

## RESOLUTION NO. 20-131

### Resolution Of The City Council Of The City Of Emeryville Amending The City Council Rules Of Procedure

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

**WHEREAS**, from time to time as needed, the Council amends the Rules in order to reflect updates to procedures or to add requested revisions as directed by the City Council; 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 regular meeting held Tuesday, December 1, 2020, by the following vote:

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

DocuSigned by:

*Dianne Martinez*

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MAYOR

ATTEST:

DocuSigned by:

*Sheri Hartz*

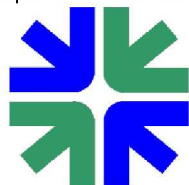
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CITY CLERK

APPROVED AS TO FORM:

*Michael Guinn*

CITY ATTORNEY



# City of Emeryville

CALIFORNIA

## 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 1<sup>st</sup> 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.

## **2.6 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.

## **2.7 Right of the Floor**

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

## **2.8 Rules of Order**

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

## **2.9 City Manager**

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

## **2.10 City Attorney**

The City Attorney shall attend all meetings of the City Council unless excused, and in ~~his or her~~their 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.

## **2.11 City Clerk**

The City Clerk shall attend all meetings of the City Council unless excused, and in ~~his or her~~their absence, the Deputy City Clerk or other designee shall substitute. The City Clerk

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shall record, prepare, and maintain the official record of the City Council and perform other related duties as prescribed by the City Council.

## **2.12 Mayor/Vice Mayor**

The Mayor is a member of the City Council and thus has all the powers of a member. The Mayor shall be the Presiding Officer. In the Mayor's absence, the Vice Mayor shall preside. In the absence of both, the City Council Members present shall elect a Presiding Officer. The City Council, at the second meeting in November, or as soon thereafter as the matter can be decided, shall appoint by majority vote of the City Council (~~3~~three votes required) the Mayor and the Vice Mayor to serve for the subsequent year.

## **2.13 Call to Order**

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

## **2.14 Preservation of Order**

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

## **2.15 Point of Order**

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

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

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

## **2.17 Department Heads/Employees**

The Community Development Director, Fire Chief, Police Chief and Public Works Director shall attend City Council meetings. Other Department Heads and ~~Employees~~City staff, ~~as directed by the City Manager~~, shall attend City Council meetings as directed by the City Manager.



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## **2.18 Semi-Annual Recess**

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

During the annual recess periods, the ~~payroll~~[check](#) and warrant registers 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.

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## 4. ORDER AND PREPARATION OF AGENDA

### 4.1 Order of Business

1. Call to Order, ~~Roll Call~~ and Opening Activity, if any, at Mayor's Discretion
- 1.2. Roll Call
- 2.3. Approval of Final Agenda
- 3.4. Special Orders of the Day
- 4.5. Announcement of Commission/Committee Vacancies
- 5.6. Council Member Special Announcements / Reports on Meeting Attendance
- 6.7. City Manager's Report
- 7.8. Ex Parte Communications
- 8.9. Public Comment for Consent Agenda and Items not on the Agenda
- 9.10. Consent Calendar
- 10.11. Public Hearings
- 11.12. Action Items
- 12.13. Department Head Reports
- 13.14. Future Agenda Item Requests
- 14.15. Adjournment
- 15.16. List of Upcoming Significant Agenda Items (Public Hearings/Action Items)  
with disclaimer stating item dates are TENTATIVE until final agenda is published.
- ~~16.~~ When there are Appointments to Community Advisory Committees, a Special Meeting ~~will~~ may be held to occur in advance of the Council's Regular Meeting in order to facilitate and expedite the interviewing of candidates.

### 4.2 Agenda Preparation

1. Items may be placed on the Agenda by the City Manager or the City Attorney, or by any Council Member once they have received majority approval of the entire Council upon making the request at a Council meeting under Future Agenda Item Requests, as described under Section 4.10, below. 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~~ Monday, ~~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~~Each item listed on the Consent Agenda, as a Public Hearing or an Action Item shall be accompanied by a staff report with a complete discussion of the background, associated fiscal impact, alternatives, and the need for the action requested, along with any necessary resolutions, contracts or other supporting materials, uploaded and the automated approval review process initiated.
- ~~4. 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.~~
- ~~5.4.~~ 5.4. 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.
- ~~6.5.~~ 6.5. Notwithstanding the foregoing, the Agenda for a regular meeting shall be publicly posted and made available to the City Council Members and the public as soon as practicable, but no later than 72 hours before the regular meeting. The Agenda for a special meeting shall be publicly posted and made available to the City Council Members and the public as soon as practicable, but no later than 24 hours before the special meeting. The Agenda for a regular meeting or special meeting will be publicly posted in the three (3) public places identified in Section 2-8.01 of the Emeryville Municipal Code.

#### **4.3 Action Minutes**

The Action Minutes shall be accurate and shall consist of clear concise 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

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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 only briefly to statements made or questions posed, ask a question for clarification, refer the person to City staff or others for information, request staff to report back at a future meeting, direct staff to place a matter of business on a future meeting, or take action on an item in accordance with California Government Code Section 54952.2(b).

#### **4.6 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.

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#### **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~~ not to consider ~~and act~~ acting 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~~ as required by the Brown Act.

The following shall apply:

1. Each person or group desiring to address the City Council shall approach the podium 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.



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4. All remarks on an Agenda item ~~shall~~ should be directed to the Mayor and City Council as a body and not to any particular member of the City Council or staff.
5. No person, other than members of the City Council and the person having the floor shall be permitted to enter into the discussion.
6. No question shall be asked of City Council Members or staff except through the Presiding Officer.

## **5.2 Disruptive Behavior**

The Presiding Officer shall discourage demonstrations before the City Council, such as applauding or booing. Upon instructions by the Presiding Officer, the Chief of Police 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. Items received subsequent to the publishing of the Agenda packet will be forwarded to the Council Members, added to the online agenda as late correspondence and added to the public binders available in the Council Chambers.

# **6. PREPARATION OF ORDINANCES, RESOLUTIONS AND CONTRACTS/AGREEMENTS**

## **6.1 Ordinances**

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

## **6.2 Resolutions**

Resolutions ~~may be~~ are prepared for submission by ~~a~~ City Department staff ~~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 as to form by the City Attorney and adopted by the City Council, shall be the official legislation of the City. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. Urgency resolutions shall be avoided except when absolutely necessary.

## **6.3 Contracts**

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



#### **6.4 Document Approval**

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

#### **6.5 Ordinance Introduction/Adoption**

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

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 members of the ~~audience~~ public 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

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Rules of Procedure, the advisory boards, commissions and committees created by the City Council shall operate under the Rules of Procedure for Local Boards, Commissions and Committees of the City Council of the City of Emeryville unless otherwise approved by the City Council.

## **8.2 Appointments to Boards, Commissions, and Committees**

~~The Mayor, with input from the City Council Members,~~ The City Council shall appoint, from among eligible applicants, members to serve on all committees and ~~boards commissions~~ board commission to which the appointment is to be made. A majority of the City Council must confirm all appointments at a City Council meeting.

## **8.3 City Council Participation**

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, Housing Committee, Parks and Recreation 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 any advisory body meetings ~~s~~ to observe, but not to 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~~ their 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.

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## **10. MISCELLANEOUS RULES**

### **10.1 Roll Call Votes**

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

### **10.2 Personal Privilege**

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

### **10.3 Protests**

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

### **10.4 Motion to Reconsider**

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

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

## **11. RULES OF DEBATE**

### **11.1 Mayor as Presiding Officer**

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

### **11.2 Appeals**

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

### **11.3 Precedence of Motions**

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

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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.