



Pedro "Pete" M. Sanchez, Mayor  
Lori Wilson, Mayor Pro-Tem  
Jane Day  
Michael J. Hudson  
Michael A. Segala

First and Third Tuesday  
Every Month

## A G E N D A

### SPECIAL MEETING OF THE SUISUN CITY COUNCIL

#### AND

### SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY

TUESDAY, AUGUST 11, 2015

5:00 P.M.

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**SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA**

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#### **TELECONFERENCE NOTICE**

*Pursuant to Government Code Section 54953, Subdivision (b), the following City Council meeting includes teleconference participation by Council/Board Member Jane Day from: 301 Morgan Street, Suisun City, CA 94585.*

#### **ROLL CALL**

Council / Board Members

#### **PUBLIC COMMENT**

*(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).*

#### **CONFLICT OF INTEREST NOTIFICATION**

*(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)*

#### **CLOSED SESSION**

Pursuant to California Government Code section 54950 the Suisun City Council / Successor Agency will hold a Closed Session for the purpose of:

#### **City Council**

##### 1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to California Government Code Section 54956.8., the Suisun City Council will hold a Closed Session for the purpose of Conference with Real Property Negotiator.

Property Under Negotiation: Harbor Theater, 720 Main Street

Agency Negotiator: Suzanne Bragdon, City Manager, Ronald C. Anderson, Jr, Assistant City Manager/Administrative Services, Jason Garben, Development Services Director

Negotiating Parties: Creative Arts Council

Under Negotiations: Terms and payment

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320  
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340  
SUCCESSOR AGENCY 421-7309 FAX 421-7366

City Council

## 2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to California Government Code Section 54956.8., the City Council of the City of Suisun City will hold a Closed Session for the purpose of Conference with Real Property Negotiator.

Property Under Negotiation: Assessor's Parcel Numbers 0037-080-020

Agency Negotiator: Suzanne Bragdon, City Manager, Ronald C. Anderson, Jr, Assistant City Manager/Administrative Services, Timothy J. McSorley, Building and Public Works Director, Dayne Johnson, City Engineer

Negotiating Parties: Alice Hause

Under Negotiations: Real property terms and payment

Joint City Council / Suisun City Council Acting as Successor Agency

## 3. PERSONNEL MATTERS

Pursuant to California Government Code Section 54954.5 et seq. the Suisun City Council/Successor Agency will hold a Closed Session for the purpose of Public Employee Performance Evaluation: City Manager Goals and Priorities.

City Council

## 4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case.

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

ADJOURNMENT

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents. Assistive listening devices may be obtained at the meeting

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
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## A G E N D A

### REGULAR MEETING OF THE SUISUN CITY COUNCIL

**SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,**

**AND HOUSING AUTHORITY**

**TUESDAY, AUGUST 11, 2015**

**7:00 P.M.**

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**SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA**

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**NOTICE**

*Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.*

(Next Ord. No. – 733)

(Next City Council Res. No. 2 015 – 99)

Next Suisun City Council Acting as Successor Agency Res. No. SA2015 – 02)

(Next Housing Authority Res. No. HA2015 – 04)

**ROLL CALL**

Council / Board Members

Pledge of Allegiance

Invocation

**PUBLIC COMMENT**

*(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).*

**CONFLICT OF INTEREST NOTIFICATION**

*(Any items on this agenda that might be a conflict of interest to any Council/Board Members should be identified at this time.)*

**REPORTS: (Informational items only.)**

1. Mayor/Council - Chair/Boardmembers
2. City Manager/Executive Director/Staff
  - a. Traffic Committee Report August 11, 2015 – (O'Brien).

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320  
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340  
SUCCESSOR AGENCY 421-7309 FAX 421-7366

**PRESENTATIONS/APPOINTMENTS**

*(Presentations, Awards, Proclamations, Appointments).*

**CONSENT CALENDAR**

*Consent calendar items requiring little or no discussion may be acted upon with one motion.*

**City Council**

3. Council Adoption of Resolution No. 2015-\_\_\_: Approving and Accepting the Acquisition of Property on Railroad Avenue (Segment of APN 0037-080-060) – (Dum).

**GENERAL BUSINESS****City Council**

4. Council Adoption of Resolution No. 2015-\_\_\_: Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure – (Johnson).
5. Workshop on Rosenberg's Rules of Order – (Taylor).
  - a. Presentation of Rosenberg's Rules of Order; and
  - b. Discussion and direction on adoption of Council policies and procedures concerning all or parts of Rosenberg's Rules of Order and on the conduct of council meetings.

**PUBLIC HEARINGS**

6. Council Adoption of Resolution No. 2015-\_\_\_: Approving an Amendment to the California Enterprise Development Authority (CEDA) Joint Powers Agreement to add Suisun City as an Associate Member thereby Authorizing properties within City Limits to Voluntarily Participate in the Figtree Property Assessed Clean Energy (PACE) Program – (Garben).

**ADJOURNMENT**

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## AGENDA TRANSMITTAL

**MEETING DATE:** August 11, 2015

**CITY AGENDA ITEM:** Traffic Committee Report August 11, 2015.

**FISCAL IMPACT:** None at this time.

**BACKGROUND:** The Traffic Committee (TC) is a made up of department heads or their assignees to advise the City Council and/or make recommendations on traffic issues. The TC investigates complaints from the community, reviews plans for new development and streets, and reviews ongoing traffic issues.

The committee membership includes Police, Fire, Building, Planning, and Engineering. The TC meets and reports to the City Council quarterly, unless pressing issues require immediate attention.

**STAFF REPORT:** Concerns addressed by the Traffic Committee include:

Sunset Ave @ Railroad Striping & Signs

- Sign - for Right Turn Only, Sign = Thru Traffic Merge Left, 2 more merge arrows on applied to No. 2 Lane.

Walters Road & Hwy 12

- Fatal Accident July 23, 2014, at start of reconfiguration of the intersection. Reconfiguration of the intersection was part of the Walmart Project conditions. The signals and striping were finished this July.
- One Traffic Collision at the Walters and Hwy 12 intersection since 7/23/2014.
- Caltrans signed off on the punch list mid-July, Walmart's project made improvements to the intersections on Hwy 12 at Walters, Emperor, and Marina.
- PD Chief Mattos has contacted CHP for help in enforcement on Hwy 12. CHP will help with enforcement on red light runners and large truck red light compliance. CHP Commercial division has the ability and contact lists to reach the large trucking operators. Chief Mattos will write a letter to these operators notifying them of our intent to step up enforcement on Hwy 12.
- Hwy 12 eastbound at Main street - Top of Bridge
- Engineering has applied for a grant to install warning devices and lights warning drivers that the traffic has stopped at Marina and traffic is backed up in the area of Main Street in the eastbound lanes. We have responded to many traffic collisions in this area including several multi-vehicle accidents with injuries.
- We should hear about the application sometime in October.

**PREPARED BY:**

**REVIEWED/APPROVED BY:**

Mike O'Brien, Fire Chief  
Suzanne Bragdon, City Manager

*EMB*  
*SB*

### Other Concerns Addressed

- PD Special Enforcement Areas for Violators.
  - Klamath, Fulmar, Lawler Ranch Parkway.
  - Worley Road – PD used decoy PD car last week at the stop sign at Phillip Way.
- Walters & Pintail Signal Project waiting for plan submittals.
- Petersen Parking signs - PW working on P.O. for 4 signs.
- Red Light runners - Signal timing Hwy 12.
- Grant Application for Left turn arrow Railroad @ Sunset. This would allow westbound vehicles on Railroad to turn left onto Sunset southbound when the train crossing is activated.

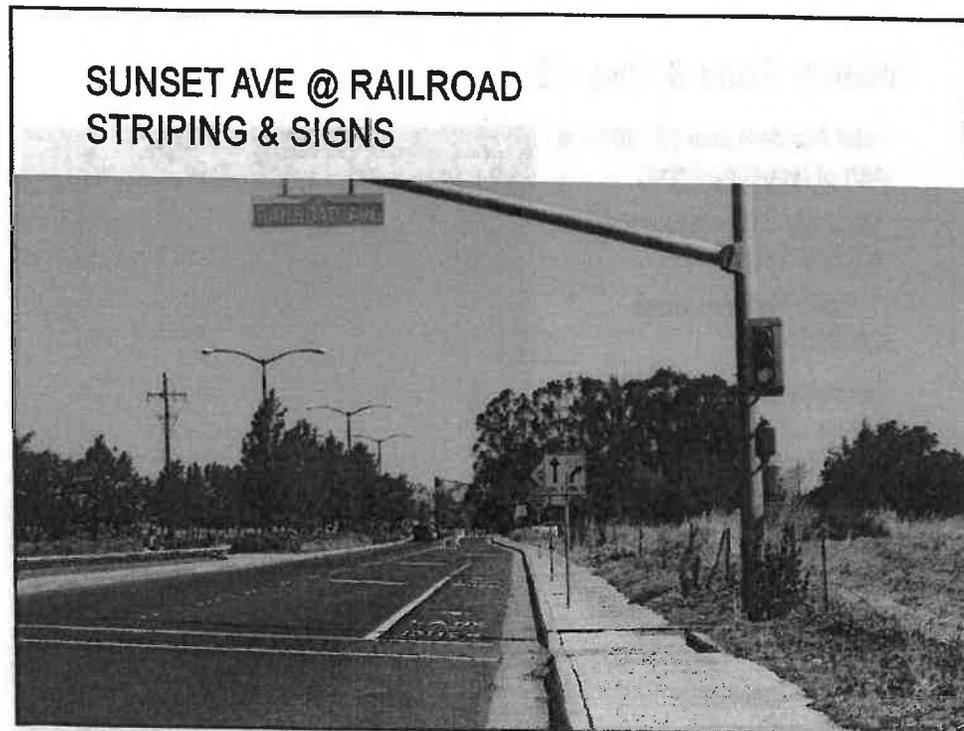
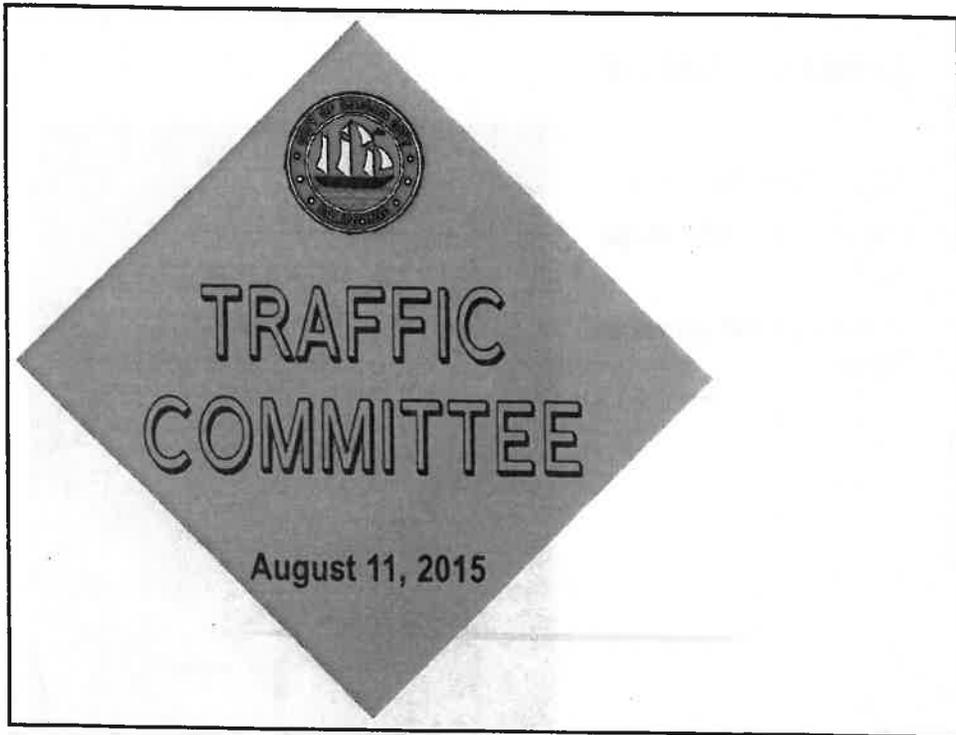
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**RECOMMENDATION:** No Council action is required at this time.

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### **ATTACHMENTS:**

1. PowerPoint



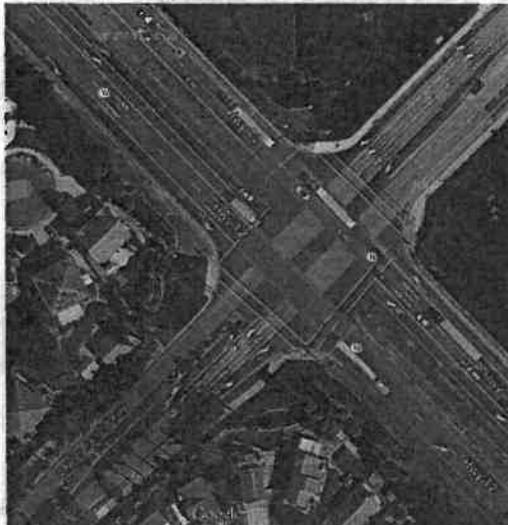
## Sunset and Railroad

- Sign - Right Turn Only
- Sign - Thru Traffic Merge Left
- 2 more painted arrows on street



## Walters Road & Hwy 12

- Fatal Accident July 23, 2014 at start of reconfiguration
- Reconfiguration of signals and striping finished
- 1 Traffic Collision since 7/23/2014
- Caltrans signed off on punch list mid July for Walmart's project for Walters, Emperor, and Marina
- PD Chief Mattos w/ more CHP enforcement will be working on red light runners and large truck red



## HWY 12 EAST AT MAIN STREET - TOP OF BRIDGE



- Grant application for traffic safety
- Warning signs to eliminate TC on top of bridge



## OTHER CONCERNS ADDRESSED

- PD Special Enforcement Areas for Violators
  - Klamath, Fulmar, Lawler Ranch Pkwy
  - Whorley Road – used decoy PD car last week
- Walters & Pintail Signal Project waiting for plan submittals
- Petersen Parking signs PW working on P.O. for 4 signs
- Red Light runners Signal timing Hwy 12
- Grant Application for Left turn arrow Railroad @ Sunset

## QUESTIONS



## AGENDA TRANSMITTAL

**MEETING DATE:** August 11, 2015

**CITY AGENDA ITEM:** Adoption of Council Resolution No. 2015-\_\_\_: Approving and Accepting the Acquisition of Property on Railroad Avenue (Segment of APN 0037-080-060).

**FISCAL IMPACT:** There would be no fiscal impact on the General Fund. This Project was 100% funded through the Off-Site Street Improvement Program (OSSIP). A total of \$9,850 would be paid with \$8,400 going to Gary R. Walker and \$1,450 going to Placer Title Company for a segment of Mr. Walker's property along Railroad Avenue (APN 0037-080-060).

**BACKGROUND:** Railroad Avenue between Sunset Avenue and East Tabor Avenue is one of the older roadways in the City. At one time this area was primarily an agricultural area and Railroad Avenue probably started as a simple country trail. Over time it developed into what is currently a significant part of the City's transportation infrastructure. As it developed, the ownership of the roadway transferred piece by piece from the original adjacent property owners to City right of way (ROW). It was recently determined that there remains properties where this routine transfer has not yet occurred. Thus, a cleanup action is necessary. This item currently before Council will complete the process by approving and accepting the real property purchased from Mr. Walker.

**STAFF REPORT:** As indicated in the previous resolution requesting permission to enter in an agreement to make a payment for real property to Mr. Walker, there remain properties where the private parcel extends over Railroad Avenue. The property owners have been paying property taxes for a segment of their individual properties that was not being used by them. The appraisal firm of Garland & Associates has reviewed the proposed purchase price. It is the opinion of Garland & Associates that the purchase price is not excessive and does not constitute a gift of public funds.

In summary, Railroad Avenue crosses a strip of the Walker property 521 Railroad Avenue, APN 0037-080-060, owned by the Gary R. Walker. The strip that has been purchased by the City is along the northern edge of the parcel and is adjacent to the UPRR right of way.

The detail of the Gary R. Walker purchase is as follows:

	<b>521 Railroad Avenue</b>
Approx. size of ROW purchase	27'x255'=6,885 sq. ft.
ROW Purchase price	\$6,460
Size of Temp Const. Easement	10'x255'=2,550
TCE Purchase price	\$1,940
<b>Total Payment to Walker</b>	<b>\$8,400</b>

**PREPARED BY:**

**REVIEWED/APPROVED BY:**

Amanda Dum, Management Analyst I  
Kevin Moirano, Building & Public Works Director  
Suzanne Bragdon, City Manager

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**RECOMMENDATION:** It is recommended that the City Council adopt Resolution No. 2015-\_\_ : Approving and Accepting the Acquisition of Property on Railroad Avenue (Segment of APN 0037-080-060).

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**ATTACHMENTS:**

1. Resolution No. 2015-\_\_ : Approving and Accepting the Acquisition of Property on Railroad Avenue (Segment of APN 0037-080-060).

