall govern the proceedings of this City Council.
- 2.8 City Manager: The City Manager shall attend all meetings of the City Council unless excused, and in his or her 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.
- 2.9 City Attorney: The City Attorney shall attend all meetings of the City Council unless excused, and in his or her absence, the Assistant City Attorney shall

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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.

2.10 City Clerk: The City Clerk shall attend all meetings of the City Council unless excused, and in his or her 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.

2.11 Mayor/Vice Mayor: The Mayor ~~is~~ shall be a member of the City Council and ~~thus has shall have~~ 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 second meeting in November, or as soon thereafter as the matter can be decided, shall appoint by majority vote of the City Council (3 votes required) the Mayor and the Vice Mayor to serve for the subsequent year.

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2.12 Call to Order: The Mayor or Vice-Mayor shall call the meeting to order at the hour appointed. In the absence of both, the meeting shall be called to order by the City Clerk. The City Council Members present shall proceed to elect a Temporary Presiding Officer.

2.13 Preservation of Order: The Mayor shall preserve strict order and decorum; shall prevent threatening or disruptive verbal attacks on the City Council Members, staff, and/or citizens and confine debate to the item under discussion.

2.14 Point of Order: The Mayor 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 Mayor's decision be sustained?"

2.15 Authority to Clear Room Where Meeting Willfully Interrupted, Etc.: 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. 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 legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the

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orderly conduct of the meeting.

- 2.16 Department Heads/Employees: The ~~Community Economic~~-Development ~~and Housing~~-Director, Fire Chief, ~~Planning Director~~, Police Chief and Public Works Director shall attend City Council meetings. Other Department Heads and Employees, as directed by the City Manager, shall attend City Council meetings.
- 2.17 Semi-Annual Recess: The City Council shall recess for the ~~month of August~~~~first meeting in July~~ 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.

During the semi-annual recess periods, the City Manager shall provide the City Council with the payroll and warrant register on the Friday preceding the cancelled meetings. Warrants will be released on the following Tuesday, except for those warrants which are requested to be held for the next meeting by a member of the City Council.

3.0 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 Ralph M. Brown Act, as it may be amended from time to time.
- 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 Ralph M. 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 Ralph M. 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, photography, provided such recordings do not interfere with the orderly conduct of the meetings.

4.0 ORDER & PREPARATION OF AGENDA

4.1 Order of Business:

1. Call to Order, Roll Call, Pledge of Allegiance
2. Special Orders of the Day
3. Public Comment
4. City Manager's Report
5. Consent Calendar
6. Public Hearings
7. ~~Action~~Policy Items
- ~~8.~~ ~~Administrative Items~~
- ~~89.~~ Communications & Reports
- ~~940.~~ Adjournment

4.2 Agenda Preparation:

1. Items may be placed on the Agenda by a City Council Member, the City Manager, or the City Attorney. All items on the Agenda shall indicate in parenthesis the initiating department head or City Council Member.
2. Items are to be delivered to the City Manager by 5 PM on Tuesday, ~~twenty-one~~fourteen (214) days preceding the regular meeting date. Each item shall contain a brief description of the action to be taken.
3. A staff report with a complete discussion of the background and need for the action requested, along with any necessary resolutions, contracts or other supporting material shall be delivered to the City Manager by 5 PM on Wednesday, ~~twentythree~~ (2013) days preceding the regular meeting date.

4. The City Manager, in consultation with the Mayor, will endeavor to~~shall~~ finalize the Agenda by 5 PM on Monday, fifteen~~eight~~ (15)~~(8)~~ days preceding the regular meeting.
5. City staff shall endeavor to post~~t~~The Agenda containing a description for each item of business to be considered at the regular meeting to the City's website no later than ten (10) days preceding the regular meeting. City staff shall endeavor to provide the Agenda, together with all reports pertaining thereto, ~~shall be provided~~ to City Council Members by 5 pm ~~Friday~~Wednesday, elevensix (116) days preceding the ~~City Council~~regular meeting.
6. Notwithstanding the foregoing,~~t~~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 Recap: The Action Recap shall be accurate and shall consist of clear concise statement 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 Recap and any directions or corrections of the Action Recap shall be made only by action of the City Council.

4.4 Public Comment: Any person who desires to address the City Council on any item listed on the 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. 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 accordance with California Government Code Section 54952.2. Accordingly, as to public comments on matters not on the Agenda the City Council, or 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 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).

4.5 Public Hearings: Items requiring a Public Hearing will be posted in at least three (3) public places identified in Section 2-8.01 of the Emeryville Municipal Code and advertised and mailed to property owners as required by law.

4.6 Consent Calendar: Items listed under the Consent Calendar are those items staff believes 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.

4.7 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 (including considering items on the City Council Agenda prior to the adjournment of the SuccessorRedevelopment Agency Agenda), unless, by a majority vote, the City Council votes to not consider and act on the item out of order.

5.0 CITIZENS RIGHTS

5.1 Addressing the City Council:

A. 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. ActionPolicy ItemsAction Items.
5. City as Housing SuccessorAdministrative Items.
6. Any other portion of the Agenda if said person is recognized by the Presiding Officer.

