

RESOLUTION NO. 17-40

**Resolution Of The City Council Of The City Of Emeryville Amending The Rules Of Procedure For Local Boards, Commissions And Committees Of The City Of Emeryville**

**WHEREAS**, the City Council of the City of Emeryville has broad authority to appoint local boards, commissions and committees ("Advisory Bodies) to provide input and recommendations regarding City policies, priorities and feedback related to a number of City initiatives; and

**WHEREAS**, the City Council has created a number of various Advisory Bodies to serve this specific purpose; and

**WHEREAS**, the City Council approved Resolution No. 08-43 adopting Rules of Procedure for Advisory Bodies of the City of Emeryville; and

**WHEREAS**, the City Council approved Resolution No. 11-49 amending the Rules of Procedure for Advisory Bodies of the City of Emeryville; and

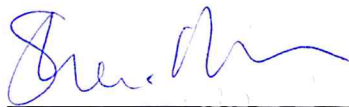
**WHEREAS**, the City Council desires to further amend the Rules of Procedure for Advisory Bodies of the City of Emeryville; now, therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville hereby adopts the amended Rules of Procedure for Local Boards, Commissions and Committees of the City of Emeryville, heretofore attached as Exhibit A.


**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 21, 2017, by the following vote:

AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

ATTEST:



CITY CLERK

  
MAYOR  
CITY ATTORNEY



Rules of Procedure for  
Local Boards, Commissions and Committees

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## **1. DEFINITION OF CITY COUNCIL COMMITTEES & COMMUNITY ADVISORY BODIES**

All boards, commissions and committees referenced herein will be designated with the generic term “Advisory Body/Bodies”, unless otherwise named by their actual title, as outlined below, due to specificity of content.

### **1.1 City Council Committees**

City Council Committees are designed as a forum for more detailed reporting or discussion on specific areas of City responsibility regarding policy direction, program and budget priorities, and oversight, than can be accomplished, at regular City Council meetings due to time constraints. Only City Council members serve as voting members on City Council Committees, with membership limited to less than a quorum of the full City Council (up to two (2) members). City Council Committee meeting agendas are publicly noticed and the public is welcome to attend the meetings. Recommendations from City Council Committees must be reviewed and considered by the full City Council for final consideration and/or action. City Council Committee member terms are aligned with the calendar year (January through December) in order to coincide with Council Member terms, and new members are appointed by City Council vote at a City Council meeting each December/January.

### **1.2 Planning Commission & Housing Advisory and Appeals Board**

The Planning Commission and the Housing Advisory and Appeals Board (which consists solely of Planning Commissioners) are community advisory bodies that have been established by City ordinance and also have some independent regulatory powers. Some, but not all, of their decisions are subject to City Council review or appeal. These bodies are listed in the City’s Local Roster of Boards, Commissions and Committees, but have separate rules and procedures/by-laws than those of the Community Advisory Bodies described in these Rules.

### **1.3 Community Advisory Committees**

Community Advisory Committees are a structured way for community members to share their opinions and perspectives, study issues, develop policy and/or program recommendations, and provide feedback regarding City initiatives in a focused, small group structure, and are thus an integral part of furthering public participation in government. Community Advisory Committees have up to nine (9) community members as voting members. All meetings are publicly noticed and the public is welcome to attend the meetings. City Council Members may attend advisory body meetings to observe, but do not participate in the discussion, deliberation, or vote on any item within the subject matter jurisdiction of such bodies. Recommendations by Community Advisory Committees are forwarded to the City Council. Community Advisory Committee recommendations may only be approved by a majority of the full City Council. Community Advisory Committee member terms align with the fiscal year (July 1 through June 30), with new members appointed by City Council vote each June.

Community Advisory Committee members shall receive no compensation. However, members may receive reimbursement for actual expenses incidental to carrying out the duties of the office, provided that they have first received specific City Council authorization for, and can verify, the expenditure and its purpose.

City of Emeryville elected officials may not serve on these Committees. The City of Emeryville does not specifically prohibit concurrent service by qualified applicants on more than one committee, provided, however, that the Government Code prohibition against incompatible offices shall apply. If a request were made to serve on more than one committee, a determination would be made as to whether that service would be allowable.