**RESOLUTION NO. 2015-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
APPROVING AND ACCEPTING THE ACQUISITION OF PROPERTY ON  
RAILROAD AVENUE (SEGMENT OF APN 0037-080-060)**

**WHEREAS**, Railroad Avenue between Sunset Avenue and East Tabor Avenue is one of the older roadways in the City of Suisun City ("City") and a significant segment of the City's transportation infrastructure; and

**WHEREAS**, APN 0037-080-060 is a private parcel over which the public roadway traverses that parcel; and

**WHEREAS**, it is desirable and necessary for the City to acquire ownership of a segment of a parcel of real property located at 521 Railroad Avenue in the City of which the parcel is owned by Gary R. Walker ("Seller") as described and depicted in the attached EXHIBIT A-1 and B-1 ("Property") to facilitate ongoing maintenance of Railroad Avenue and the utilities under the roadway; and

**WHEREAS**, on January 6, 2015, the City Council unanimously authorized staff to proceed with negotiations for acquisition of the Property and in May of 2015, the City and Sellers negotiated and entered into an Agreement For Acquisition of Real Property Under Threat of Condemnation and Joint Escrow Instructions ("Purchase Agreement") for the Property; and

**WHEREAS**, the Purchase Agreement has been signed by Seller selling the City a strip of Property along the northern edge of his parcel that is approximately twenty-seven feet wide plus a temporary construction easement that is an additional ten feet wide as described and depicted in the attached EXHIBIT A-1 and B-1; and

**WHEREAS**, Garland & Associates, a California State licensed appraiser, has evaluated the terms of the negotiated acquisition prices and has determined that they "are within the normal and customary prices paid for such nominal property rights acquisitions"; and

**WHEREAS**, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of the Subject Property for just compensation and that offer has been accepted and the purchase agreement signed by all parties in the agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City approves and accepts the acquisition of a segment of APN 0037-080-060 from Seller.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 11<sup>th</sup> day of August 2015 by the following vote:

<b>AYES:</b>	Councilmembers:	_____
<b>NOES:</b>	Councilmembers:	_____
<b>ABSENT:</b>	Councilmembers:	_____
<b>ABSTAIN:</b>	Councilmembers:	_____

**WITNESS** my hand and the seal of said City this 11<sup>th</sup> day of August 2015.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

EXHIBIT A-1  
Legal Description

**Right of Way Dedication**  
Portion of APN 037-080-060

Being all that certain real property situate in the City of Suisun City, State of California, being a portion of Lot 71 as said Lot is shown on that certain map entitled "Locke-Paddon Colony No. 4" filed for record October 11, 1912 in Book 4 of Maps at Page 13 in the office of the Solano County Recorder, and further being a portion of the lands described in the Grant Deed filed for record January 31, 2001 as Document 2001-00008441 in said Recorder's office, being more particularly described as follows:

Beginning at the intersection of the northerly projection of the west line of Worley Road (as originally established at 40 feet wide) with the southeasterly line of the Southern Pacific Railroad Right of Way as shown on said map; thence along said projection and said west line South 0°04'39" West, 70.20 feet to the beginning of a non-tangent curve concave southerly having a radius of 25.00 feet, from which point the radius bears South 67°40'40" West; thence leaving said west line, northwesterly along the arc of said curve, 44.79 feet through a central angle of 102°38'34" to a point 27.00 feet southeasterly of, when measured at a right angle thereto, said railroad right of way; thence lying 27.00 feet southeasterly of said railroad right of way and parallel therewith, South 55°02'06" West, 197.81 feet to the intersection with the northerly projection of the west line of said Doc 2001-00008441, thence along last said projection North 0°04'39" East, 32.98 to a point on said railroad right of way; thence along said railroad right of way North 55°02'06" East, 243.57 feet to the Point of Beginning.

Containing 7,019 square feet, more or less.

Bearings used in this description are based upon the California Coordinate System, NAD83.

See Plat attached hereto and by reference made a part of this description.



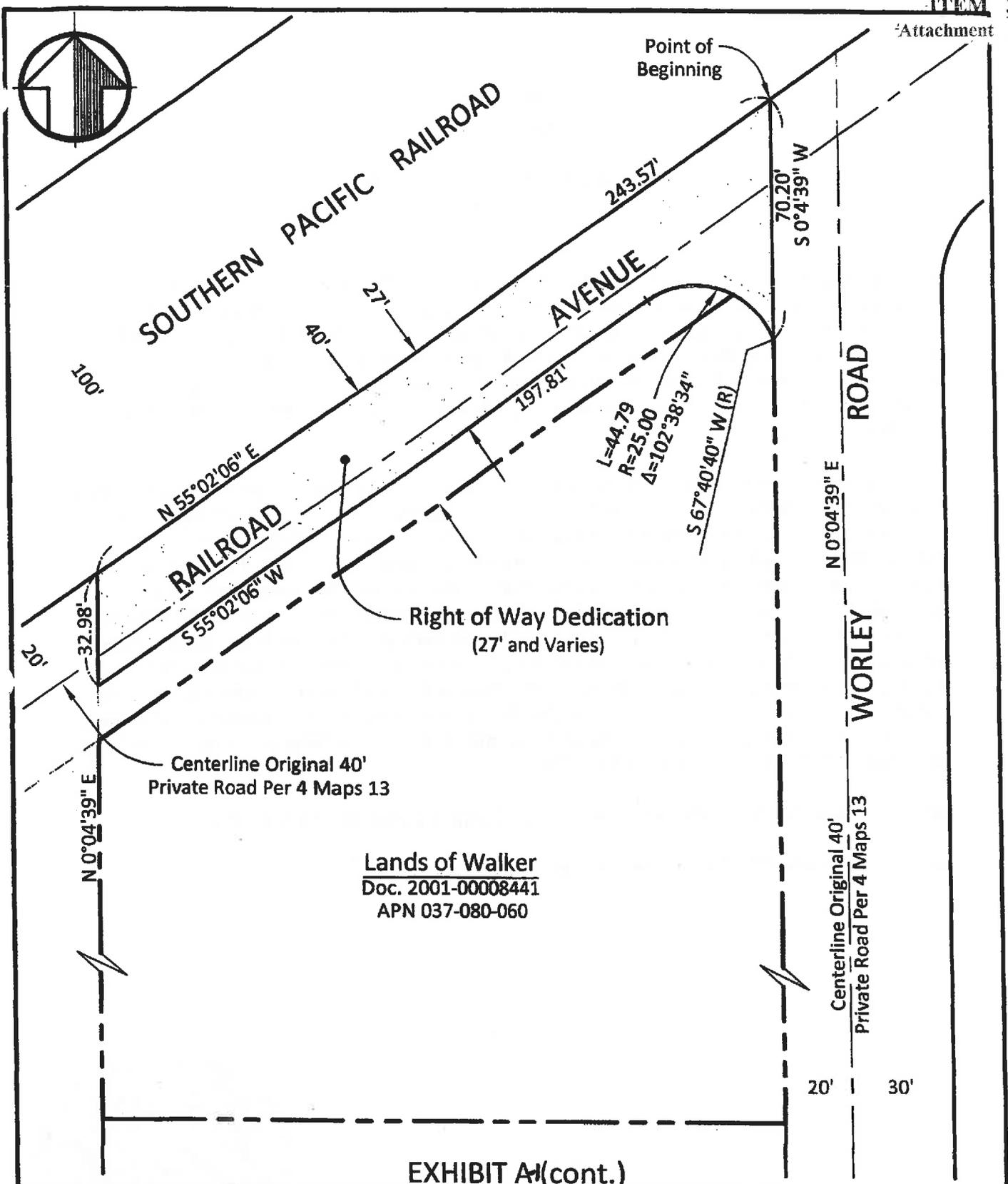


EXHIBIT A (cont.)

**Mountain Pacific Surveys**  
Land Surveying • Mapping • Planning  
1505 W. Texas Street PH (707) 425-6234  
Fairfield, CA 94533 FAX (707) 425-1969

PLAT TO ACCOMPANY LEGAL DESCRIPTION  
**RIGHT OF WAY DEDICATION**  
**APN 037-080-060**  
City of Suisun City California

Approved	
Drawn CMW	Scale 1"=40'
Date Mar. 2015	Sheet No. 2
Proj. No. 513013.1	of 2

EXHIBIT B-1  
Legal Description

**Temporary Construction Easement  
Portion of APN 037-080-060**

Being an easement 10 feet in width for temporary construction activities and all purposes incidental thereto, situate in the City of Suisun City, State of California, portion of Lot 71 as said Lot is shown on that certain map entitled "Locke-Paddon Colony No. 4" filed for record October 11, 1912 in Book 4 of Maps at Page 13 in the office of the Solano County Recorder, and further described as being over a portion of the lands described in the Grant Deed filed for record January 31, 2001 as Document 2001-00008441 in said Recorder's office, the northwesterly line of said easement being more particularly described as follows:

Commencing at the intersection of the northerly projection of the west line of Worley Road (as originally established at 40 feet wide) with the southeasterly line of the Southern Pacific Railroad Right of Way as shown on said map; thence along said projection and said west line South  $0^{\circ}04'39''$  West, 70.20 feet to the True Point of Beginning of this description, said point also being the beginning of a non-tangent curve concave southerly having a radius of 25.00 feet, from which point the radius bears South  $67^{\circ}40'40''$  West; thence leaving said west line, northwesterly along the arc of said curve, 44.79 feet through a central angle of  $102^{\circ}38'34''$  to a point 27.00 feet southeasterly of, when measured at a right angle thereto, said railroad right of way; thence lying 27.00 feet southeasterly of said railroad right of way and parallel therewith, South  $55^{\circ}02'06''$  West, 197.81 feet to the intersection with the northerly projection of the west line of said Doc 2001-00008441 and the Terminus of this description; extending or shortening the southerly line of this easement as required so as to terminate at the herein above last described northerly projection of said Parcel One.

Bearings used in this description are based upon the California Coordinate System, NAD83.

See Plat attached hereto and by reference made a part of this description.







## AGENDA TRANSMITTAL

**MEETING DATE:** August 11, 2015

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**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2015-\_\_\_: Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure.

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**FISCAL IMPACT:** There is no fiscal impact to the General Fund to pass a resolution of support.

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**BACKGROUND:** The League of California Cities (League) advocates on behalf of the City of Suisun City's interest on governmental policies. When necessary, the City of Suisun City joins with the League and other member cities to support or oppose proposed legislation that may impact delivery of services to our residents. In June 2015, Governor Jerry Brown issued a proclamation calling for a special session on transportation and infrastructure. Following this proclamation both the Senate and Assembly held hearings to discuss the current conditions of highways, streets, and roads as well as the current funding structure. Local streets and roads received significant attention at both hearings. In July 2015, in response to the Governor's proclamation, the Board of Directors of the League formally adopted a resolution urging the Governor and the Legislature to provide new sustainable funding for state and local transportation infrastructure. The League has been actively lobbying this year for a significant investment in transportation infrastructure. With approximately eight weeks until the Legislature adjourns for the year, the League feels it is time for the Legislature to act and is asking cities to engage in the process.

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**STAFF REPORT:** The primary sources of revenue to maintain, repair, and rehabilitate the roads within the City of Suisun City are State and Federal gas taxes. However, increasing fuel efficiency has resulted in vehicles that are traveling more miles on less gas thus generating fewer gas tax dollars to repair roads. The impact of vehicle usage on the roadways continues regardless of how many taxes are collected as gas tax. Suisun City has experienced a 30% decrease in gas tax revenues alone. In addition, a growing number of electric vehicles are in use and do not pay gas tax which covers road maintenance costs.

The first comprehensive statewide study of California's local street and road system in 2008 provided critical analysis and information on the local transportation network's condition and funding needs. Conducted biennially, the needs assessment provides another look at this vital component of the state's transportation system and once again finds a significant funding shortfall.

Responsible for almost 81% of the state's roads, cities and counties find the 2014 California Local Streets and Roads Needs Assessment Update Study (See Attachment No. 1) of critical importance for several reasons. While federal and state governments' regularly assess their system needs, no such data existed for the local component of the state's transportation network prior to the initial study conducted in 2008. Historically, statewide transportation funding investment decisions have been made without local pavement condition data. This biennial assessment provides a critical component in providing policy makers with a more complete picture of California's transportation system funding needs.

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**PREPARED BY:**  
**REVIEWED BY:**

Dayne Johnson, City Engineer  
Kevin Moirano, Interim Building & Public Works Director  
Suzanne Bragdon, City Manager



## **California Pavement Conditions**

The conditions of California's local streets and roads are rolling toward a cliff's edge. On a scale of zero (failed) to 100 (excellent), the statewide average Pavement Condition Index (PCI) has deteriorated to 66 ("at risk" category) in 2014. Even more alarming, 54 of 58 counties are either "at-risk" or have "poor" pavements conditions. If current funding remains the same, the unfunded backlog will swell from \$40 billion to \$61 billion by 2024.

In order to use taxpayer money wisely, it makes more sense to preserve and maintain our roads in good condition, than to let them crumble further and to ultimately cost more to fix. The costs developed in this study are based on achieving a roadway pavement condition that the industry calls Best Management Practices (BMP). At this condition level, preventive maintenance treatments (i.e., slurry seals, chip seals, thin overlays) are most cost-effective. Preventive maintenance interferes less with the public's mobility and commerce and is more environmentally friendly than rehabilitation and reconstruction.

By bringing the roads to BMP conditions, cities and counties will be able to maintain streets and roads at the most cost-effective level. It is a goal that is not only optimal, but also necessary. This study examines three funding scenarios in order to determine their impacts on the condition of the roads over the next decade. Note that these are in constant 2014 dollars.

1. Existing funding levels of \$1.657 billion/year – this is the current funding level available to cities and counties.
2. Funding to maintain existing conditions (\$3.328 billion/year) – this is the funding level required to maintain the pavement conditions at its current PCI of 66.
3. Funding required to reach Best Management Practices (\$7.275 billion/year) – the optimal scenario is to bring all pavements into a state of good repair within ten years so that Best Management Practices can prevail. After this, it will only require \$2.4 billion a year to maintain the pavements at that level.

Given existing funding levels available to cities and counties, California's local streets and roads will deteriorate rapidly over the next 10 years. It is alarming that local streets and roads have decayed to the point that funding will need to be doubled just to maintain current conditions.

While bringing the state's local street and road system to a cost-effective best management practice level will require more now, investing in local streets and roads sooner will reduce the need for exponentially more spending in the future. To reach that level – at which taxpayer money can be spent most cost-effectively – will require an additional \$56.1 billion for pavements alone, or \$78.3 billion total for a functioning transportation system over the next decade. Only \$2.4 billion per year will be needed to maintain the pavements after reaching a level at which they can be maintained with Best Management Practices.

To bring the local system back into a cost-effective condition, thereby preserving the public's \$188 billion pavement investment and stopping further costly deterioration, \$7.8 billion annually in new funds are needed – that's equivalent to a 54-cent-per-gallon gas tax increase.

### City of Suisun City Pavement Conditions

According to the Pavement Management Program P-TAP 14 Budget Options Report dated April 2014 the City of Suisun City is responsible for the repair and maintenance of approximately 76.1 centerline miles of streets, or 512 pavement sections. The City's street network replacement value is estimated at \$168 million. This represents a significant asset for City officials to manage. This asset valuation is assessed by the assumption of replacing the entire street network at today's dollar. Based upon the field condition surveys completed, the average overall network PCI of the City's street network is 56, which indicates that the street network is classified near the bottom of the "at-risk" condition category. (See Attachment No. 2 - Countywide PCI Map which includes Suisun City.)

Contained within the report are five different budget scenarios, each run for a five-year period (2014-2018). The following reports were developed:

**Unconstrained (zero "deferred" maintenance)** — The annual maintenance and rehabilitation dollars totals \$83.8 million, because it is more cost-effective to eliminate the deferred maintenance backlog as quickly as possible, the bulk of the maintenance needs are addressed in the first year of the five year program, raising the PCI to 87. However, \$51.1 million is needed in the first year which makes this scenario unrealistic.

**Current Investment Level** — Three annual budget levels, namely \$250,000, \$500,000, and \$750,000, were analyzed to evaluate the effect of the annual budget on the pavement condition. Under the annual budget of \$250,000, the deferred maintenance backlog will increase to \$74.7 million and the network PCI will decrease to 46 after five years. Using an annual budget of \$500,000, the deferred maintenance backlog will increase to \$73.5 million, while the PCI will decrease to 46. If the annual budget is \$750,000, the deferred maintenance backlog will increase \$72.7 million and the network PCI will decrease to 47 over the five year period.

**Maintain Current PCI** — In order to maintain the current PCI level at 56 a five-year total of \$22 million is needed, with \$17 million for rehabilitation and \$5 million for preventive maintenance.

**Increase Current PCI by 5 points** — In order to increase the current overall PCI by 5 points, to 61, by the end of the fifth year, a five year total of \$32.3 million is needed, with \$26.2 million for rehabilitation and \$6.1 million for preventive maintenance.

**Do Nothing** — If no maintenance or rehabilitation is applied over the next five years, the condition of the network will deteriorate to an overall PCI of 45. The maintenance backlog will increase to \$75.3 million.

The amount of funds required for most of the aforementioned strategies make it unrealistic for the City of Suisun City to maintain and rehabilitate the existing infrastructure if additional funding is not available. Unless annual funds are increased to \$750,000 or more, the overall street condition will rapidly deteriorate. With additional funding, the backlog would be reduced and additional preventive maintenance treatments could be applied, which over time will enhance the overall network.

### **City of Suisun City Future Infrastructure Projects**

In no particular order, the following future projects could be funded by a new transportation package:

- 2016 Street Pavement Rehabilitation Projects (\$4,500,000).
- Lawler Ranch Traffic Calming Improvements (\$350,000).

