

RESOLUTION NO. 17-79

Resolution Of The City Council Of The City Of Emeryville Adopting A Policy For Teleconferencing During Council Meetings Pursuant To Government Code Section 54953 And Amending The City Council Rules Of Procedure To Incorporate The Policy

WHEREAS, the City Council has established Rules of Procedure, pursuant to Government Code Section 36813, for the conduct of its meetings; and

WHEREAS, California Government Code Section 54953(b)(4) of the Brown Act defines a "teleconference" as "a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both"; and

WHEREAS, California Government Code Section 54953 of the Brown Act permits a legislative body to elect to use teleconferencing in connection with attendance at its meetings; and

WHEREAS, the City Council desires to amend the City Council Rules of Procedure to add a policy to allow teleconference participation in City Council meetings pursuant to Government Code Section 54953; now, therefore be it

RESOLVED, that the City Council of the City of Emeryville hereby amends and adopts the City Council Rules of Procedure in the form attached hereto as *Exhibit A*.

ADOPTED, by the City Council of the City of Emeryville at a special meeting held Tuesday, June 13, 2017, by the following vote:

AYES:	<u>3</u>	<u>Mayor Donahue and Council Members Martinez and Patz</u>
NOES:	<u>0</u>	<u></u>
ABSTAIN:	<u>0</u>	<u></u>
ABSENT:	<u>2</u>	<u>Vice Mayor Bauters and Council Member Medina</u>


MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY CLERK


CITY ATTORNEY





Emeryville City Council Rules of Procedure

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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"..

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 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. 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.

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 teleconferencing locations 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 well, 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 well, 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.

2.52.6 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. All 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.

2.62.7 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.

2.72.8 Rules of Order

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

2.82.9 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.

2.92.10 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 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.

2.102.11 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.

~~2.112.12~~ 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 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.

~~2.122.13~~ 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.

~~2.132.14~~ Preservation of Order

The Presiding Officer 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.

~~2.142.15~~ 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 Mayor's Presiding Officer's decision be sustained?"

~~2.152.16~~ 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.

~~2.162.17~~ Department Heads/Employees

The Community Development Director, Fire Chief, 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.

2.172.18 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.

During the annual recess periods, the payroll and warrant register will be added to the next soonest available City Council meeting agenda for review and approval.

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 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, 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, Roll Call and Council Member Oath and Song
2. Approval of Final Agenda
3. Special Orders of the Day
4. Announcement of Commission/Committee Vacancies
5. Council Member Special Announcements
6. Public Comment for Consent Agenda and Items not on the Agenda
7. City Manager's Report
8. Consent Calendar
9. Public Hearings
10. Action Items
11. Communications & Reports
12. Future Agenda Item Requests
13. Adjournment
14. List of Upcoming Significant Agenda Items (Public Hearings/Action Items) with disclaimer stating item dates are TENTATIVE until final agenda is published.

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 titles and supporting documents are to be uploaded into the City's agenda management solution, by 5 p.m. on Tuesday, twenty-one (21) 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. 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. The City Manager, in consultation with the Mayor, will endeavor to finalize the review of the Agenda by 5 p.m. on Monday, fifteen (15) days preceding the regular meeting.

5. City staff will make its best effort to 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 by noon Friday, eleven (11) days preceding the regular meeting. In the event that new items must be added to the published Agenda, or additional information added, the Agenda will be republished in its entirety and notification provided of this action.
6. 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 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 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 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 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 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).

4.6 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 noticed 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.

4.7 Staff Communication with the Public

A report of significant, non-routine contacts and meetings between senior staff and members of the public and/or the City's advisory bodies. This listing will be considered current as of the agenda publication date; additional contacts will be reported verbally at the Council meeting. If there was no staff communication with the public, that will also be reported.

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 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.

4.10 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.

4.11 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 Successor Agency Agenda), unless, by a majority vote, the City Council votes to not consider and act on the item out of order.

4.12 Upcoming Significant Agenda Item List

Staff will prepare a list of upcoming significant agenda items and place it on each regular City Council meeting agenda after the Adjournment heading. The items appearing on the list will be labeled as “tentatively scheduled”, and appearance on the list in no way obligates the Council to hear the items listed on those tentative dates. The agenda is not considered final until it is published, 11 days prior to the meeting date.

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. City as Successor Agency.
6. Any other portion of the Agenda if said person is recognized by the Presiding Officer.

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 during a public comment period is requested but not required to state their name and address for the record. To assist the City Clerk's preparation of the minutes of the meeting, each person is requested but not required to fill out a yellow speaker's slip, available throughout the Council Chambers, and submit it to the City Clerk. The speakers will be called forward by the Presiding Officer in the order their slips were submitted.
3. Each speaker is limited to three (3) 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 or more speakers may yield their time allotment to another designated speaker. The speaker must be present at the meeting in order to yield their time.
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. 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 or requested by the Mayor, City Manager, or prepared by the City Attorney on his/her 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 may be prepared for submission by a City Department or by a Council Member. The City Attorney shall review and approve, in advance, all resolutions presented to the City Council. The final 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 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.

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;
 - b. To give their name and address before speaking; although the speaker is not required to identify him/herself or provide an address in order to speak.
 - c. That the normal time limit for each speaker is three (3) minutes; and

- d. That repetition should be avoided.
3. Questions by speakers will be noted prior to City Council deliberation.
4. 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 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.
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 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, 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. A majority of the City Council must confirm all appointments at a City Council meeting.

8.3 City Council Participation

City Council members may serve as non-voting liaisons to standing community advisory committees as listed: Bicycle/Pedestrian Advisory Committee, Budget Advisory Committee, Commission on Aging, Economic Development Advisory Committee, and the Public Art Committee. Each Council Member shall serve as the liaison to only one committee in order to fairly distribute the responsibility. Committees may request to either have or not have a liaison; changes to the liaison appointments must be made by Council resolution amending the Rules.

Any Council Member may attend advisory body meetings to observe, but not participate, in the discussion or deliberation of any item within the subject matter jurisdiction of such bodies, even if they are not the appointed Council liaison.

8.4 Action Minutes

The City Clerk or his or her designee shall prepare action recaps for joint special meetings of the City Council and all standing or ad hoc advisory board, commission, or committee.

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 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 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

1. A motion to reconsider any action taken by the City Council may be made in accordance with the following:
2. The motion must be made by a member of the prevailing side, although it may be seconded by any City Council Member.
3. The motion is debatable and has precedence over a pending motion.
4. 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 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.

State of California

GOVERNMENT CODE

Section 54953

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) 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.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action

is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and that number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(4) This subdivision shall remain in effect only until January 1, 2018.

(Amended by Stats. 2016, Ch. 175, Sec. 1. (SB 1436) Effective January 1, 2017.)