### ***Standing Committees***

Standing Committees are “permanent” committees designed for community input on issues that are relatively broad in scope.

### ***Ad Hoc Committees***

Ad Hoc Committees are temporary committees designed for community input on a focused issue within a limited timeframe.

## **2. AUTHORITY AND APPLICABILITY**

### **2.1 Authority**

The City Council of the City of Emeryville hereby establishes these “Rules of Procedure” for the conduct of meetings of its Advisory Bodies created by action of the City Council. These Rules shall apply to all meetings of Advisory Bodies, 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 are adopted.

## **3. GENERAL RULES**

### **3.1 Public Meetings**

All meetings of Advisory Bodies shall be open to the public. Advisory Bodies shall not meet in Closed Session. 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.

### **3.2 Meeting Dates and Times**

Regular meetings will be held and convened on days and times established by the action of the City Council creating the individual Advisory Body, or by amendment of the City’s

Local Roster of Boards, Commissions and Committees. Adjourned regular or special meetings may be called by the Presiding Officer (see Section 3.7) of the Advisory Body. All regular and special meetings of Advisory Bodies will adjourn no later than two (2) hours after the meeting is convened, unless a majority of the Advisory Body votes to proceed with business beyond that time.

### **3.3 Quorum**

#### **3.3.1 City Council Committee**

At any meeting of a City Council Committee, which is composed of two City Council Members, a quorum is constituted by no less than both members of the Committee. As a City Council Committee consists of only two voting members, the absence of one member of a City Council Committee means there is no quorum and requires the cancellation or adjournment of that meeting.

#### **3.3.2 Community Advisory Committee**

At any meeting of a standing Community Advisory Committee, a quorum shall consist of no less than a majority of the total number of established members of the Advisory Body. If there is a vacancy on the Advisory Body, this quorum requirement still applies. A quorum is achieved by a majority of the number of members designated to be on the Advisory Body being present, not the number of seats minus any vacancies. For example, if the established number of members on a Committee is seven, and there are two vacancies, a quorum is still four members, not three.

Advisory Bodies shall not take any action in the absence of a quorum, except to adjourn the meeting. If a quorum is established but then is lost due to the withdrawal of one or more of the members, the meeting must adjourn or recess, depending on whether the quorum can be re-established. If a quorum is not re-established, the Committee may not continue with the meeting and must adjourn.

### **3.4 Right of the Floor**

Any member of an Advisory Body or person in attendance desiring to speak shall first be recognized by the Presiding Officer and shall, with the exception of open Public Comment, confine any remarks to the subject under consideration.

### **3.5 Rules of Order**

Except in cases of conflict with these Rules, "Robert's Rules of Order" shall govern the proceedings of Advisory Bodies.

### **3.6 City Manager**

The Emeryville City Manager or his or her designee shall attend all meetings of Advisory Bodies 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 Advisory Bodies, but shall have no vote.

### **3.7 Presiding Officer**

#### **3.7.1 City Council Committees**

The members of City Council Committees shall appoint one City Council Member to be the Presiding Officer ("Chairperson") at the first regular meeting of each calendar year. The Chairperson shall serve for one year from appointment.

#### **3.7.2 Community Advisory Committees**

The members of Community Advisory Committees shall appoint one of their members to be the Chairperson ("Chair"), and shall also elect a Vice Chairperson ("Vice Chair"). This election is to occur at the first regular meeting of each fiscal year by a majority vote. The Chair and Vice Chair shall serve for one year from appointment. In the absence of the Chair at any particular meeting, the Vice Chair shall serve as the Presiding Officer of the meeting. In the absence of both the Chair and Vice Chair, the Committee will elect an alternate Presiding Officer for that meeting.

### **3.8 Call to Order**

The Presiding Officer shall call the meeting to order at the hour appointed.

### **3.9 Preservation of Order**

The Presiding Officer shall preserve strict order and decorum; shall prevent threatening, bullying, or disruptive verbal attacks on Advisory Body members, staff, and/or citizens; confine debate to the item under discussion; and discourage demonstrations before the Advisory Body, such as applauding or "booing".

### **3.10 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 Chairperson's decision be sustained?".

### **3.11 Authority to Clear Room Where Meeting Willfully Interrupted**

Upon instructions by the Presiding Officer, the Chief of Police or a 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. 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.