### **League of California Cities**

The League is working with Labor and Business interests to support transportation infrastructure funding. The League is also asking its member cities to pass a resolution urging for sustainable funding as soon as possible so that Legislators will have listed support from their districts when they return from their summer recess on August 17, 2015. The League, in conjunction with other member cities, supports the following seven principles that staff hopes guides the legislative special session:

- Make a significant investment in transportation infrastructure.
- Focus on maintaining and rehabilitating the current system.
- Equal split between state and local projects.
- Raise revenues across a broad range of options.
- Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.
- Strong accountability requirements to protect the taxpayers' investment.
- Provide Consistent Annual Funding Levels.

Note: The attached resolution explains the seven principles in detail.

---

**RECOMMENDATION:** Staff recommends adoption of Resolution No. 2015-\_\_\_: Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure.

---

### **ATTACHMENTS:**

1. California Statewide Needs Assessment Project Fact Sheet.
2. Solano County Pavement Conditions Index Map.
3. Resolution No. 2015-\_\_\_: Urging the State to Provide New Sustainable Funding for State and Local Transportation Infrastructure.



FACT SHEET

**The 2012 Statewide Needs Assessment shows a steady downward trend in pavement condition.**

**ITEM 4**

- In 10 years, under existing funding levels, a quarter of the streets and roads in California will be in "failed" condition. More than twice the current funding level is needed just to maintain current pavement conditions.

**Cities and counties own and operate 81% of the local streets and roads in California.**

- Every trip – by car, bus, bicycle, or on foot - begins and ends on a local street or road.
- The local system is critical for the safety and mobility of the traveling public, emergency responders, law enforcement, farm to market needs, commerce, and multimodal needs such as bicycles and buses.

**The local street and road system provides two-fold opportunity for economic recovery.**

- The system provides opportunity for public and private sector jobs, supporting economies across the state.
- Modernizing local streets and roads will create well-paying construction jobs that help boost local economies, attract businesses, and provide for the safe and efficient movement of both people and goods.

**Investing in local streets and roads now will help the environment later.**

- Maintenance reduces drive time and traffic congestion, improves bicycle safety, and makes the pedestrian experience safer and more appealing - all of which lead to reduced vehicle emissions.
- Cars and trucks sustain less damage and use less fuel on well-maintained streets.
- Restoring roads before they fail will reduce future construction costs and also translates to less air and water pollution.

**The Assessment captures more than 98% of local streets and roads in California, with 92% of the data coming from pavement management systems.**

- On the Pavement Condition Index (PCI) which ranks roadway pavement conditions on a scale of zero (failed) to 100 (excellent), the statewide average for local streets and roads is 66, an "at risk" rating.
- The condition is projected to deteriorate to a PCI of 53 in 10 years.

**The funding shortfall is \$82.2 billion over the next 10 years.**

- To bring the pavement condition and essential components such as storm drains, gutters, sidewalks and curbs of local streets and roads to a level of Best Management Practices (BMP), there needs to be an additional investment of \$8.22 billion dollars annually over the next ten years.
- Achieving pavement BMP is the most cost-effective way to maintain local streets and roads, and has the lowest impact on mobility and commerce.

**Nichols Consulting Engineers, Chtd. performed the study. It was sponsored by the cities and counties of California, and managed by the Metropolitan Transportation Commission (MTC). The Oversight Committee is composed of representatives from the following:**

- League of California Cities (League)
- California State Association of Counties (CSAC)
- County Engineers Association of California (CEAC)
- California Regional Transportation Planning Agencies (RTPA)
- California Rural Counties Task Force (RCTF)
- Metropolitan Transportation Commission (MTC)
- County of Los Angeles, Department of Public Works

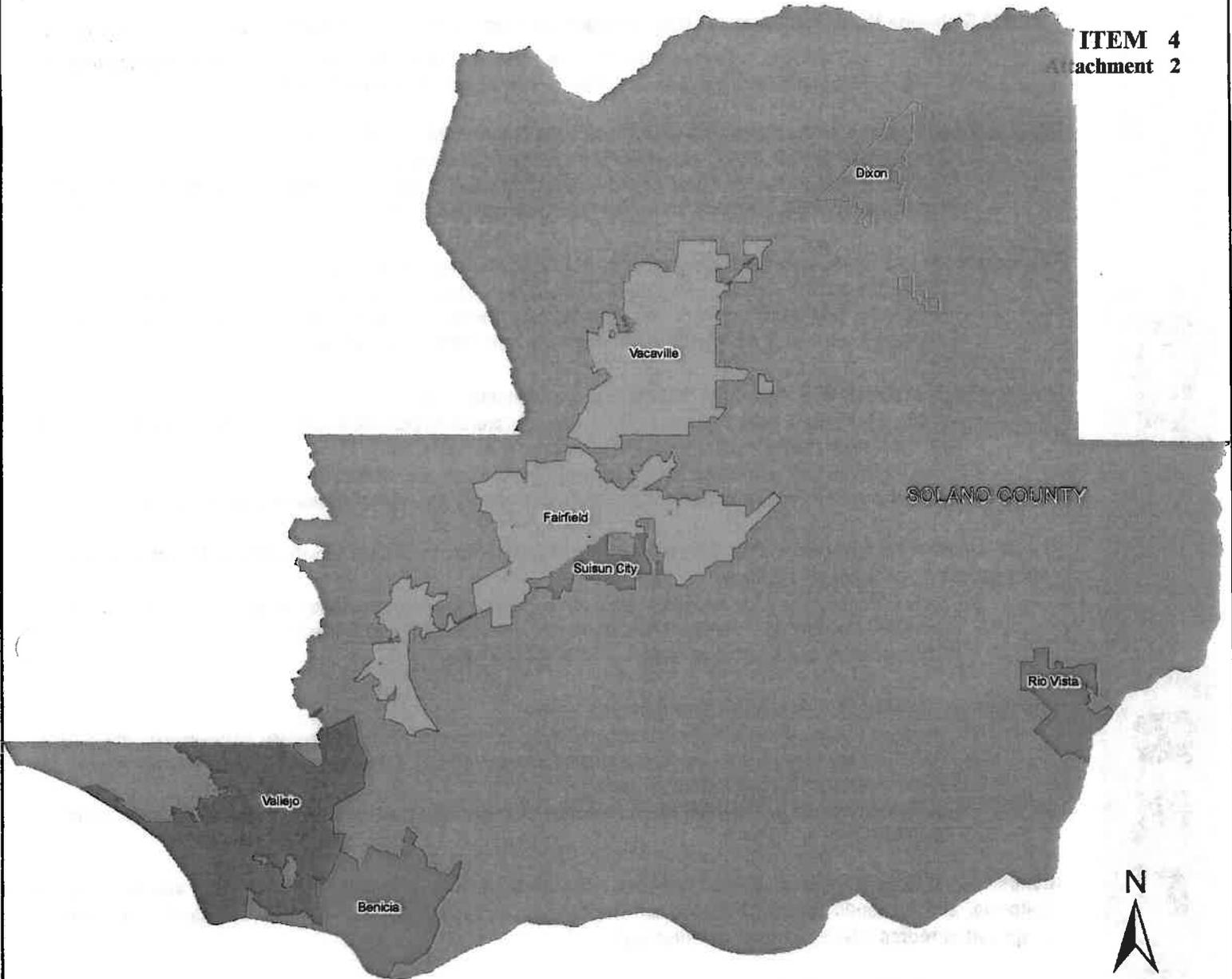
*The full report can be downloaded at: <http://www.savecaliforniastreet.org>*

# Solano County



**SAVE  
CALIFORNIA  
STREETS**

**ITEM 4**  
**Attachment 2**



## Pavement Condition Index

Reported		Estimated	
	Good (71-100)		Good (71-100)
	At Lower Risk (61-70)		At Lower Risk (61-70)
	At Higher Risk (50-60)		At Higher Risk (50-60)
	Poor (0-49)		Poor (0-49)



(C) October 2014 NCE. GIS mapping data are from US Census Bureau TIGER Cartographic Boundary Shapefiles (<https://www.census.gov/geo/maps-data/data/tiger.html>), accessed October 2014. Boundaries represent incorporated city limits from U.S. Census data and are approximate in shape/area.

**RESOLUTION NO. 2015-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
URGING THE STATE TO PROVIDE NEW SUSTAINABLE FUNDING FOR  
STATE AND LOCAL TRANSPORTATION INFRASTRUCTURE**

**WHEREAS**, Governor Edmund G. Brown, Jr. has called an extraordinary session to address the immense underfunding of California's transportation infrastructure; and

**WHEREAS**, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

**WHEREAS**, the City of Suisun City has participated in efforts with the California State Association of Counties, League of California Cities, and California's Regional Transportation Planning Agencies to study unmet funding needs for local roads and bridges, including sidewalks and other essential components; and

**WHEREAS**, the resulting 2014 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating as predicted in the initial 2008 study; and

**WHEREAS**, the results show that California's local streets and roads are on a path of significant decline. On a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 66, placing it in the "at-risk" category where pavements will begin to deteriorate much more rapidly and require rehabilitation or rebuilding rather than more cost-effective preventative maintenance if funding is not increased; and

**WHEREAS**, the results show that the City of Suisun City's local streets have a citywide average pavement index of 56, placing them near the bottom of the "at-risk" category; and

**WHEREAS**, if funding remains at the current levels, in 10 years, 25 percent of local streets and roads in California will be in "failed" condition; and

**WHEREAS**, cities and counties need an additional \$1.7 billion just to maintain a status quo pavement condition of 66, and much more revenue to operate the system with Best Management Practices, which would reduce the total amount of funding needed for maintenance in the future; and

**WHEREAS**, models show that an additional \$3 billion annual investment in the local streets and roads system is expected to improve pavement conditions statewide from an average "at risk" condition to an average "good" condition; and

**WHEREAS**, if additional funding isn't secured now, it will cost taxpayers twice as much to fix the local system in the future, as failure to act this year will increase unmet funding needs for local transportation facilities by \$11 billion in five years and \$21 billion in ten years; and

**WHEREAS**, modernizing the local street and road system provides well-paying construction jobs and boosts local economies; and

**WHEREAS**, the local street and road system is also critical for farm to market needs, interconnectivity, multimodal needs, and commerce; and

**WHEREAS**, police, fire, and emergency medical services all need safe reliable roads to react quickly to emergency calls and a few minutes of delay can be a matter of life and death; and

**WHEREAS**, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduce vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

**WHEREAS**, restoring roads before they fail also reduces construction time which results in less air pollution from heavy equipment and less water pollution from site run-off; and

**WHEREAS**, in addition to the local system, the state highway system needs an additional \$5.7 billion annually to address the state's deferred maintenance; and

**WHEREAS**, in order to bring the local system back into a cost-effective condition, at least \$7.3 billion annually in new money going directly to cities and counties; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Suisun City strongly urges the Governor and Legislature to identify a sufficient and stable funding source for local street and road and state highway maintenance and rehabilitation to ensure the safe and efficient mobility of the traveling public and the economic vitality of California.

**BE IT FURTHER RESOLVED** that the City Council strongly urges the Governor and Legislature to adopt the following priorities for funding California's streets and roads:

- 1. Make a significant investment in transportation infrastructure.** Any package should seek to raise at least \$6 billion annually and should remain in place for at least 10 years or until an alternative method of funding our transportation system is agreed upon.
- 2. Focus on maintaining and rehabilitating the current system.** Repairing California's streets and highways involves much more than fixing potholes. It requires major road pavement overlays, fixing unsafe bridges, providing safe access for bicyclists and pedestrians, replacing storm water culverts, as well as operational improvements that necessitate the construction of auxiliary lanes to relieve traffic congestion choke points and fixing design deficiencies that have created unsafe merging and other traffic hazards. Efforts to supply funding for transit in addition to funding for roads should also focus on fixing the system first.

3. **Equal split between state and local projects.** We support sharing revenue for roadway maintenance equally (50/50) between the state and cities and counties, given the equally-pressing funding needs of both systems, as well as the longstanding historical precedent for collecting transportation user fees through a centralized system and sharing the revenues across the entire network through direct subventions. Ensuring that funding to local governments is provided directly, without intermediaries, will accelerate project delivery and ensure maximum accountability.
4. **Raise revenues across a broad range of options.** Research by the California Alliance for Jobs and Transportation California shows that voters strongly support increased funding for transportation improvements. They are much more open to a package that spreads potential tax or fee increases across a broad range of options, including fuel taxes, license fees, and registration fees, rather than just one source. Additionally, any package should move California toward an all-users pay structure, in which everyone who benefits from the system contributes to maintaining it – from traditional gasoline-fueled vehicles, to new hybrids or electric vehicles, to commercial vehicles.
5. **Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.** While the focus of a transportation funding package should be on maintaining and rehabilitating the existing system, California has a critical need to upgrade the goods movement infrastructure that is essential to our economic well-being. Establishing a framework to make appropriate investments in major goods movement arteries can lay the groundwork for greater investments in the future that will also improve air quality and reduce greenhouse gas emissions.
6. **Strong accountability requirements to protect the taxpayers' investment.** Voters and taxpayers must be assured that all transportation revenues are spent responsibly. Local governments are accustomed to employing transparent processes for selecting road maintenance projects aided by pavement management systems, as well as reporting on the expenditure of transportation funds through the State Controller's Local Streets and Roads Annual Report.
7. **Provide Consistent Annual Funding Levels.** Under current statute, the annual gas tax adjustment by the Board of Equalization is creating extreme fluctuations in funding levels – a \$900 million drop in this budget year alone. A transportation funding package should contain legislation that will create more consistent revenue projections and allow Caltrans and transportation agencies the certainty they need for longer-term planning.

**PASSED AND ADOPTED** at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 11<sup>th</sup> day of August 2015, by the following vote:

**AYES:** Councilmembers: \_\_\_\_\_  
**NOES:** Councilmembers: \_\_\_\_\_  
**ABSENT:** Councilmembers: \_\_\_\_\_  
**ABSTAIN:** Councilmembers: \_\_\_\_\_

**WITNESS** my hand and the seal of said City this 11<sup>th</sup> day of August 2015.

\_\_\_\_\_  
Donna Pock, CMC  
Deputy City Clerk

## AGENDA TRANSMITTAL

**MEETING DATE:** August 11, 2015

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**CITY AGENDA ITEM:** Workshop on Rosenberg's Rules of Order:

- a. Presentation of Rosenberg's Rules of Order; and
- b. Discussion and direction on adoption of Council policies and procedures concerning all or parts of Rosenberg's Rules of Order and on the conduct of council meetings.

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**FISCAL IMPACT:** No fiscal impact.

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**BACKGROUND:** At the council meeting on June 30, 2015, the City Attorney discussed with the Council Rosenberg's Rules of Order and holding a future training session on Rosenberg's Rules of Order with the Council, if the Council approved that action. At the conclusion of the discussion of that item, Council directed staff to conduct a training session on Rosenberg's Rules of Order at a future council meeting and the Council would then decide the sections of Rosenberg's Rules of Order, and any modifications to the same, that would be included for the proposed final adoption of the same by Council. This agenda item is presented to the Council in accordance with that direction that staff received from Council on June 30th.

Historically, the City of Suisun City has conducted business generally under the provisions of Robert's Rules of Order. Robert's Rules of Order, however, encompass broader situations than those usually occurring in local government where the legislative body is usually comprised of five or seven members of the City Council or Planning Commission.

Several years ago, the League of California Cities presented "Rosenberg's Rules of Order" as a tool for local governmental entities. These rules were developed by Judge David Rosenberg to simplify procedures for local governmental agencies in conducting meetings. They present workable rules for conduction public meetings and hearings.

Cities across California have taken different approaches in adopting all or portions of Rosenberg's Rules of Order. For example, the City of Santa Rosa has adopted its City Council Manual of Procedures and Protocols adopting Rosenberg's Rules of Order "as the general procedures for conducting its meetings unless otherwise specified in this manual." (Attached as Exhibit A; see Manual, at page 1, Section A.) The City of Santa Rosa then sets forth 24 pages of specific council procedures and protocols, besides attaching Rosenberg's Rules of Order as a general reference to its manual of policies and procedures. (Exhibit A)

Other cities have moved forward with adopting Rosenberg's Rules of Order without including a detailed procedures manual for council meetings. For example, the City of Beaumont has proposed an ordinance adopting an amendment to its municipal code to use Rosenberg's Rules of Order, subject to additional provisions including the Mayor's authority to preside over council meetings, the Mayor's authority to preserve order at the meeting (or the presiding officer's authority if the Mayor is absent), rules concerning the debate of items by council members to give each council member an equal opportunity to debate the item and time limitations for staff presentations, council discussion and public comment on agenda items. (See, Exhibit B, attached)

---

**PREPARED BY:**  
**REVIEWED AND APPROVED BY:**

Anthony Taylor, City Attorney  
 Suzanne Bragdon, City Manager



As another example, the Sausalito City Council has a fairly brief "Meeting Management" section of a policy manual that adopts Rosenberg's Rules of Order and also adopts specific protocol for council debate of each item. (Attached as Exhibit C, Sausalito City Council Operating Protocols, at page 6.)

Each city is different and unique in its specific approach of utilizing Rosenberg's Rules of Order. The above examples are meant to merely provide the Suisun City Council with examples, for discussion purposes, of what other jurisdictions have done concerning their adoption of Rosenberg's Rules of Order.

The Council can direct staff to include protocols in utilizing Rosenberg's Rules of Order that are consistent with how council meetings have been historically conducted in the City. Additionally, the Council can also direct staff to present new protocols based on Rosenberg's Rules of Order, or the City's interpretation of the same, similar to how other cities have handled this based on the examples provided in this staff report.

---

**RECOMMENDATION:** It is recommended that the City Council:

1. Give direction to staff to return to the Council with a resolution adopting the portions of Rosenberg's Rules of Order that the Council elects to use as the protocol under which the City will conduct business at public meetings and hearings; OR
2. In the alternative, the Council may take either of the following actions:
  - a. Take no action; or
  - b. Continue this item to a future meeting.