B. The following shall apply:

1. Each person or group desiring to address the City Council shall approach the podium and wait until recognized by the Presiding Officer.
2. Each person addressing the City Council shall approach the podium and state their name and address for the record. To assist the City Clerk's preparation of the minutes of the meeting, each person is asked to sign their name and indicate their address on a speakers list at the podium, but is not required to do so.
3. Each speaker is limited to three (3) minutes on Public Comment and any other Agenda item. At the discretion of the Presiding Officer, time limits may be further adjusted.
4. All remarks on an Agenda item shall 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 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, and request that City Council receive copies in the Agenda packet provided such written comments are relevant to matters within the subject matter jurisdiction of the City Council and are received in sufficient time to include them in the Agenda packet.

6.0 **PREPARATION OF ORDINANCES, RESOLUTIONS, AND CONTRACTS**

- 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 or requested by the Mayor, City Manager, or prepared by the City Attorney on his/her own initiative. The ~~red-lined~~ ordinances prepared by the City Attorney and adopted by the City Council, shall be the official legislation of the City.
- 6.2 Resolutions: Resolutions may be prepared for submission by a City Department, an individual, group or organization. The City Attorney shall review and approve, in advance, all resolutions presented to the City Council. The final, ~~red-lined~~ resolution, as reviewed and approved 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, or submitted by the Mayor, 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 shall be read by title only at the time of introduction or passage unless a City Council Member shall request the ordinance to be read in its entirety.

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 resolutions.
- 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 ~~on red-lined legislation paper,~~ shall be filed and preserved in-by the City Clerk's Office. ~~Additionally, the City Clerk shall provide a fully executed and signed copy of the resolution or ordinance to the City Manager within seven (7) days.~~

7.0 **PROCEDURES REGARDING PUBLIC HEARINGS**

7.1 Introduction: Presiding Officer announces subject of the public hearings.

7.2 Staff and Written Material Presentation:

- a. 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.
- b. Written material not in the Agenda packet, if any, is received and filed.
- c. Oral staff report, if any, is presented by staff member.
- d. The applicant/representative gives presentation.
- e. Staff and applicant/representative respond to City Council Member questions.

7.3 Public Testimony:

- a. Presiding Officer declares the public hearing open. Purpose is to provide opportunity to concerned members of the audience who wish to testify in support or opposition to the matter being heard.
- b. Presiding Officer instructs members of the audience:
 1. To speak from the podium;
 2. To give their name and address before speaking
 3. That the normal time limit for each speaker is three (3) minutes; and
 4. That repetition should be avoided.
- c. Questions by speakers will be noted prior to City Council deliberation.
- d. 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:

- a. After the Presiding Officer has determined that no other member of the audience wishes to speak, the matter is returned to the City Council for deliberation. The Presiding Officer may close the public hearing at this time.
- b. The City Council may ask questions of staff, applicant/representative, or speakers for clarification.
- c. Staff and/or City Council Members answer prior speaker's questions.
- d. The City Council debates and makes a motion.

7.5 Public Testimony on Motion:

- a. At the conclusion of the City Council motion, the Presiding Officer, with concurrence of a majority of the City Council, may allow anyone in the audience to comment on the motion.
- b. Each speaker will normally be limited to two (2) minutes regarding the motion.

7.6 City Council Action:

- a. City Council may, at this time, vote to reopen and continue the public hearing, if any additional information is requested, (e.g. staff report).
- b. The City Council may:
 1. Vote on the item;
 2. Offer amendments or substitute motions allowing additional public testimony; or
 3. 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.)

8.0 **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 the 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 Mayor, with input from the City Council Members, ~~and the committee, board or commission to which the appointment is to be made,~~ shall appoint members to serve on all committees and boards ~~without prior review or recommendation from the members of the committee or board to which the appointment is to be made;~~ provided, however, that ~~Planning Commission applicants shall be reviewed only by the City Council.~~ A majority of the City Council must confirm all appointments.

8.3 City Council Participation: The City Council ~~may appoint no more than two (2) City Council~~ members ~~may not serve as a member~~ to any standing or ad hoc advisory board, commission, or committee. Notwithstanding Government Code Section 54952.2, City Council members ~~who are not appointed to a standing or ad hoc advisory board, commission, or committee~~ may attend ~~theadvisory body~~ meetings ~~to observe but not participate in the of such bodies and hear,~~ discussion or deliberation ~~of~~ ~~upon~~ any item within the subject matter jurisdiction of such bodies, ~~but they may not vote upon any such item; accordingly, all such meetings shall be noticed as a joint special meeting of the City Council and a special or regular meeting, as applicable, of the standing or ad hoc advisory board, commission, or committee. Such notice shall further indicate that "No final action of the City Council can or will be taken at such meeting."~~

8.4 Action Recaps: ~~Notwithstanding Sections 2.5 and 4.3, t~~The City Clerk ~~or his or her designee~~ shall ~~have no obligation to~~ prepare action recaps for joint special meetings of the City Council and ~~all the~~ standing or ad hoc advisory board, commission, or committee.

9.0 **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.

10.0 **MISCELLANEOUS RULES**

10.1 Roll Call Votes: Upon demand by any City Council Member a roll call vote shall be taken on the motion 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. Approval of ordinances shall require a roll call vote.

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 in question, 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 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:

- a. The motion must be made by a member of the prevailing side, although it may be seconded by any City Council 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.

11.0 **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 motion may be entertained except:

- a. 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.
- b. 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.
- c. 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.
- d. Motion to Reconsider - As outlined in Section 10.4
- e. Motion to End Debate - Any City Council Member may make a motion to end debate, which shall require four affirmative votes to pass.

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