### **3.12 Attendance**

Each member of an Advisory Body shall attend every regular or special meeting unless the member has notified the Chairperson, Vice Chairperson, or the City Manager or his or her designee, in advance, of the member's non-attendance. Any member who is absent from three (3) regular or special meetings in any 12-month period without providing the required advance notification will be automatically terminated from membership of the Advisory Body. The City Manager or his or her designee shall notify the terminated member, the Advisory Body, and the City Council of the termination.

## **4. TYPES OF MEETINGS**

### **4.1 Regular Meetings**

Unless otherwise noted on the published agenda, all Advisory Bodies shall meet at their designated locations as established by City Council resolution for all regular and special meetings. If a regular meeting date falls on an observed holiday, the Advisory Body shall meet at a time and date so designated by the Advisory Body.

### **4.2 Adjourned Meetings**

Any meeting of the Advisory Body may be adjourned to a later date, place, and time, provided no adjournment is for a period longer than the next regularly scheduled meeting.

### **4.3 Special Meetings**

Special meetings may be called by the Presiding Officer or by a majority of the Advisory Body 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.

### **4.4 Closed Session Meetings**

Advisory Bodies shall not conduct closed session meetings.

### **4.5 Media Attendance**

All meetings of Advisory Bodies 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.

## **5. TRAINING / ORIENTATION**

Advisory Body Members are required to attend an Advisory Body training/orientation workshop conducted by the City Clerk's Office each July upon appointment to a scheduled vacancy. Members appointed to fill an unscheduled vacancy shall receive orientation from the Committee's staff liaison upon assuming office, and thereafter attend the next City Clerk's July workshop.



## **6. WORK PLANS AND ANNUAL REPORTS**

Each Advisory Body shall work with Committee Staff to develop a two (2) 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.
- Advisory Body Member knowledge, interest, and expertise.

Each Advisory Body shall also be responsible for submitting an annual report to the City Council by the second City Council meeting in October with information that outlines the Advisory Body's past years' accomplishments, and highlights the Advisory Body's top two (2) proposed priorities for the coming year. The annual report should also include recommended changes to the Advisory Body's two-year work plan.

## **7. ORDER & PREPARATION OF AGENDA**

### **7.1 Purpose of Agenda**

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

## **7.2 Agenda Order of Business**

All agendas of Advisory Bodies shall adhere to the following format:

1. Call to Order and Roll Call
2. Public Comment
3. Approval of [Previous Meeting Date] Action Minutes
4. Action Items
  - 4.1. Description of Item to be Discussed/Acted Upon
  - 4.2. Description of Item to be Discussed/Acted Upon
5. Information Items
  - 5.1. Description of Item to be Discussed/Acted Upon
  - 5.2. Description of Item to be Discussed/Acted Upon
6. Future Agenda Items
  - 6.1. Description of Item to be Discussed/Acted Upon
  - 6.2. Description of Item to be Discussed/Acted Upon
7. Announcements / Member Comments
  - 7.1. City Staff Announcements
  - 7.2. Committee Member Announcements
8. Adjournment

## **7.3 Agenda Preparation**

Agenda Items may be placed as New Business in accordance with the Advisory Body work plan by 1) a majority of the City Council; 2) a majority of the Advisory Body; 3) the City Manager; or 4) the City Attorney.

Future Agenda Items may be placed on the agenda by any Advisory Body Member, but do not become New Business unless placed on the agenda as stated above. Advisory Bodies shall have no authority to direct staff; to approve or authorize any contracts; or to approve the payment of money. Any such action must be conducted as part of a regular or special meeting of the City Council of the City of Emeryville, and approved by a majority of the City Council.

Agenda Items are to be delivered to the City Manager, or his or her designee, by 5:00 PM, seven (7) days preceding the regular meeting date. Each item shall contain a brief description of the matter to be discussed.

Any written material to accompany the agenda shall be delivered to the City Manager, or his or her designee, by 5:00 PM, seven (7) days preceding the regular meeting date.

The City Manager, or his or her designee, in consultation with the Chairperson, shall finalize the agenda by 5:00 PM, six (6) days preceding the regular meeting.

The agenda, together with all reports pertaining thereto, shall be provided to the Members by 5:00 pm, five (5) days preceding the regular meeting.