---

**ATTACHMENTS:**

1. Exhibit A: City of Santa Rosa City Council Manual of Procedures and Protocols (including a copy attached of Rosenberg's Rules of Order).
2. Exhibit B: Staff Report of City of Beaumont, resolution and proposed ordinance concerning adoption of Rosenberg's Rules of Order.
3. Exhibit C: Staff Report of City of Sausalito, City Council Operating Protocols.



## **CITY COUNCIL**

# **MANUAL OF PROCEDURES AND PROTOCOLS**

**Revised July 30, 2013**  
**by Resolution No. 28317**

**Revised August 9, 2005**  
**By Motion**

**Revised April 19, 2005**  
**by Resolution No. 26241**

**Revised September 7, 1999**  
**by Resolution No. 24119**

**Adopted May 25, 1999**  
**by Resolution No. 23989**

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## I. COUNCIL MEETINGS

### A. Adoption of *Rosenberg's Rules of Order*

The Council adopts *Rosenberg's Rules of Order* as the general procedures for conducting its meetings unless otherwise specified in this manual. In the event of a conflict between this manual and *Rosenberg's Rules of Order*, the provisions of this manual shall control. When necessary to resolve issues that may arise over process, the Mayor will refer to the City Attorney who will act as the Parliamentarian. Upon such advice, the Council will vote and follow the decision of the majority.

### B. Regular Meetings

The City Council shall hold regular meetings on each Tuesday, unless the Mayor determines a particular meeting shall not be held, at or after 12:00 noon as specified by the Mayor and set forth on the agenda. Regular meetings shall be held at City Hall, 100 Santa Rosa Avenue, Santa Rosa, or at another place within the City limits as determined by the Mayor. If by reason of natural disaster or other emergency it shall be unsafe to meet in the City Hall, the meetings may be held for the duration of the emergency at such other place as is designated by the Mayor or by four (4) members of the City Council. When the day for any regular meeting falls on a legal holiday as provided in the City Code, no meeting shall be held on such holiday, but a regular meeting may be held at the same hour on the following business day.

Council meetings will be broadcast live on the City's local government access channels and videostreamed live on the City's website. Council meetings will also be rebroadcast on the City's local government access channels.

### C. Adjourned Meetings

Any regular or adjourned regular meeting may be adjourned to a time, place, and date specified in the order of adjournment but not beyond the next regular meeting. If no time is stated in the order of adjournment, it shall be the same time as for a regular meeting. An adjourned regular meeting is a regular meeting for all purposes.

### D. Special Meetings

Special meetings may be called at any time by the Mayor, or by three members of the City Council. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. No ordinances, other than urgency ordinances, may be adopted, nor may resolutions or orders for payment of money be made.

**E. Meetings to be Public**

All regular, adjourned, and special meetings of the City Council shall be open and public and held in accordance with the Ralph M. Brown Act (Government Code sections 54950, et seq.); provided, however, the City Council may hold closed sessions from which the public may be excluded as allowed by law.

**F. Attendance**

Councilmembers are expected to attend all meetings of the City Council. If a Councilmember is absent without Council permission from all regular City Council meetings for thirty (30) days consecutively from the last regular meeting he/she attends, his/her office becomes vacant and shall be filled as any other vacancy.

**G. Quorum**

The Council consists of seven members, one of whom is the Mayor. Four members of the Council shall constitute a quorum and shall be sufficient to transact business. If less than four (4) Councilmembers appear at a regular meeting, the members attending may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. In the alternative, the City Manager may adjourn the meeting to a stated day and hour

**II. AGENDA**

**A. Preparation of Agenda**

An agenda shall be prepared for each regular meeting containing the time of commencement of the meeting, the specific items of business to be transacted and the order thereof. The Mayor shall meet with the City Manager, the City Attorney, and additional staff as deemed appropriate to establish those items appearing on the agenda. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the Council. Regular meeting agendas shall be prepared and posted in accordance with City Council Policy 000-35, Early Council Agenda Policy.

**B. Placement of Items on Agenda**

Councilmembers wishing to have items placed on a future agenda shall contact the Mayor directly or through the City Manager. In the alternative, any Councilmember may make a request during "Mayor's/Councilmembers' Reports" to add an item to a subsequent meeting agenda. The purpose of the City Council discussion on such a request will only be to determine whether it will be placed on a subsequent agenda for deliberation and action. A concurrence of one other Councilmember will be sufficient to place the item on a subsequent agenda in accordance with City Council Policy 000-35, Early Council Agenda Policy.

**C. Teleconferencing**

Any Councilmember who wishes to participate by teleconference shall be required to advise the City Clerk at least ten calendar days prior to the City Council meeting in order to properly agendaize participation by teleconference as required by Government Code section 54953. Any location at which a Councilmember wishes to teleconference must be open to the public. The Councilmember shall take all necessary steps to comply with the provisions of the Ralph M. Brown Act related to teleconferencing as instructed by the City Clerk and/or City Attorney or the Councilmember shall not be allowed to participate in such meeting.

**D. Order of Business**

At the time set for each regular meeting, the Mayor shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth in Section C below except that with consent of a majority of the Councilmembers present, items may be taken up out of order.

**E. Agenda Contents**

The agenda shall contain the title headings and shall be conducted in the order and manner as set forth below:

**Call to Order and Roll Call**

The City Clerk or his/her designee shall call the roll of the Councilmembers and the names of those present and absent shall be accordingly entered in the minutes.

**Closed Session(s)**

The City Council may meet in closed session as authorized under the Ralph M. Brown Act. Council may reconvene to Closed Session at the end of the regular meeting to complete discussion of any closed session items that were not concluded during the time allotted at the beginning of the meeting or if additional closed session items are required to be added and are authorized to be added to the agenda under the Ralph M. Brown Act.

**Study Session(s)**

Study sessions are items for in-depth discussion and possible direction to staff. No action shall be taken on a study session item.

**Announcement of Roll Call (if location of meeting has changed from Study or Closed Sessions)**

**Report on Study Session(s) and Closed Session(s)**

**Proclamations/Presentations**

**Public Comments on Agenda Items**

Public comment will be allowed on all agenda items at the time each item is called. Citizens wishing to speak are requested to fill out a speaker card identifying the agenda item about which they wish to address the Council and submit the card to the City Clerk. Each speaker may address the Council for up to three minutes regarding each action item that is a part of an agenda, except public hearings. The Mayor shall have the authority to limit public comments on an agenda item to less than three minutes based on the number of speakers wishing to address the council on a particular item. Speakers will be called in the order cards are submitted unless otherwise determined by the Mayor. The City Clerk will monitor the time for public comments and inform the speakers when the time limitation has been reached.

**Staff Briefings**

This time is reserved for City staff to brief the Council on departmental issues of interest. No action will be taken on these matters except to place a particular item on a future agenda for consideration by the Council.

**Approval of Minutes****Statement of Abstentions****Mayor's/Councilmembers' Reports**

The Mayor and Councilmembers may, from time to time, give reports regarding matters of general interest to the Council brief one another on committees or boards on which Councilmembers serve and seek direction on items that they may be required to act upon as the City's representative, to share pertinent information, or to request future agenda items as permitted under section II.B above. Council may take action as appropriate and as permitted by law.

**City Manager's/City Attorney's Reports**

The City Manager and City Attorney may, from time to time, give reports regarding matters of general interest to the Council. Council may take action as appropriate and as permitted by law.

**Consent Items**

Items that are routine in nature or have been previously reviewed by the Council and require little or no further discussion by the Council, public, or applicant, are considered as Consent Items. The Council may act on these items in one motion for each type of action shown on the agenda.

**Report Items**

The Council shall consider items of City business and the introduction and adoption of ordinances and the adoption of resolutions or motions, as appropriate.

**Public Hearings**

The Council shall conduct all public hearings in accordance with the provisions of Sections X.A through X.G.

**Written Communications**

The Council shall consider all listed written communications from the public or other agencies. The agenda shall list all written communications requiring Council action.

**Public Comments on Non-agenda Matters**

Any person desiring to address the Council on matters not listed on the agenda which are within the subject matter jurisdiction of the City may do so under Public Comments on Non-agenda Matters. Those wishing to speak are requested to fill out a speaker card and submit the card to the City Clerk. Each speaker may address the Council for up to three minutes at each Council meeting. The Mayor shall have the authority to limit public comments on non-agenda matters to less than three minutes based on the number of speakers wishing to address the Council. Speakers will be called in the order cards are submitted unless otherwise determined by the Mayor. The City Clerk will monitor the time for public comments and inform the speakers when the time limitation has been reached. The Council may not take immediate action on items presented under Public Comments on Non-agenda Matters but can refer the matter to staff or request its placement on a future meeting agenda.

**Adjournment of Meeting**

**III. PRESIDING OFFICER**

**A. Mayor to Preside**

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice Mayor, the City Manager shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or until adjournment.

**B. Powers and Duties of Presiding Officer**

**1. Participation**

The Presiding Officer may, upon passing the gavel, move or second from the Chair. He/she shall not be deprived of any of the rights and privileges of a Councilmember by reason of his/her acting as Presiding Officer.

**2. Questions to be Stated**

The Presiding Officer, or such member of the City staff as he/she may designate, may verbally restate each question immediately prior to calling for

the vote. Following the vote, the Presiding Officer, in his/her discretion, may publicly explain the effect of a vote for the audience, or he/she may direct a member of the City staff to do so, before proceeding to the next item of business.

**3. Maintaining Order and Decorum**

The Presiding Officer shall be responsible for the maintenance of order and decorum at all meetings. Any decision or ruling of the Presiding Officer may be appealed by request of any Councilmember. The Presiding Officer shall call for roll call to see if the Chair shall be upheld. If the roll call loses, the Presiding Officer is reversed.

**4. Signing of Documents**

The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his/her signature, which were adopted in his/her presence, unless he/she is unavailable, in which case an alternate Presiding Officer may sign such documents.

**IV. ADDRESSING THE COUNCIL**

**A. Written Correspondence**

The City Manager or his/her designee is authorized to receive and open all mail addressed to the City Council. He/she shall give it immediate attention to the end that all administrative business referred to in said communications and not necessarily requiring Council action may be disposed of between Council meetings. Any communication requiring Council action shall be placed upon the agenda. All correspondence requiring a response shall be answered or acknowledged as soon as practicable.

Written correspondence pertaining to an item on the agenda and submitted to the City Clerk's Office by 12:00 p.m. the Monday before the Council meeting will be distributed to the Council prior to the Council meeting. Written correspondence received after the Monday deadline and before noon the day of the meeting will be distributed to Councilmembers at the Council meeting. All written correspondence pertaining to matters on the agenda and received prior to 12:00 p.m. on the day of the meeting will be available for public review in the public meeting binder.

**B. Right to Address Council**

Subject to the provisions of Sections 4C, 4D, and 4E, and 4F, members of the public shall have the right to address the Council as provided by state law and as set forth in Council Policy 000-34, Establishing Policy for Citizen Appearances and Addressing the Council on Agenda Items.

**C. Public Hearings**

Interested persons or their authorized representatives may address the Council,

while a matter is open to public hearing, in regard to remarks or questions relevant to the matter under consideration.

**D. Manner of Addressing Council**

Any person desiring to address the Council shall stand and wait to be recognized by the Presiding Officer. After being recognized, he/she shall approach a podium, state his/her name and address for the record, and proceed to address the Council. All remarks and questions shall be addressed to the Council as a whole and not to any member thereof. No question shall be asked a Councilmember or a member of the City staff without first obtaining permission of the Presiding Officer.

**E. Time Limitation**

Every person addressing the Council shall limit his/her address to such reasonable time as is granted by the Presiding Officer. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesman be chosen to represent the group, as to avoid unnecessary repetition.

**V. DEBATE AND DECORUM**

**A. Getting the Floor**

Councilmembers wishing to speak during Council meetings shall raise their hand or otherwise indicate to the Mayor their desire to speak and gain recognition by the Presiding Officer. Councilmembers shall confine himself/herself to the question under debate.

**B. Questions to Staff**

Every Councilmember desiring to question the City staff shall, after recognition by the Presiding Officer, address his/her questions to the presenter of an agenda item, the City Manager or to the City Attorney. The City Manager or City Attorney shall be entitled either to answer the inquiry himself/herself, or to designate a member of his/her staff for that purpose.

**C. Interruptions**

A Councilmember, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Councilmember, or unless the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, he/she shall cease speaking until the question of order is determined; if determined to be in order, he/she may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks, or until recognition is withdrawn by the Presiding Officer.

**D. Points of Order**

The Presiding Officer shall determine all points of order subject to the right of any

Councilmember to appeal to the Council. He/she may request an opinion of the City Attorney in making such determination. Council decision shall conclusively determine such question of order.

**E. Point of Personal Privilege**

The right of a Councilmember to address the Council of a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned, or when the welfare of the Council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor subject only to the power of the Presiding Officer to call him/her out of order.

**F. Decorum and Order, Council and City Staff**

While the Council is in session, the Councilmembers and City staff shall preserve order and decorum in accordance with Council Policy 000-51, Code of Conduct for Councilmembers, Board and Commission Members. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking or refuse to obey the directives of the Presiding Officer.

**G. Decorum and Order, Audience**

Public members attending Council meetings shall observe the same rules of order and decorum applicable to the Council and staff. No person shall use loud, profane, threatening, or personally abusive language, or engage in any other disorderly conduct so as to disrupt, disturb or otherwise impede the orderly conduct of any Council meeting. Persons who violate this rule may be barred from attendance for the remainder of the Council meeting, provided that the Mayor has notified the person to conduct himself/herself in a manner consistent with this rule, and warned the person that he/she will be removed if he/she continues to disrupt the Council meeting. If after notification and warning the person persists in disrupting the meeting, the Mayor shall order the person to leave the Council meeting and may recess the meeting if necessary. If the person does not remove himself/herself, the Mayor may request the Sergeant at Arms or any law enforcement officer who is on duty at the meeting to remove that person from the Council Chamber.

**H. Enforcement of Decorum**

The Chief of Police, or such member of the Police Department as he/she may designate, shall be Sergeant-at-Arms at the City Council meetings and he/she shall attend meetings when requested by the Presiding Officer, City Manager, or City Council. He/she shall be available to respond to all meetings immediately upon call. He/she shall carry out all orders given by the Presiding Officer of Council for the purpose of maintaining order and decorum at the Council meetings. Any Councilmember may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Councilmembers present shall require him/her to do so.

**I. Failure to Observe Rules of Order**

Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

**J. Serial Meetings**

Serial meetings are meetings that at any one time involve only a portion of a legislative body, but eventually involve a quorum. Serial meetings yield a process which deprives the public the opportunity for a meaningful contribution to the decision-making process and are prohibited by law. Serial meetings may be a chain, in which member A contacts member B, B then contacts C, C contacts D and so on, until a quorum is involved. An elected official has the right to confer with a colleague about public business. But if and when a "collective concurrence as to action to be taken" is reached, the Ralph M. Brown Act is violated. Councilmembers are encouraged to consider the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

**K. Use of Technology**

Councilmembers may access their agenda materials on City provided electronic communication system devices (such as iPads) during Council meetings. In accordance with City Council Policy Council 000-49, Technology Use by City Council and Other Legislative Body Members, Councilmembers shall not send, receive or read electronic messages of any kind during a Council meeting, except under emergency circumstances as specified in Council Policy 000-49.

**VI. MOTIONS**

**A. Presentation of Motions**

A motion is the formal statement of a proposal or question to the Council for consideration and action. The Mayor, and each Councilmember, has the right to present a motion.

**B. Second Required**

A motion by any Councilmember shall not be considered by the Council and voted on unless it receives a second.

**C. Precedence of Motions**

When a main motion is before the Council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:

1. Adjourn
2. Recess

3. Postpone temporarily or definitely (table)
4. Previous question (call the question)
5. Limit or extend debate
6. Refer to committee or staff
7. Amend
8. Postpone indefinitely

The above order of precedence is subject to the following restrictions:

1. A motion shall not be repeated without intervening business or discussion.
2. A motion shall not be in order when the previous question has been ordered.
3. A motion shall not be in order while a vote is being taken.

**D. Particular Motions, Purpose and Criteria**

The purpose and salient criteria of the above-listed motions are as follows:

**Motion to Adjourn**

Purpose: To terminate a meeting.  
 Debatable or Amendable: No, except a motion to adjourn to another time to which the meeting is to be adjourned.

**Motion to Recess**

Purpose: To permit an interlude in the meeting and to set a definite time for continuing the meeting.  
 Debatable or Amendable: Yes, but restricted as to time or duration of recess.

**Motion to Postpone Temporarily**

Purpose: To set aside, on a temporary basis, a pending main motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting. It is also referred to as a motion to lay on the table.  
 Debatable or Amendable: It is debatable but not amendable.

**Motion for Previous Question (Call the Question)**

Purpose: To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion fails, discussion shall continue. If the motion passes, a vote shall be taken on the pending motion or motions.  
 Debatable or Amendable: No.

**Motion to Limit or Extend Debate**

Purpose: To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

Debatable or Amendable: Not debatable; amendments are restricted to the period of time of the proposed limit or extension.

**Motion to Refer to Committee or Staff**

Purpose: To refer the question before the Council to a committee or to the City staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

Debatable or Amendable: Yes.

**Motion to Amend**

Purpose: To modify or change a motion that is being considered by the Council so that it will express more satisfactorily the will of the members. If the motion fails, discussion or vote on the main motion resumes. If the motion passes, then the main motion should be voted on as amended.