The agenda for a regular meeting shall be made available to the public as soon as it is made available to the 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 Members, and in no event later than 24 hours before the special meeting.

#### **7.4 Hearing Items Out of Order**

The Presiding Officer may move an item from the agenda for consideration out of the order shown on the agenda; unless, by a majority vote, the Members vote against considering and acting on the item out of order.

#### **7.5 Audio Recordings**

The Committee Secretary shall audio record all regular and special Advisory Body meetings and is responsible for posting all audio recordings on the City's website so that they are available to the public in a timely manner following the regular or special meeting.

#### **7.6 Action Minutes**

The Advisory Body Secretary shall have exclusive responsibility for preparation of the Action Minutes of Advisory Body meetings and any corrections of the Action Minutes shall be made only by action of the Advisory Body. The Action Minutes shall be an accurate, clear and concise statement of every Advisory Body action, including the motions made and the vote thereon.

### **8. CITIZENS' RIGHTS**

#### **8.1 Addressing the Advisory Body:**

Any person may address the Advisory Body on the following Order of Business portions of the Agenda as identified in Section 7.2:

- Agenda Items
- Public Comment

The following shall apply for "Agenda Items":

- At each meeting of an Advisory Body, staff shall provide a seating area for the public.

- Each person desiring to address the Advisory Body on an Agenda Item shall signal their desire to address the Presiding Officer (e.g. by raising their hand) after the matter has been presented to and discussed by the members of the Advisory Body.
- Before the Advisory Body can take 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 Advisory Body. Each person, once recognized by the Presiding Officer, is requested but not required to state their name and city of residence for the record. To assist with preparation of the minutes of the meeting, each person is requested but not required to sign their name on a speakers list at the podium.
- 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.
- 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 Advisory Body as listed on the Agenda.
- All remarks on an Agenda Item shall be directed to the Advisory Body as a whole and not to any particular member of the Advisory Body, staff or member of the public.
- No person, other than members of the Advisory Body, the City Manager or his or her designee, and the person recognized by the Chairperson shall be permitted to enter into the discussion.
- No question shall be asked of the Advisory Body Members, the City Manager, or staff except through the Presiding Officer.

The following shall apply for open Public Comments:

- At each meeting of an Advisory Body, staff shall provide a seating area for the public.
- Any person who desires to address the Advisory Body on any item not on the Agenda, which item is within the subject matter jurisdiction of the Advisory Body, may do so during that portion of the Agenda called Public Comment.
- The Advisory Body Members and City staff may only respond to public comments in accordance with California Government Code Section 54952.2. Accordingly, the Advisory Body 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 the agenda for 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.

- 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.
- 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 Advisory Body as listed on the Agenda.

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

- At the discretion of the Presiding Officer, members of the public may be allowed to address the Advisory Body on any other portion of the Agenda, if the member of the public is recognized by the Presiding Officer.
- Each speaker is limited to one (1) minute for any comment on any other portion of the Agenda.
- At the discretion of the Chairperson, 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 Advisory Body as listed on the Agenda.

## **8.2 Written Communications**

Any person may submit written comments to the Advisory Body through the office of the City Manager/City Clerk, and request that the Advisory Body receive copies in their Agenda Packets, provided such written comments are relevant to matters within the subject matter jurisdiction of the Advisory Body and are received in sufficient time to include in the Agenda Packet.

## **9. SUSPENSION AND AMENDMENTS OF RULES**

### **9.1 Suspension**

Any provision of these Rules not already governed by State law may be temporarily suspended by a majority vote of the Advisory Body.

### **9.2 Amendment**

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

## **10. MISCELLANEOUS RULES**

### **10.1 Chairperson**

The Chairperson may move, second, and debate from the Chair, and shall not be deprived of any rights and privileges of a Member.

## **10.2 Roll Call Votes**

Upon demand by any Advisory Body Member a roll call vote shall be taken on any motion before the Advisory Body. The Chairperson's name shall be called last with the other Members' names called in alphabetical order by the Committee Secretary. Each member present at a meeting of the Advisory Body and duly appointed to serve on the Advisory Body 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.

## **10.3 Personal Privilege**

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

## **10.4 Protests**

Any Advisory Body 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.

## **10.5 Motion to Reconsider**

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

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