Debatable or Amendable: It is debatable unless applied to an undebatable main motion. It is amendable.

**Motion to Postpone Indefinitely**

Purpose: To prevent further discussion and voting on the main motion. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of main motion shall not be brought up again for the remainder of the meeting or the next regular meeting.

Debatable or Amendable: It is debatable but not amendable.

**Main Motion**

Purpose: The primary proposal or question before the Council for discussion and decision.

Debatable or Amendable: Yes.

**VII. VOTING**

**A. Voting Procedure**

When any motion is in order for the question, a vote thereon shall be taken by use of the electronic voting system and entered in full upon the record. Motions may

be passed by a simple majority of the members present at a properly quorumed meeting (3 votes required if only 4 members present) unless otherwise required by the City Charter, City ordinance or state law.

The affirmative vote of a majority of the total membership of the Council (4 votes) shall be necessary to adopt any ordinance or resolution and for the Council to approve or settle a claim against the City unless otherwise required by the City Charter, City ordinance, or state law.

If a Councilmember is to appear telephonically, a roll call vote shall be required in accordance with the Ralph M. Brown Act.

**B. Change of Vote**

A member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by Presiding Officer and prior to the time the next item in the order of business is taken up.

**C. Failure to Vote**

Every member should vote unless disqualified for legal cause. Self-disqualification, without legal cause, which results in a tie vote, shall be avoided as thwarting Council action, but no Councilmembers shall be forced to vote. A Councilmember who abstains shall in effect consent that a majority of the quorum may act for him/her. Tie votes shall be lost motions and the question remains before the Council.

**D. Conflict of Interest**

Any Councilmember who has a financial interest or other conflict of interest in any matter coming before the City Council shall state the nature of the disqualification and disqualify himself/herself from discussing or voting on that matter in accordance with City Council Policy 000-02, Public Announcement of Intent to Abstain. Unless the matter in which the Councilmember has a conflict of interest is on the consent calendar, the Councilmember shall leave the Council Chamber before any discussion on the matter commences and shall remain outside of the Council Chamber until the matter is concluded. A Councilmember stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

**E. Reconsideration and Rescission of a Prior Action**

A motion to set aside a vote (in essence to reconsider) or a motion to rescind (repeal, cancel, nullify) shall be permitted only as follows:

Any member who voted with the majority may move to reconsider or rescind any action at the same or next following meeting, providing no legal rights have intervened to create an estoppel. The seconder shall not be required to have voted with the majority. If the motion carries, the item shall be listed on the agenda, or

placed on the agenda at the first available meeting or such other meeting as designated by the Council and in accordance with any requirements by law. After a motion to reconsider or to rescind any action has once been acted on, no other motion to reconsider or to rescind the same action shall be made without unanimous vote of the Council. This paragraph shall not affect any procedures presently provided for by ordinance.

**F. Lost Motions**

A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. Any item resulting in a lost motion may be acted on at any subsequent Council meeting unless the action is otherwise prohibited by law.

This procedure shall not apply to the appeal of a staff decision or board or commission decision to the City Council. If there are not sufficient votes to grant an appeal, the decision of staff or the board or commission shall become final.

**VIII. MINUTES**

**A. Preparation of Minutes**

The Council has adopted the use of action minutes. The City Clerk shall have exclusive responsibility for preparation of the minutes. Any directions for alterations in the minutes shall be made only by action of the City Council. Corrections or typographical or clerical errors are not considered alterations.

**B. Minutes of Hearings**

Whenever the Council acts in a quasi-judicial proceeding, such as hearings defined in Section X.A, the minutes shall contain a summary of the evidence.

**C. Reading of Minutes**

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy.

**IX. ORDINANCES, RESOLUTIONS, AND CONTRACTS**

**A. Preparation of Ordinances, Resolutions, and Contracts**

**1. Ordinances**

All ordinances shall be reviewed and approved by the City Attorney and shall be presented to the Council only when ordered by the Council or City Manager, or prepared by the City Attorney on his/her own initiative.

**2. Resolutions**

All resolutions shall be reviewed and approved by the City Attorney. In matters of urgency, a resolution may be presented verbally in motion form

together with instructions for written preparation for later execution.

**3. Contracts**

All contracts shall be approved as to form by the City Attorney and shall be presented to Council unless the Council has delegated that authority to the City Manager or other staff, or to the City Attorney.

**B. Prior Approval by Administrative Staff**

All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form by the City Attorney and shall have been examined and approved for administration by the City Manager or his/her authorized representative, where there are substantive matters of administration involved.

**C. Enactment of Ordinances**

**1. Introduction**

Ordinances shall be introduced for first reading by motion. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or adjourned regular meeting held at least five (5) days after alteration. Corrections or typographical or clerical errors are not considered alterations.

**2. Passage**

Ordinances shall be considered for adoption on second reading. Ordinances may be passed by motion and a majority vote of the Council, except for those ordinances which require a larger number of the Council for their approval. Ordinances, except for urgency ordinances, shall not be passed within five (5) days of their introduction.

**3. Reading**

After reading the title, further reading is waived.

**4. Urgency Ordinance**

An urgency ordinance is an ordinance for the immediate preservation of the public peace, health or safety of the City. It may be passed immediately upon introduction either at a regular or special meeting. It must declare the facts constituting the urgency and it shall be passed by five affirmative votes.

**5. Publication**

The City Clerk shall cause each ordinance to be published as required by City Charter and state law.

**6. Effective Date**

Ordinances take effect thirty (30) days after final passage, provided they are published at least once after passage. An ordinance takes effect immediately if it is an ordinance calling or otherwise relating to an election, of an urgent

nature relating to the public peace, health or safety, relating to street improvement proceedings, relating to taxes for the usual and current expenses of the City, or by particular provisions of law prescribing the manner of its passage and adoption.

**D. Adoption of Resolutions**

Resolutions may be adopted by motion on the date they are first presented to the Council. It is not required that resolutions be read, either in full or by title only. Resolutions may be adopted as amended by the Council on the date they are first presented unless the Council by majority vote directs the City Clerk to place an amended resolution on a subsequent meeting agenda for adoption.

**X. PUBLIC HEARINGS**

**A. Application and Definition**

The following procedural rules shall apply to all hearings before the City Council. As used herein, the word hearing shall include all public hearings required by State law or City ordinance, and proceedings for the revocation, suspension or reinstatement of permits, licenses, and franchises.

**B. Rights of Interested Persons**

On the date and at the time and place designated in the notice, the Council shall afford any interested person or his/her authorized representative, or both, the opportunity to present documentary evidence, and/or to present statements, arguments, or contentions orally and/or in writing, subject to the rules on addressing the Council and rules hereinafter stated.

**C. General Procedure**

The Council procedure for the conduct of public hearings is generally as follows:

1. For quasi-judicial hearings, Councilmembers disclose any ex parte communications or information obtained outside the Council Chamber, such as field trips, views of the premises and discussions with individuals.
2. Staff presents its report.
3. Council members may ask questions of staff.
4. The Mayor opens the public hearing.
5. The applicant or appellant has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony.
6. Members of the public are provided with the opportunity to present their comments, testimony or argument.
7. The applicant or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.
8. The public hearing is closed.

9. The Council deliberates on the issue.
10. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
11. The Council deliberates and takes action.
12. The Mayor announces the final decision of the Council.

**D. Presentation of Evidence**

**1. Oral Evidence**

All oral statements which are relevant to the subject matter of the hearing may be considered by the Council. Oral evidence may be taken on oath or affirmation at the request of any interested party or his/her authorized representative.

**2. Exhibits and Documents**

Exhibits and documents used by the City staff and any persons participating in the hearing may be considered as evidence.

**3. Communications and Petitions**

All communications and petitions may be considered as evidence by the Council.

**4. Staff Reports**

Whenever practicable, a written staff report shall be prepared and summarized aloud as part of the staff presentation. Said report shall be considered as evidence.

**5. Large Maps and Displays**

Large size maps and displays presented for use at the hearing shall, whenever practicable, be displayed in full view of the participants and the audience. Said maps or displays, or authentic reductions thereof, may be considered as evidence.

**6. Admissible Evidence**

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions.

**E. Continuances**

Any hearing being held, noticed, or ordered to be held by the Council may, by motion, be continued at the request of staff, an applicant or an appellant, or by

majority vote of the Council to any subsequent regular or adjourned meeting of the Council provided that if the hearing is continued to a time less than 24 hours after the time specified in the order on notice of hearing, a copy of the order or notice of continuance shall be posted outside the Council Chamber forthwith following the meeting at which the order of continuance was made. A request for continuance by an applicant or appellant may only be made in accordance with City Council Policy 000-13, Granting Continuances of Agendaed Items Noticed for a Public Hearing.

**F. Decision**

The Council shall consider all evidence properly presented in accordance with the rules stated herein and, unless otherwise provided by law, said decision or determination shall be made by motion, resolution, or ordinance, as appropriate. Action may be taken thereon at a subsequent meeting of the Council. Any Councilmember who failed to hear portions of the hearing and who did not familiarize himself/herself with the hearing or conduct thereof so as to be able to publicly state that he/she was familiar with the issues and evidence presented at the hearing shall disqualify himself/herself from discussing or voting on such matter.

**G. Record of Hearing**

A verbatim electronic recording shall be made of the oral evidence presented at the hearing. Said recording, together with all documents, maps, exhibits, and displays admitted into evidence, shall be retained by the City Clerk for a period of one year from the date of the close of the hearing. In lieu of retaining said recording, the City Clerk may prepare a typewritten transcript thereof which shall be retained for the same period of time.

**XI. DECISION MAKING**

- A. Council members are expected to read staff reports and supporting information in their weekly agenda packets and get necessary clarification on issues prior to the meetings.
- B. Study sessions are held frequently to help educate the Council and for staff to receive comments and direction to bring items back on a later agenda for possible action.
- C. In order to reach the best possible solutions, information is shared freely between Council members during Council meetings.
- D. Council members treat each other, the public, and staff with respect at all times.
- E. There is a respect for differing opinions.
- F. The Council will deal with issues and not personalities.

- G. The Council, overall, strives for consensus.
- H. There are individual interests and areas of expertise of Council members – allowing the Council to rely on one another for information and positive action.
- I. Council looks to boards, commissions, and committees for independent advice and possible legislative actions.

## **XII. MAYOR AND VICE MAYOR: ELECTION/RESPONSIBILITY**

- A. The Mayor is elected for a two-year term immediately following the installation of newly-elected Councilmembers. In accordance with the City Charter, a Councilmember may not serve consecutive terms as Mayor. If a Mayor fails to complete a full term, the Council member elected to fill out the remainder of the unexpired term shall not be barred from serving a consecutive term as Mayor thereafter if the remaining term filled was one year or less.
- B. The Vice Mayor is elected annually for a one-year term. The Council, at the time it selects a Mayor and during each November in odd numbered years, shall choose one of their number Vice-Mayor, who shall serve as Mayor in the absence, sickness, or other disability of the Mayor. The Vice Mayor is not a natural ascendancy to Mayor and there is no rotation system for selecting the Mayor or the Vice Mayor. Nominations for and election of the Vice Mayor shall follow the procedures set forth in paragraph C below.
- C. At the same meeting and immediately following the installation of newly-elected Councilmembers, the Mayor shall call for nominations from the floor for Mayor. The nomination must receive a second and be accepted by the nominee prior to a vote on the nomination. Nominations will be voted upon in the order made. Once a nomination receives a majority vote of Councilmembers present, no further action will be taken on subsequent nominations. The Mayor shall then pass the gavel to the newly-elected Mayor, who shall assume the role of Presiding Officer. Immediately following election of the Mayor, the same procedure shall be followed for election of the Vice Mayor.
- D. Following the election of the Mayor and Vice Mayor, and at such other times as the Mayor deems it necessary, the Mayor shall establish the dais seating arrangement of the Councilmembers. The Vice Mayor shall always be seated immediately next to the Mayor.
- E. The Mayor and Vice Mayor are peers of, and serve at the pleasure of, the other Councilmembers.
- F. The City Charter gives the Mayor additional authority and responsibility.
- G. Council committee and liaison assignments are reviewed and made annually by the

Mayor. The Mayor may, subject to the approval of the Council, appoint such committees of Councilmembers, City staff, and private citizens, or a combination thereof, as he/she deems necessary and expedient to assist and advise the Council in its work

- H. In January of each year, the Mayor will submit his/her recommendations for Chairs of the boards, commissions, and advisory committees for ratification by the Council. The Chairs will take their seats at their first meeting on or after February 1st.
- I. Prior to March 1st of each year, the Mayor will develop a "State of the City" report for presentation to civic groups and posting on the City's web site.
- J. The Mayor will meet with the Chairs of the boards, commissions, and advisory committees on a monthly basis in an effort to share information and coordinate efforts.
- K. Proclamations are issued and/or scheduled for presentation at a City Council meeting at the discretion of the Mayor.

### XIII. COUNCIL GOALS

- A. Council Goals are set every two years by the City Council and reviewed annually.
- B. Staff will prepare an update on City issues, trends, and demographics to assist the City Council with preparations for their goal setting process.
- C. In December, the Mayor shall determine the process and facilitator he/she wishes to use for the annual review for the goal setting. The goal setting session shall be held as early in the year as possible to allow for development of work plans and allocation of resources through the budget process. Goals shall be established for two fiscal years starting on July 1 and ending on June 30.
- D. The purpose of the goal setting process is to establish a limited number of high priority consensus goals that the City will focus on for the next year.
- E. Staff will develop draft work plans for each goal for approval by the City Council.
- F. The City Manager and City Attorney are active participants in the goal setting process. Other staff may also participate in goal setting at the direction of the City Council.
- G. Staff will take steps to distribute Council goals to staff and the public.
- H. The City Council will review progress on the goals quarterly.

#### **XIV. COMMUNICATIONS**

- A.** The City Manager handles all correspondence for the Council. Copies of appropriate correspondence are disseminated to the entire City Council.
- B.** All written informational material requested by an individual Councilmembers shall be distributed by staff to all Councilmembers with a notation indicating which Councilmember requested the information.
- C.** Mail that is addressed to the Mayor and City Council shall be included in each Councilmember's weekly packet. Any communication requiring Council action shall be placed on the agenda. All correspondence requiring a response shall be answered or acknowledged as soon as practicable.
- D.** Correspondence directed to the City Council and/or the City Manager relating to Council business is available to the public.
- E.** In an effort to increase communications with the community, every effort will be made to notify residents of issues that will affect their neighborhood that will be coming before the Council or any of the City's boards, commissions, and advisory committees.

#### **XV. COUNCIL/STAFF RELATIONS**

- A.** City staff shall acknowledge the Council as the policy makers, and the City Council shall acknowledge staff as administering the Council's policies.
- B.** The City Manager and the City Attorney are the only officials directly appointed by the City Council. All department heads (except for the City Attorney), Assistant City Manager, Deputy City Manager and their subordinates are supervised by the City Manager.
- C.** Council relies on staff for technical work and reports.
- D.** Staff handles all labor negotiations.
- E.** Council shall not attempt to coerce or influence staff in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.
- F.** A Councilmember shall not direct staff to initiate any action or prepare any report that is significant in nature or initiates any project or study without the approval of a majority of the City Council.

- G. Councilmembers should confer with the City Manager on issues of concern. The City Manager shall provide written notice to the City Council on all matters of major impact to the City in accordance with Council Policy 000-19, Notification of Santa Rosa City Council about Issues with Significant Impact to the City.
- H. The City Manager and the City Attorney shall receive performance reviews by the Council by April 30<sup>th</sup> of each year.
- I. Staff provides support to Councilmembers serving on regional agencies, boards or commissions or on any League affiliated committee or body.

#### **XVI. COUNCIL COMMITTEES**

- A. The Council operates through a number of ad-hoc and standing committees.
- B. Committee areas belong to the whole Council. Committees may overlap on issues and address them from different perspectives.
- C. Committee members are responsible to keep the rest of the Council informed via the Mayor's and Councilmembers' reports at regular meetings of the Council. It is particularly important to update all members on the activities of the individual committees on which Councilmembers serve. If individual Councilmembers want more in-depth information or to give input, they are responsible for obtaining the information.
- D. Any Councilmember may attend a subcommittee meeting in accordance with City Council Policy 000-46, Attendance by Council Members at Council Committee Meetings. When a majority of the City Council wishes to attend a subcommittee meeting, it shall be noticed as a special meeting of the City Council. To allow posting of the meeting notice, more than three business days' notice should be given to the City Clerk's Office if a Councilmember is attending a meeting of a subcommittee of which they are not an appointed member. If a majority of the Council attends a subcommittee meeting that has not been noticed as a meeting of the City Council, the non-subcommittee members may observe but may not participate in any discussion or vote.
- E. Councilmembers rotate serving for two months each in the consultant selection process. Councilmembers are assigned rotation after a new Council is elected.

#### **XVII. CITY BOARDS, COMMISSIONS, AND COMMITTEES**

- A. All appointments to City boards, commissions, and advisory committees shall be made in accordance with the City Charter and Council Policy 000-06, Appointments to Boards / Commissions / Committees. All applicants for City boards, commissions, or advisory committees shall complete and file a standard application form with the City Clerk at least five days before assuming office.

- B. Council hosts an Annual Luncheon to recognize and thank members serving on Council-appointed board, commissions and advisory committees. Any retiring Board members will be recognized and acknowledged at this event.
- C. Councilmembers have the right to attend meetings of Council-appointed boards, commissions, and advisory committees but are cautioned about becoming involved in the meeting's discussion or business.

#### **XVIII. CONFIDENTIAL INFORMATION**

- A. Councilmembers shall keep all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to ensure that the City's position is not compromised. No mention of information in these materials should be made to anyone other than Councilmembers, the City Attorney, or the City Manager.
- B. Councilmembers shall avoid disclosing information, which is confidential or not generally known or readily available to the public, concerning the business or property of the City for the purpose of benefiting any private interest.
- C. If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claim or litigation and/or employee negotiations, all contact with the other party should be by the designated City staff representative handling the negotiations or litigation. Unless otherwise authorized by the City Council, a Councilmember shall not have any contact or discussions with the other party or its representatives involved with the negotiations during this time nor communicate any discussion conducted in closed session. All public statements, information, and press releases should be handled by the designated staff spokesperson.

#### **XIX. STATIONERY USE AND RELATED GUIDELINES**

- A. Official use of City letterhead shall be guided by the following criteria:
  1. Office of the Mayor/City letterhead: shall be used by the Mayor for official City business and communication of adopted City policies and positions.
  2. Individual City Council/City letterhead: shall be used by the Vice-Mayor and Councilmembers for official City correspondence and communications.
  3. Personal Stationery without City Logo: shall be used by any member of the City Council to communicate individual positions, conduct personal correspondence, or communicate positions that may be in opposition to established City Council positions or decisions. Personal stationery shall be

printed at the expense of the individual Councilmember. It is the policy of the City Council that the use of City letterhead and/or title on personal matters is not permitted.

- B. Pursuant to City ordinance, the use of the City Seal, logo, or other insignia, on personal matters is not permitted.
- C. All business cards printed hereafter will contain only the person's name, title, City Hall address and telephone number, with home and/or business telephone numbers optional. Business names and/or addresses are prohibited.
- D. All documents using the City letterhead are public documents. All documents shall be provided to the City Manager.
- E. Whenever a Councilmember other than the Mayor wishes to write a letter on City letterhead, he/she should inform the Council (in writing or verbally at an open meeting) what the letter is about and seek Council concurrence that the letter may be written on City letterhead.
- F. All Councilmembers are copied on correspondence signed by the Mayor or other Councilmembers.

## XX. GENERAL

- A. After regular meetings, the Council may go to dinner at a local restaurant with the City Manager, City Attorney, and/or additional staff as deemed appropriate by the Council.
- B. Councilmembers will inform the City Clerk as early as possible when they will be out of town or absent from a meeting by completing an Absence From City form.
- C. Travel arrangements for City related business is coordinated with the Executive Assistant to the City Manager.
- D. Receipts and travel expense reports are to be submitted no later than 30 days after the closing date of the meeting. Expenses shall be reimbursed in accordance with City Council Policy 000-50, Travel and Expense Reimbursement Policy for Expenses Incurred by City Council Members and Council-Appointed Members of City Boards, Commissions, and Advisory Committees.

## XXI. CONDUCT BY COUNCILMEMBERS

- A. Councilmembers shall conduct themselves in accordance with Council Policy 000-51, Code of Conduct for Councilmembers, and Board and Commission Members.

- B.** Councilmembers shall avoid any action which could be construed by an objective person to create the appearance of: 1) using public office for personal gain including use of City stationery or other City resources to obtain or promote personal business or for campaign purposes; 2) giving preferential treatment to any person or group; or 3) impeding governmental responsiveness or efficiency. Councilmembers shall adhere to Council Policy 000-03, Presentations to Boards, Commissions, and Council Made by Members of Any Body of City of Santa Rosa.
- C.** Councilmembers shall identify personal opinions and recommendations, avoiding any implication that personal opinions and recommendations are those of the Council unless such position has been duly voted.
- D.** No elected official, officer, appointee or employee shall engage in any enterprise or activity which shall result in using time, facilities, equipment, or supplies of the City for the private gain or advantage of himself or another.

**APPENDIX A**  
***ROSENBERG'S RULES OF ORDER***





# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

## About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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## ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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## INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

*First*, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

*Second*, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

*Third*, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

*Fourth*, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

*Fifth*, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

*Sixth*, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

*Seventh*, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

*Eighth*, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

*Ninth*, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

*Tenth*, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

### Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. Inviting the members of the body to make a motion, for example, "A motion at this time would be in order."
2. Suggesting a motion to the members of the body, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. Making the motion. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

### The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

*First*, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

*Second*, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

*Third*, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

### Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

*How does this work in practice?  
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention not to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

### The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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**APPENDIX B**  
**REFERENCE TABLE OF CITED COUNCIL POLICIES**

<b>Policy No.</b>	<b>Title</b>
000-02	Prior Announcement of an Intent to Abstain Based on Conflict of Interest
000-03	Presentations to Boards, Commissions, and Council Made by Members of Any Body of City of Santa Rosa
000-13	Granting Continuances of Agendaed Items Noticed for a Public Hearing
000-19	Notification of Santa Rosa City Council about Issues with Significant Impact to the City
000-34	Establishing Policy for Citizen Public Appearances and Addressing the Council on Agenda Items
000-35	Early Council Agenda Policy
000-46	Attendance by Council Members at Council Committee Meetings
000-49	Technology Use by City Council and Other Legislative Body Members
000-50	Travel and Expense Reimbursement Policy for Expenses Incurred by City Council Members and Council-appointed Members of City Boards, Commissions, and Advisory Committees
000-51	Code of Conduct for Councilmembers, and Board and Commission Members



## Staff Report

To: City Council of the City of Beaumont, California  
From: Interim City Attorney  
Date: July 7, 2015  
Re: Rosenberg's Rules of Order  
Subject: Ordinance of the City Council of the City of Beaumont approving amendments to the City of Beaumont Municipal Code Pertaining to the City Council Meetings

---

### *Introduction*

Judge David (Dave) Rosenberg served as county supervisor (Yolo), mayor (Davis) and city council member (Davis) prior to his appointment to the bench in 2003. Judge Rosenberg authored Rosenberg's Rules of Order ("Rosenberg's Rules") to create parliamentary procedures "simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed."<sup>1</sup> The four pillars of Rosenberg's Rules are that rules of parliamentary procedure should: 1) establish order; 2) be clear; 3) be user friendly; and 4) enforce the will of the majority while protecting the rights of the minority.<sup>2</sup>

Rosenberg's Rules provide a modern alternative to Robert's Rules of Order ("Robert's Rules"), which were originally published in 1876 and modeled after the parliamentary procedures used by the U.S. House of Representatives. Below is a summary of the parliamentary procedures set forth in Rosenberg's Rules.

### *Establishing a Quorum*

Establishing a quorum, i.e. the minimum number of members required for business to be legally transacted, is the starting point of a meeting. In the absence of a specific rule of the body, the default rule is that quorum is one more than half the members of the body. Quorum can be lost during a meeting if a member departs and the remaining number of members falls below half of the members of the body. Business cannot be legally transacted if quorum is not established or is lost. Pursuant to the default rule, quorum for the five-member Beaumont City Council is three members.

### *The Role of the Chair*

The chair is charged with applying the rules of conduct of a meeting, and all decisions by the chair are final unless overruled by the body itself. As such, the chair should try to be the last

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<sup>1</sup> David Rosenberg, Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (Rev. 2011).

<sup>2</sup> *Ibid.*

to speak at the discussion and debate stage, and should not make or second a motion unless convinced that no other member will do so.

In the case of the Beaumont City Council, the Presiding Officer (the Mayor, or Vice Mayor if the Mayor is absent, or the appointed Presiding Officer if both the Mayor and Vice Mayor are absent) will fulfill the role of the chair.

### ***The Basic Format for an Agenda Item Discussion***

The agenda is the roadmap for a meeting, and each item can be handled by the chair as follows:

1. **Announce the agenda item** clearly by stating its number and subject.
2. Invite the appropriate person(s) to **report and make recommendations**, if any, on the item.
3. **Ask members of the body if they have technical questions**; members may ask such questions of the person(s) reporting and making recommendations, and such person(s) should be given time to answer.
4. **Invite public comments or open for public input**, and announce when the period therefore has concluded or closed; if necessary, the chair may limit the time for public speakers.
5. **Invite a motion and announce the name of the member making the motion.**
6. **Determine if any member wishes to second the motion and announce his/her name.** NOTE: a second is good practice, but not an absolute requirement; in his/her discretion, the chair can proceed with consideration and vote even when there is no second.
7. **Make sure that everyone understands the motion**, in one of three ways:
  - (i) Ask the maker of the motion to repeat it; or
  - (ii) Repeat the motion; or
  - (iii) Ask the secretary or the clerk to repeat the motion.
8. **Invite discussion of the motion by the body and, when concluded, announce that the body will vote on the motion.** If there has been little or no discussion, then the vote on the motion should proceed right away, and there is no need to repeat the motion; if there has been substantial discussion, it is best to repeat the motion.
9. **Take a vote.**
10. **Announce the result of the vote**, indicating the names of those who voted in the *minority* on the motion, **and announce what action the body has taken.**

### ***Motions in General***

Motions are made in a two-step process: 1) the chair recognizes the member of the body; and 2) the member makes a motion starting with the words "I move ..." The chair usually initiates the motion by inviting the members to make a motion; suggesting a motion to the members; or making the motion if convinced that no other member will do so.

### ***The Three Basic Motions***

- I. *The basic motion:* puts forward a decision for the body's consideration.
- II. *The motion to amend:* takes the basic motion before the body and seeks to change it in some way.
  - A "friendly amendment" is an informal amendment which, if accepted by the maker and the member who seconded the motion pending on the floor, then becomes the pending motion on the floor. If either the maker or the member who seconded the motion rejects it, the proposer can make a formal motion to amend.
- III. *The substitute motion:* completely does away with the basic motion before the body and puts a new motion before the body.

NOTE: the determination of whether a motion is a motion to amend or a substitute motion is up to the chair.

#### ***Multiple Motions Before the Body***

There can be up to three (3) motions of the floor at the same time. If there are multiple motions on the floor, the vote should start on the last motion that is made.

#### ***To Debate or Not to Debate***

The general rule is that a debate can continue as long as members wish to discuss an item, subject to the chair's decision that it is time to move on and take action. The following motions are *exceptions to the general rule*, and if made and seconded, the chair must immediately call for a vote of the body without debate:

1. *Motion to adjourn:* if passed, the body must immediately adjourn to its next regularly scheduled meeting; requires a simple majority vote.
2. *Motion to recess:* if passed, the body must immediately take a recess the duration of which is normally determined by the chair; requires a simple majority vote.
3. *Motion to fix the time to adjourn:* if passed, the body must adjourn the meeting at the specific time set in the motion; requires a simple majority vote.
4. *Motion to table:* if passed, the discussion of the item must stop and the item must be placed on hold. If the motion does not contain a specific time for the return of the item, a motion to take the item off the table and bring it back must be made at a future meeting; both require a simple majority vote.
5. *Motion to limit debate:* requires a two-thirds vote.
6. *Motion to object to consideration of an item:* if passed, the body is precluded from considering an item; requires a two-thirds vote.

#### ***Majority and Super Majority Votes***

Usually, a simple majority is sufficient to pass a motion; however a two-thirds majority (a super majority) is necessary to pass the following motions:

1. *Motion to limit debate*

2. *Motion to close nominations*
3. *Motion to object to the consideration of an item*
4. *Motion to suspend the rules:* if the body has its own rules of order, conduct, or procedure, it allows the body to suspend the rules for a particular purpose.

### ***Counting Votes***

- I. *Simple majority:* requires 50% + 1
- II. *Super majority:* requires 2/3 (i.e. count the "no" votes and double that count to determine how many "yes" votes are needed to pass)
- III. *Tie:* motion fails

To determine how to count abstentions, consult state statutes and then the rules of the body. If these are silent, the default rule is that all votes "present and voting" are counted, which means that abstentions are not counted on a vote on a motion. However, if the rules specify that all votes "present" are counted, abstentions are counted on a vote on a motion and, in effect, act as a no vote.

Any answer other than a "yes" or "no" may be treated by the chair as an abstention. In the case of written ballots, a blank or unreadable ballot is treated as an abstention. Whether a member may vote as "absent" is up to the chair; the better approach is to treat this as an actual absence (which affects quorum), but the chair may treat it as an abstention.

Some examples for a five-member body with all five members present:

- (i) Default rule ("present and voting") applies and the motion requires a simple majority  
→ 3-2 with no abstentions passes the motion, 2-2 with one abstentions fails
- (ii) Default rule ("present and voting") applies and the motion requires a super majority  
→ 4-1 with no abstentions passes the motion or 3-1 with one abstention passes the motion
- (iii) Rules specify that all votes present are counted and the motion requires a super majority  
→ 3-1-1 (3 yes, 1 no, 1 abstention) fails the motion

### ***Motion to Reconsider***

Requires a simple majority, but two special rules apply:

1. *Timing:* a motion to reconsider must be made at the meeting where the item was first considered (unless the body votes to suspend the rules and by a super majority vote allows a motion to reconsider to be made at another time).
2. *Maker:* a motion to reconsider may be made only by a member who voted in the *majority* on the original motion; any member may second it.

### ***Courtesy and Decorum***

Best practice is to be first recognized by the chair, and for only one speaker to have the floor at a time. The chair may cut off overly personal, loud, or crude discussion, and may limit the time allotted to speakers.

A speaker may usually not be interrupted, subject to the following exceptions:

1. *Privilege:* anything that would interfere with the normal comfort of the meeting. The proper interruption is "point of privilege," and the proper response from the chair is "state your point."
2. *Order:* anything that would not be considered appropriate conduct for the meeting. The proper interruption is "point of order," and the proper response from the chair is "state your point."
3. *Appeal:* if the chair makes a ruling that a member of the body disagrees with. Requires a simple majority vote, and the ruling of the chair is deemed reversed.
4. *Call for orders of the day:* if a member feels that the body has departed from the agenda. Does not require a vote, and the chair simply reminds the body to return to the agenda.
5. *Withdraw a motion:* the maker may interrupt to withdraw his/her motion. The motion is immediately deemed withdrawn, but then any other member may make the motion if properly recognized.

#### *Special Notes About Public Input*

Three rules for the chair for each item: 1) tell the public what the body will be doing; 2) keep the public informed; and 3) tell the public what the body did.

#### *Conclusion*

The above summarizes Rosenberg's Rules to provide a quick reference for the City Council. These rules were revised in 2011 to simplify parliamentary procedures for smaller bodies, such as city councils, and to provide an alternative to the more complex Robert's Rules of Order. A copy of Rosenberg's Rules is attached for further reference. This memorandum and Rosenberg's Rules are designed to supplement the rules of order set forth in the Ordinance amending section 2.04.040 of the Beaumont Municipal Code.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BEAUMONT  
APPROVING AMENDMENTS TO THE CITY OF  
BEAUMONT MUNICIPAL CODE PERTAINING TO  
CITY COUNCIL MEETINGS**

**WHEREAS** the City Council of the City of Beaumont, California, wishes to update the rules of parliamentary procedure to facilitate the orderly and timely conduct of meetings; to foster discussion and decision making, and to promote wider understanding and participation; and

**WHEREAS** Section 2.04.040 of Chapter 2.04 of Title 2 of the Beaumont Municipal Code currently mandates that Robert's Rules of Order supplemented by Parliamentary Procedures at a Glance constitute the rules of order for all meetings of the City Council; and

**WHEREAS** the City Council finds that Robert's Rules of Order are better suited to larger bodies than to city council meetings; and

**WHEREAS** the City Council finds that more modern rules tailored to city council meetings will better serve to facilitate the orderly and timely conduct of meetings, to foster discussion and decision making, and to promote wider understanding and participation;

**THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CEQA.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 2. Severability.** The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

**SECTION 3.** The City Council hereby amends Title 2, Chapter 2.04, "City Council Meetings" to read as follows:

**Chapter 2.04**  
**CITY COUNCIL MEETINGS**

Sections:

2.04.010	Time and place – Generally.
2.04.020	Time and place – Holiday.
2.04.030	Notice not required.
2.04.040	Rules of Procedure.
2.04.041	Presiding Officer.
2.04.042	Maintenance of Order.
2.04.043	Decorum.
2.04.044	Time Limitation.

**2.04.010.** **Time and Place – Generally.** Regular meetings of the city council shall be held at such times and places as may be fixed by resolution duly adopted by the city council. (Ord. 303 §1, 1959)

**2.04.020.** **Time and Place – Holiday.** If a regular meeting of the city council falls on a legal holiday, such meeting shall be held on the next Wednesday not a legal holiday. (Ord. 303 §2, 1959)

**2.04.030.** **Notice not required.** No notice shall be required for any regular meeting of the city council. (Ord. 303 §3, 1959)

**2.04.040.** **Rules of Procedure.** The rules of order set forth in this section, supplemented by Rosenberg's Rules of Order, shall constitute the rules of order for all meetings of the City Council.

**2.04.041.** **Presiding Officer.** The Mayor shall be the Presiding Officer at all City Council meetings. In the absence of the Mayor, the Mayor Pro Temp shall be the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Temp, the City Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Mayor Pro Temp, or until adjournment.

**2.04.042.** **Maintenance of Order.** The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person should be allowed to speak without first being recognized by the Mayor or Presiding Officer. All questions and remarks should be addressed to the Mayor or Presiding Officer.

**2.04.043.** **Decorum.** No City Council member shall be allowed to speak more than once upon any one subject until every other City Council member wishing to speak thereon shall have had the opportunity to speak.

**2.04.044.** **Time Limitation.**

- (a) The staff or other report and recommendations on an agenda item shall not exceed \_\_\_\_\_ minutes (suggestion: 10 minutes). If the staff member or other person making the report and recommendations on an agenda item believes that his/her report and recommendations will exceed [10] minutes, he/she shall request permission from the Mayor or Presiding Officer for extended presentation

time. A majority of the quorum present may over-ride permission granted by the Mayor or Presiding Officer to extend the presentation time.

- (b) The City Council discussion and debate on an agenda item shall not collectively exceed \_\_\_\_\_ minutes (suggestion: 30 minutes). If a City Council member believes that Council discussion and debate will exceed [30] minutes, he/she may request that the Mayor or Presiding Officer extend the time for Council discussion/debate on an agenda item. A majority or the quorum may over-ride the Mayor's or Presiding Officer's decision to extend discussion/debate time on an agenda item.
- (c) Public comments shall be limited to 3 minutes per person per agenda item.

**SECTION 4. Effective Date and Publication.** The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_ day of \_\_\_\_\_, 2015, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Brenda Knight, Mayor

Attest:

\_\_\_\_\_  
Julio Martinez, City Clerk

Approved as to form:

\_\_\_\_\_  
John O. Pinkney, Interim City Attorney

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF  
BEAUMONT APPROVING AMENDMENTS  
TO THE CITY OF BEAUMONT MUNICIPAL  
CODE PERTAINING TO CITY COUNCIL  
MEETINGS**

**WHEREAS** the City Council of the City of Beaumont, California, wishes to update the rules of parliamentary procedure to facilitate the orderly and timely conduct of meetings, to foster discussion and decision making, and to promote wider understanding and participation; and

**WHEREAS** Section 2.04.040 of Chapter 2.04 of Title 2 of the Beaumont Municipal Code currently mandates that Robert's Rules of Order supplemented by Parliamentary Procedures at a Glance constitute the rules of order for all meetings of the City Council; and

**WHEREAS** the City Council finds that Robert's Rules of Order are better suited to larger bodies than to city council meetings; and

**WHEREAS** the City Council finds that more modern rules tailored to city council meetings will better serve to facilitate the orderly and timely conduct of meetings, to foster discussion and decision making, and to promote wider understanding and participation;

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FOLLOWS:**

**SECTION 1. CEQA.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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**2.04.020. Time and Place – Holiday.** If a regular meeting of the city council falls on a legal holiday, such meeting shall be held on the next Wednesday not a legal holiday. (Ord. 303 §2, 1959)

**2.04.030. Notice not required.** No notice shall be required for any regular meeting of the city council. (Ord. 303 §3, 1959)

**2.04.040. Rules of Procedure.** ~~Robert's Rules of Order, supplemented by Parliamentary Procedures at a Glance constitute the rules of order for all meetings of the city council. (Ord. 595 §2, 1984).~~ The rules of order set forth in this section, supplemented by Rosenberg's Rules of Order, shall constitute the rules of order for all meetings of the City Council.

**2.04.041. Presiding Officer.** The Mayor shall be the Presiding Officer at all City Council meetings. In the absence of the Mayor, the Mayor Pro Temp shall be the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Temp, the City Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Mayor Pro Temp, or until adjournment.

**2.04.042. Maintenance of Order.** The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person should be allowed to speak without first being recognized by the Mayor or Presiding Officer. All questions and remarks should be addressed to the Mayor or Presiding Officer.

2.04.043. Decorum. No City Council member shall be allowed to speak more than once upon any one subject until every other City Council member wishing to speak thereon shall have had the opportunity to speak.

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**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Brenda Knight, Mayor

Attest: \_\_\_\_\_  
Julio Martinez, City Clerk

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Brenda Knight, Mayor

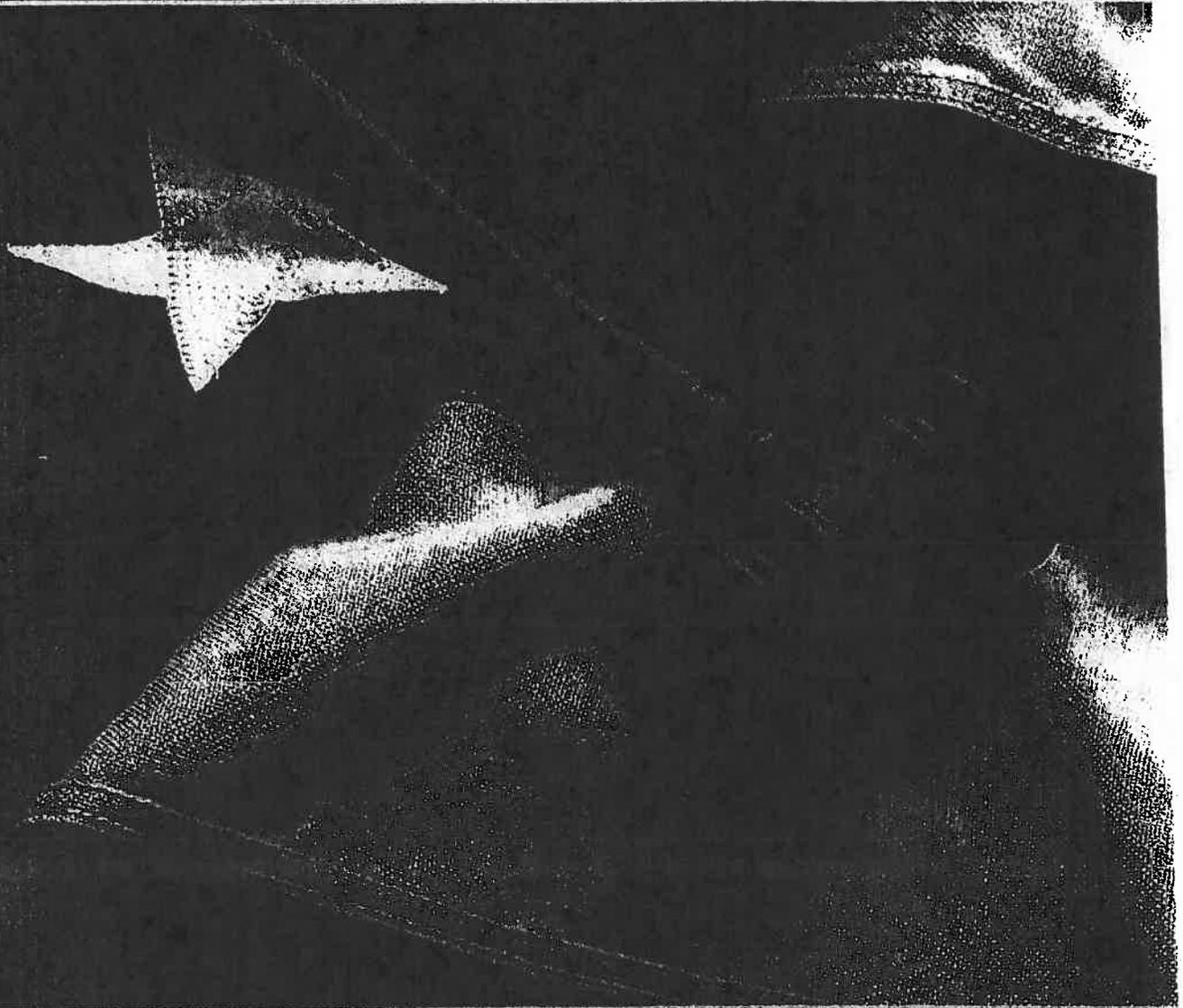
(Seal)

Attest: \_\_\_\_\_  
Julio Martinez, City Clerk

Approved as to form:

\_\_\_\_\_  
John O. Pinkney, Interim City Attorney

*Rosenberg's Rules of Order:*  
Simple Parliamentary  
Procedures for the 21st Century



## MISSION:

*To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.*

## VISION:

*To be recognized and respected as the leading advocate for the common interests of California cities.*

### About the League of California Cities

Established in 1898, the League of California Cities is a member-organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

### About *Western City* Magazine

*Western City* is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit [www.westerncity.com](http://www.westerncity.com).

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September, 2003.

### About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

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# Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

**T**he rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

## The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

## The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

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There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

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a staff person, or a committee chair charged with providing information about the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

**Fourth**, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

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Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

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**Ninth**, the chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

#### Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move ..." A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

2. Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

#### The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. **The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

#### **When Multiple Motions Are Before The Governing Body**

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

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The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

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Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

#### **To Debate or Not to Debate**

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**A motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

**A motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

**A motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

**A motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**A motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

**Motion to limit debate.** Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

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If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

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motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

### Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

### Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

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It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

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lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

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Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

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speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

### Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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# CITY OF BEAUMONT

## LEGAL NOTICE

**NOTICE IS HEREBY GIVEN**, that the Beaumont City Council will conduct a public hearing on Tuesday, July 7, 2015 in room 5 at the Beaumont Civic Center, 550 E. 6<sup>th</sup> Street, Beaumont, California 92223, to receive testimony and comments from all interested persons regarding the adoption of the following matter(s):

**AN ORDINANCE OF THE CITY OF BEAUMONT  
APPROVING AMENDMENTS TO THE CITY OF  
BEAUMONT MUNICIPAL CODE PERTAINING TO CITY  
COUNCIL MEETINGS**

The ordinance to be considered for adoption is summarized as follows:

Ordinance amends Title 2, Chapter 2.04 of the City of Beaumont Municipal Code relating to the rules of order for City Council meetings. This ordinance amends existing law pertaining to City Council meetings rules of order, and specifies that the Presiding Officer at each meeting will be the Mayor, or the Mayor Pro Tem if the Mayor is absent, or a temporary Presiding Officer if both the Mayor and Mayor Pro Tem are absent. This ordinance specifies that the Presiding Officer is responsible for maintenance of order and decorum, and that all speakers must be recognized by the Presiding Officer. This ordinance requires City Council members to refrain from speaking more than once on an issue until all council members who want to speak have had the opportunity to do so. This ordinance would place time limitations on reports and recommendations, discussion and debate, and public comments. The time limitations may be extended if necessary. Pursuant to this ordinance, these sections, supplemented by Rosenberg's Rules of Order, will constitute the rules of order for all City Council meetings.

Date: June 8, 2015

Publish one time only in the Record Gazette on June 19, 2015





# STAFF REPORT

## SAUSALITO CITY COUNCIL

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### AGENDA TITLE:

Amendment to the Sausalito City Council, City Manager, City Attorney Operating Protocols Ratified June 1, 2010

### RECOMMENDED MOTION:

Move to Approve Operating Protocols as Amended on June 8, 2010

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### SUMMARY and BACKGROUND

At a Special Meeting of the Sausalito City Council on May 24, Council approved a new set of Operating Protocols. At their meeting of June 1, Council ratified, in an open session, these Operating Protocols.

On June 8, the Council revisited the Protocols. There was a desire amongst those Councilmembers present to extend the amount of time each Councilmember has to discuss or rebut motions on the floor. To accommodate such a change, the following was proposed and approved:

City Council members will each be given three minutes to discuss a ~~the~~ motion. Thereafter each member will given one additional minute per round until debate or chances for rebuttal are made regarding the motion ~~to discuss the motion~~. And that the Chair of the meeting will poll each Councilmember on each series of discussions and will continue to do so until the question is called and there is a motion or a vote to close comments, or there is no more discussion. In order to re-open Public Comment or call staff back to the podium, will require the consensus of the Council or formal vote. The Chair will also have discretion on the question period. Rosenberg's Rules will remain as it stands, affirming that discussion may only follow after a motion has been made. This protocol will also apply to closed session discussions.

### FISCAL IMPACT

None

### STAFF RECOMMENDATIONS

Move to approve Operating Protocols as amended on June 8, 2010

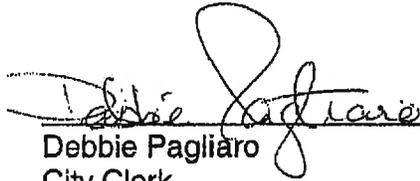
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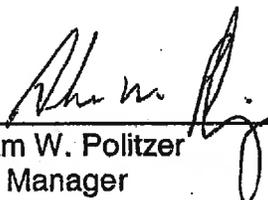
## ATTACHMENTS

Draft Operating Protocols as amended on June 8, 2010.

PREPARED BY:

  
\_\_\_\_\_  
Debbie Pagliaro  
City Clerk

SUBMITTED BY:

  
\_\_\_\_\_  
Adam W. Politzer  
City Manager

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CITY OF SAUSALITO

CITY COUNCIL, CITY MANAGER, CITY ATTORNEY OPERATING PROTOCOLS

Updated May 2010, amended June 8, 2010

A. *PLACING ITEMS ON THE AGENDA*

- Following each Council meeting, preferably within one to three days thereafter, the City Manager will meet with the Mayor and the Vice Mayor to set the agenda for the next two upcoming regularly scheduled City Council meetings
- If a Council Member wants to put an item on the agenda, he/she goes to the Mayor.
- If the Mayor disagrees, the Council Member may raise the item during the "Future Agenda Item" section of the regularly scheduled City Council meeting.
- By consensus, or a majority vote, if necessary, an item can be put on a future City Council agenda on a date to be determined by the City Manager working with the Mayor and Vice Mayor unless otherwise specifically directed by a majority of the Council.
- The agenda packet for each regularly scheduled Council meeting will include a projection of the future items scheduled for consideration by the Council for a rolling 6 month time period
- If an issue needs immediate/emergency action, a 4/5 vote of the Council is needed to place the item on the agenda then being considered by the Council subject to the ability to make the findings required by the Brown Act.
- If a member of the public asks for an item to be put on the agenda during Public Comment time, the Council can direct staff to put it on a future agenda when there is consensus by the Council, or defer discussion of that item to the "Future Agenda Item" section of the City Council meeting.
- Process for calling a Special Meeting of the City Council:
  - Notify the Mayor
  - The Mayor contacts the City Manager to have the City Manager or his designee poll the other Council members on their availability.

B. *COUNCIL-GENERATED STAFF WORK*

- All requests for staff work must go through the City Manager.
- The City Manager determines how much work a request will take.
- If significant, the Council must support the request.

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**C. GIVING DIRECTION TO THE CITY MANAGER**

- The Council collectively gives direction to the City Manager.

**D. WORKING WITH THE CITY MANAGER IN COMMUNICATIONS WITH THE STAFF**

- Routine requests for information can be asked directly of staff without going through the City Manager.
- If staff would be put in an awkward position or feel that they were being given direction, go through the City Manager for the information.
- If you have a question of staff about an item on the agenda, when possible ask the staff person ahead of time (before the meeting) so that he/she can be prepared with the answer.
- As much as possible, e-mail staff with requests for information and c.c. the City Manager. The City Manager shares the information equally with all Council members.

**E. GIVING DIRECTION TO THE CITY ATTORNEY**

- The Council collectively gives direction to the City Attorney.
- Council members individually may request information of the City Attorney.
- Be cognizant that the City Attorney works by the hour and is the attorney for the entire City Council, not the individual Council member.
- Decisions regarding City Attorney attendance at other than City Council and Planning Commission meetings are determined by the City Manager with the City Attorney.

**F. RESPONDING INDIVIDUALLY, AS A COUNCIL MEMBER, TO PUBLIC COMPLAINTS OR INQUIRIES**

- Report serious public complaints or inquiries to the City Manager and ask the City Manager to follow up with the member of the public.
- Routine complaints (e.g., replacement of a street light) can go directly to the appropriate department.
- Let the City Manager know if you've spent time with a community member dealing with a complaint.

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- Inform the complainant that the appropriate staff member will be notified of a complaint.
- When possible, email the City Manager with complaints or forward complainants' emails to the City Manager.
- If a public member's perception is that they have been treated poorly (e.g., rude) by a City staff member, the Council member needs to share the information with the City Manager.

**G. COUNCIL MEMBER REPRESENTATION ON REGIONAL BOARDS**

- The Mayor appoints, at a Council meeting, Council member representatives and alternates to regional boards.

**H. COUNCIL MEMBER REPRESENTATION ON COUNCIL SUBCOMMITTEES**

- The Mayor appoints, at a Council meeting, Council member representatives to Council subcommittees.

**I. RESPONDING TO THE PRESS**

- When contacted by the press, clarify whether you're speaking on behalf of the Council or yourself.
- If you do not feel knowledgeable about an issue, refer matters to the Mayor, an appropriate Council member or the City Manager.
- All press calls need to be answered and as quickly as possible.
- Confidential issues (anything discussed in closed session) cannot be talked about with anyone.

**J. CONSENSUS\* DECISION MAKING**

- Council members strive toward consensus, including healthy discussions allowing for divergent opinions and/or disagreement.
- If consensus cannot be reached, or if legally required, a vote is taken.

\*Consensus = General agreement; a decision that all can live with

**K. ACTION OF COUNCIL SUBCOMMITTEES**

- Council subcommittees cannot take action on behalf of the Council; they can only make a recommendation to the City Council for action.
- Council subcommittees operate under the Brown Act.

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- Minutes of Council subcommittee meetings and Boards/Commissions on which a Council member participates as a member of the Board/Commission will be placed on the Council's consent calendar at the regular meeting of the Council following preparation of the minutes

**II. MEETING MANAGEMENT** In order to facilitate efficient and effective meetings and to optimize the City's resources and the public's time the Council will utilize the following tools during Council meetings:

- Council meetings will be run utilizing Rosenberg's Rules of Order, Simple Parliamentary Procedures for the 21<sup>st</sup> Century (attached)
- Speaker cards will be utilized for agenda items to allow members of the public to identify the item(s) on the agenda on which they wish to participate.
- City Council agendas will include estimated allotments of time for each agenda item and will be available to the public.
- City Council members will each be given three minutes to discuss a the motion. Thereafter each member will be given one additional minute per round until debate or chances for rebuttal are made regarding the motion to discuss the motion. And that the Chair of the meeting will poll each Councilmember on each series of discussions and will continue to do so until the question is called and there is a motion or a vote to close comments, or there is no more discussion. In order to re-open Public Comment or call staff back to the podium, will require the consensus of the Council or formal vote. The Chair will also have discretion on the question period. Rosenberg's Rules will remain as it stands, affirming that discussion may only follow after a motion has been made. This protocol will also apply to closed session discussions.

**IN ADDITION TO THE PROTOCOLS, WHAT DO COUNCIL MEMBERS EXPECT AND NEED OF EACH OTHER TO WORK EFFECTIVELY AS A TEAM?**

Consensus List:

- Answer and return emails and phone calls; flag emails that are important and include a time when you need a response
- The Mayor will establish weekly "office hours" for 1-2 hours/per week for communications from fellow Council members
- Indicate your preference for getting messages quickly
- Don't speak over each other
- Everyone should have the opportunity to get their say in closed session and respect each other's opinion; formalize agendas with timeframes and clarify about whether direction is needed or not; consider change to formal venue

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- Be honest
- Be prompt
- Be present and be prepared
- Avoid repeating what someone else has said
- Listen to each other
- Be brief in your comments
- Get closed session packet as early as possible
- Be advocates, not activists (willing to accept others' views)

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## AGENDA TRANSMITTAL

**MEETING DATE:** August 11, 2015

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**CITY AGENDA ITEM:** PUBLIC HEARING: Council Adoption of Resolution No. 2015-\_\_ : Approving an Amendment to the California Enterprise Development Authority (CEDA) Joint Powers Agreement to Add Suisun City as an Associate Member thereby Authorizing properties within City Limits to Voluntarily Participate in the Figtree Property Assessed Clean Energy (PACE) Program.

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**FISCAL IMPACT:** There would be no fiscal impact to the City by consenting to the inclusion of properties within the City of Suisun City in the Figtree Program. There would be no cost to the City to become an Associate Member of the JPA or by opting into the PACE program described in this report. The City would have no administrative responsibilities, marketing obligations, or financial obligations associated with the Figtree PACE program.

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**BACKGROUND:** The California Enterprise Development Authority (CEDA) Figtree program is a Property Assessed Clean Energy (PACE) program operating via a Joint Powers Authority (JPA) sponsored by the CEDA. The goal of the program is to provide funding for energy efficiency, resource conservation, and renewable energy generation projects on a voluntary participation basis to local property owners. Funding would be in the form of loans that are repaid through special assessments levied on the affected property owner's property tax bill.

The City of Suisun City currently participates in PACE programs sponsored and managed by CaliforniaFIRST, HERO, and Ygrene. All provide similar services on a nonexclusive basis. The implementation of the CEDA Figtree program is intended to further the reach and flexibility of PACE programs in general, while fostering healthy competition among local PACE providers. Approval of the Figtree PACE program would provide more options for Suisun City property owners. It would not add to, or require any additional responsibilities on the City.

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**STAFF REPORT:** Assembly Bill (AB) 811 was signed into law on July 21, 2008. Subsequently AB 474, effective January 1, 2010, amended Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California ("Chapter 29") and authorizes a legislative body to designate an area within which authorized public officials and free and willing property owners may enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources, energy efficiency, and/or water conservation improvements that are permanently fixed to real property, as specified. The financing for these improvements has come to be known as PACE.

If a property owner chooses to participate, the installed improvements will be financed by the issuance of bonds by CEDA. The bonds are secured by a voluntary contractual assessment levied on such owner's property, with no recourse to the local government or other participating jurisdictions. Participation in the program is 100% voluntary.

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**PREPARED BY:**  
**REVIEWED BY:**  
**APPROVED BY:**

Trishia Caguiat, Assistant Planner  
 Kathy Lawton, Housing Manager  
 Suzanne Bragdon, City Manager



The Figtree PACE program provides 100% upfront financing to residential and commercial property owners for a wide range of eligible property improvements. Repayment is made through an owner's annual property tax payment with flexible repayment terms ranging from 5 to 20 years. PACE may also allow payments to be passed on to a new property owner if the property is sold before the PACE financing is paid in full. By encouraging City residents and business owners to use energy and water more efficiently, and by developing and supporting renewable energy to power buildings, the Figtree PACE program supports the City's ongoing efforts to bolster the local economy, create new jobs, and promote energy and water efficiency.

Figtree incorporates the following measures and requirements into its residential PACE program to reduce the risk of credit default:

- **Maintains a 15% Equity Requirement:** Maintaining minimum equity requirements for participating property owners limits the risk to lenders by ensuring that there is sufficient equity in the property from which a PACE assessment can be paid in the event of default. This equity cushion ensures that both lenders and PACE programs will be able to recover their investments.
- **Limits Assessments to 10% of Property Value:** Limiting the assessment amount is another way to limit the risk to lenders. Combined with equity requirements, the 10% limitation provides a great deal of protection to lenders.
- **Evaluates Past Payment History:** Looking at a property owners past property tax payment history screens out many of the property owners who are likely to default on their property tax payments in the future. This screening also reduces the risk exposure to both PACE bondholders and mortgage lenders.
- **Checks Borrower Credit Histories for Bankruptcies:** Again, this type of screening eliminates from eligibility, property owners who are likely to default on their property tax payments in the future.
- **Will Participate in California's Loan Loss Reserve Program:** The State's Loan Loss Reserve Program will provide additional protection to mortgage lenders for any lost cash outflows as a result of PACE assessment payments. Figtree will participate in the Loan Loss Reserve Program, as soon as Figtree's statewide residential program launches in 2015.

Approval of the attached Resolution would allow the City of Suisun City to join the Figtree program, along with Solano County, the City of Vacaville and other California member cities. The Figtree program would provide Suisun City residents many economic and environmental benefits without creating an additional administrative burden on City staff.

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**RECOMMENDATION:** It is recommended that the City Council adopt Resolution No. 2015-\_\_: Approving an Amendment to the California Enterprise Development Authority (CEDA) Joint Powers Agreement to Add Suisun City as an Associate Member thereby Authorizing properties within City Limits to Voluntarily Participate in the Figtree Property Assessed Clean Energy (PACE) Program.

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**ATTACHMENTS:**

1. Resolution No. 2015-\_\_: Approving an Amendment to the California Enterprise Development Authority (CEDA) Joint Powers Agreement to Add Suisun City as an Associate Member thereby Authorizing properties within City Limits to Voluntarily Participate in the Figtree Property Assessed Clean Energy (PACE) Program.

**RESOLUTION NO. 2015-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
APPROVING AN AMENDMENT TO THE CALIFORNIA ENTERPRISE  
DEVELOPMENT AUTHORITY (CEDA) JOINT POWERS AGREEMENT TO ADD  
THE CITY AS AN ASSOCIATE MEMBER THEREBY AUTHORIZING  
PROPERTIES WITHIN CITY LIMITS TO VOLUNTARILY PARTICIPATE IN THE  
FIGTREE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM**

**WHEREAS**, the City of Suisun City, California (the "City"), is a municipal corporation, duly organized and existing under the Constitution and the laws of the State of California; and

**WHEREAS**, the City, upon authorization of the City Council, may pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, commencing with Section 6500 (the "JPA Law") enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them; and

**WHEREAS**, the City and other public agencies wish to jointly participate in economic development financing programs for the benefit of businesses and nonprofit entities within their jurisdictions offered by membership in the California Enterprise Development Authority (the "Authority") pursuant to an associate membership agreement and Joint Exercise of Powers Agreement Relating to the California Enterprise Development Authority (the "Agreement"); and

**WHEREAS**, under the JPA Law and the Agreement, the Authority is a public entity separate and apart from the parties to the Agreement and the debts, liabilities and obligations of the Authority will not be the debts, liabilities or obligations of the City or the other members of the Authority; and

**WHEREAS**, the form of Associate Membership Agreement (the "Associate Membership Agreement"), as shown in Exhibit A, between the City and the Authority is attached; and

**WHEREAS**, the City is willing to become an Associate Member of the Authority subject to the provisions of the Associate Membership Agreement; and

**WHEREAS**, CEDA has adopted the Figtree Property Assessed Clean Energy (PACE) and Job Creation Program (the "Program" or "Figtree PACE"), to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements (the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29"), and the issuance of improvement bonds or other evidences of indebtedness (the "Bonds") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 et seq.) (the "1915 Act") upon the security of the unpaid contractual assessments; and

**WHEREAS**, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

**WHEREAS**, the Board of Supervisors (the "Board of Supervisors") of the County of Solano, a political subdivision of the State of California (the "County"), has adopted Figtree PACE pursuant to the Act; and

**WHEREAS**, the parameters of Figtree PACE are set forth in the Program Report and such Report has been prepared pursuant to Section 5898.22 of the Act and approved by the CEDA Board of Directors; and

**WHEREAS**, the City Council of the City of Suisun City (the "City Council") has reviewed the Report; and

**WHEREAS**, the City of Suisun City (the "City") desires to participate with the County in Figtree PACE, and provide for participation in Figtree PACE by property owners located within City limits; and

**WHEREAS**, pursuant to Chapter 29, the City authorizes CEDA to levy assessments, pursue remedies in the event of delinquencies, and issue bonds or other forms of indebtedness to finance the Improvements in connection with Figtree PACE; and

**WHEREAS**, to protect the City in connection with operation of the Figtree PACE, Figtree Energy Financing, the program administrator, has agreed to defend and indemnify the City; and

**WHEREAS**, the City will not be responsible for the levy of assessments, any required remedial action in the case of delinquencies, the issuance, sale or administration of the bonds or other indebtedness issued in connection with Figtree PACE.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City, hereby finds, determines and declares as follows:

**Section 1.** The City Council hereby specifically finds and declares that the actions authorized hereby constitute public affairs of the City. The City Council further finds that the statements, findings and determinations of the City set forth in the preambles above are true and correct.

**Section 2.** The Associate Membership Agreement presented to this meeting and on file with the City Clerk is hereby approved. The Mayor of the City, the City Manager, the City Clerk and other officials of the City are each hereby authorized and directed, for and on behalf of the City, to execute and deliver the Associate Membership Agreement in substantially said form, with such changes therein as such officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 3.** The officers and officials of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the Associate Membership Agreement. All such actions heretofore taken by such officers and officials are hereby confirmed, ratified and approved.

**Good Standing.** The City is a municipal corporation in good standing.

**Public Benefits.** On the date hereof, the City Council hereby finds and determines that the Program and issuance of Bonds by CEDA in connection with Figtree PACE will provide significant public benefits, including without limitation, savings in effective interest rates, bond preparation, bond underwriting and bond issuance costs and reductions in effective user charges levied by water and electricity providers within the boundaries of the City.

**Resolution of Intention.** The City Council ratifies the resolution adopted by the CEDA Board of Directors on \_\_\_\_\_, 20\_\_ declaring the Board's intention to order the implementation of a contractual assessment program to finance Improvements pursuant to the Act.

**Boundaries.** The City Council hereby approves the inclusion in Figtree PACE all of the properties in the incorporated area within the City, as same may be amended through annexation from time to time, the acquisition, construction and installation within City limits of the energy and water efficiency measures set forth in the Report upon the request and agreement of the affected property owner, and the assumption of jurisdiction thereof by CEDA for the aforesaid purposes. The adoption of this Resolution by this City Council constitutes the approval by the City to participate in Figtree PACE. This City Council further authorizes CEDA to set the terms of, and implement, Figtree PACE and take each and every action necessary or desirable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance of bonds, notes or other forms of indebtedness secured by such contractual assessments as authorized by Chapter 29.

**Appointment of CEDA.** The City hereby appoints CEDA as its representative to (i) record the assessment against the Participating Parcels, (ii) administer the District in accordance with the Improvement Act of 1915 (Chapter 29 Part 1 of Division 10 of the California Streets and Highways Code (commencing with Section 8500 et seq.) (the "Law"), (iii) prepare program guidelines for the operations of the Program and (iv) proceed with any claims, proceedings or legal actions as shall be necessary to collect past due assessments on the properties within the District in accordance with the Law and Section 6509.6 of the California Government Code. The City is not and will not be deemed to be an agent of Figtree or CEDA as a result of this Resolution.

**Program Report.** The City Council hereby acknowledges that pursuant to the requirements of Chapter 29, CEDA has prepared and will update from time to time the "Program Report" for Figtree PACE (the "Program Report") and associated documents, and CEDA will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

**Foreclosure.** The City Council hereby acknowledges that the Law permits foreclosure in the event that there is a default in the payment of assessments due on a property. The City Council hereby designates CEDA as its representative to proceed with collection and foreclosure of the liens on the defaulting properties within the District, including accelerated foreclosure pursuant to the Program Report.

**Indemnification.** The City Council acknowledges that Figtree has provided the City with an indemnification agreement, as shown in Exhibit B, for negligence or malfeasance of any type as a result of the acts or omissions of Figtree, its officers, employees, subcontractors and

agents. The City Council hereby authorizes the appropriate officials and staff of the City to execute and deliver the Indemnification Agreement to Figtree.

**City Contact Designation.** The appropriate officials and staff of the City are hereby authorized and directed to make applications for Figtree PACE available to all property owners who wish to finance Improvements. The following staff persons, together with any other staff designated by the City Manager from time to time, are hereby designated as the contact persons for CEDA in connection with Figtree PACE: Kathy Lawton, Housing Manager/Solano BayREN Representative, (707) 421-7332, Klawton@suisun.com. The City Clerk is directed to provide a certified copy of this Resolution to Figtree Energy Financing.

**CEQA.** The City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act ("CEQA"), because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

**Effective Date.** This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to Figtree Energy Financing.

**Costs.** Services related to the formation and administration of the assessment district will be provided by CEDA at no cost to the City.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on this 11<sup>th</sup> of August, 2015 by the following vote:

<b>AYES:</b>	Councilmembers:	_____
<b>NOES:</b>	Councilmembers:	_____
<b>ABSENT:</b>	Councilmembers:	_____
<b>ABSTAIN:</b>	Councilmembers:	_____

**WITNESS** my hand and the seal of said Agency this 11<sup>th</sup> of August, 2015.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

**ASSOCIATE MEMBERSHIP AGREEMENT**

**by and between the**

**CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY**

**and the**

**CITY OF SUISUN CITY, CALIFORNIA**

THIS ASSOCIATE MEMBERSHIP AGREEMENT (this "Associate Membership Agreement"), dated as of August 11, 2015 by and between CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (the "Authority") and the CITY OF SUISUN CITY, CALIFORNIA, a municipal corporation, duly organized and existing under the laws of the State of California (the "City");

**WITNESSETH:**

**WHEREAS**, the Cities of Selma, Lancaster and Eureka (individually, a "Member" and collectively, the "Members"), have entered into a Joint Powers Agreement, dated as of June 1, 2006 (the "Agreement"), establishing the Authority and prescribing its purposes and powers; and

**WHEREAS**, the Agreement designates the Executive Committee of the Board of Directors and the President of the California Association for Local Economic Development as the initial Board of Directors of the Authority; and

**WHEREAS**, the Authority has been formed for the purpose, among others, to assist for profit and nonprofit corporations and other entities to obtain financing for projects and purposes serving the public interest; and

**WHEREAS**, the Agreement permits any other local agency in the State of California to join the Authority as an associate member (an "Associate Member"); and

**WHEREAS**, the City desires to become an Associate Member of the Authority;

**WHEREAS**, City Council of the City has adopted a resolution approving the Associate Membership Agreement and the execution and delivery thereof;

**WHEREAS**, the Board of Directors of the Authority has determined that the City should become an Associate Member of the Authority;

**NOW, THEREFORE**, in consideration of the above premises and of the mutual promises herein contained, the Authority and the City do hereby agree as follows:

***Section 1. Associate Member Status.*** The City is hereby made an Associate Member of the Authority for all purposes of the Agreement and the Bylaws of the Authority, the provisions of which are hereby incorporated herein by reference. From and after the date of execution and delivery of this Associate Membership Agreement by the City and the Authority, the City shall be and remain an Associate Member of the Authority.

***Section 2. Restrictions and Rights of Associate Members.*** The City shall not have the right, as an Associate Member of the Authority, to vote on any action taken by the Board of Directors or by the Voting Members of the Authority. In addition, no officer, employee or representative of the City shall have any right to become an officer or director of the Authority by virtue of the City being an Associate Member of the Authority.

***Section 3. Effect of Prior Authority Actions.*** The City hereby agrees to be subject to and bound by all actions previously taken by the Members and the Board of Directors of the Authority to the same extent as the Members of the Authority are subject to and bound by such actions.

***Section 4. No Obligations of Associate Members.*** The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the City.

***Section 5. Execution of the Agreement.*** Execution of this Associate Membership Agreement and the Agreement shall satisfy the requirements of the Agreement and Article XII of the Bylaws of the Authority for participation by the City in all programs and other undertakings of the Authority.

IN WITNESS WHEREOF, the parties hereto have caused this Associate Membership Agreement to be executed and attested by their proper officers thereunto duly authorized, on the day and year first set forth above.

**CALIFORNIA ENTERPRISE  
DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Gurbax Sahota, Chair  
Board of Directors

Attest:

\_\_\_\_\_  
Michelle Stephens, Asst. Secretary

**CITY OF SUISUN CITY, CALIFORNIA**

By: \_\_\_\_\_  
Suzanne Bragdon, City Manager

Attest:

\_\_\_\_\_  
City Clerk

