



Meeting Date: 01/11/2011

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Other: City Council Business

Prepared By: Alan Holmberg, City Attorney Agenda Item No. N-2

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) \_\_\_\_\_

DATE: January 5, 2011

TO: City Council

FROM: Alan Holmberg, City Attorney [Signature]

SUBJECT: Review of Policies and Procedures Concerning City Council Business

**RECOMMENDATION**

- 1) That City Council, consider formation of an ad hoc committee of two Councilmembers to examine policies and procedures concerning the conduct of City Council business and to make recommendations to the City Council;
- 2) If such a committee is formed, that the Mayor, with the approval of City Council, appoint two Councilmembers to constitute the committee.

**DISCUSSION**

The City's Administrative Manual contains about one hundred policies and procedures governing City operations. Many of the policies and procedures are generated by the office of the City Manager and concern operations of City departments. A number of the policies in the Administrative Manual, particularly those set forth in section A, govern matters concerning the City Council's conduct of its business, relationships of Councilmembers to each other, to committees and to staff. The attached Resolution No. 13,126 is a City Council Resolution establishing rules and procedures for City Council meetings.

At its meeting of December 14, 2010, City Council briefly discussed policies and procedures concerning City Council business. Possible formation of a committee to review policies and procedures was discussed. Based upon the December 14, 2010 discussion, the City Attorney has prepared this report as the basis for discussion and action as Council deems appropriate.

An ad hoc committee is one which exists for a limited purpose and for a limited time period. Such committee may, but need not, follow Brown Act notice requirements. Should the committee determine to set up a regular meeting schedule and determine that it will require an extended period of time to complete its tasks, Brown Act notice procedures will be required.

Staff currently is reviewing the Administrative Manual to ensure that all copies are complete and up to date. As soon as this is accomplished staff will distribute the Manual to all councilmembers.

**FINANCIAL IMPACT**

There is no financial impact associated with the requested action.

Attachment #1 - Resolution No. 13,126

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,126

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF OXNARD ESTABLISHING RULES OF PROCEDURE  
FOR THE CONDUCT OF CITY COUNCIL MEETINGS

WHEREAS, Oxnard City Code Section 2-1(b) requires that the rules of procedure for the conduct of meetings of City Council shall be established by resolution; and

WHEREAS, City Council wishes to establish revised rules to govern the conduct of City Council meetings.

NOW, THEREFORE, the City Council of the City of Oxnard resolves as follows:

1. Open Meetings. All City Council meetings shall be open to the public except as otherwise provided by State law.
2. Regular Meetings. Unless otherwise approved by City Council action, City Council shall conduct regular meetings on the first four Tuesdays of every month beginning at 5:30 p.m.
3. Special Meetings. City Council may conduct special meetings in accordance with State law.
4. Agenda Content and Posting.
  - a. The agenda for each City Council meeting shall include a brief general description of each item to be discussed or acted upon by City Council.
  - b. The City Clerk shall post an agenda in a location freely accessible to the public at least 72 hours before a regular meeting and at least 24 hours before a special meeting.
5. Order of Business. Unless otherwise approved by City Council, at every meeting, the order of business shall be discussed and acted upon in substantially the following manner.

Roll call/posting of agenda  
Public comments on closed session items  
Closed session  
Opening ceremonies  
Ceremonial calendar  
Public comments on matters not on the agenda and within the subject matter  
Jurisdiction of City Council  
Review of information/consent agenda  
Public comments on information/consent form  
Information/consent agenda  
Public hearings to commence at 7:15 p.m.

City Manager's report  
City Council business/committee reports  
Reports  
Public comments on each report before City Council consideration  
Appointment items  
Public comments on study session items  
Study session  
Adjournment

6. Roll Call. Before proceeding with the business of City Council, the City Clerk shall enter in the minutes the names of all Councilmembers present.

7. Quorum. Three Councilmembers shall constitute a quorum for transaction of City Council business. When there is no quorum, any Councilmember shall adjourn such meeting or, if no Councilmember is present, the City Clerk shall adjourn the meeting.

8. Public Comments.

a. Public comments shall be received at several times during each meeting. Public comments on closed session items shall occur only immediately prior to City Council convening in closed session.

b. Public comments on information/consent agenda items shall occur only immediately prior to City Council considering the information/consent agenda.

c. Public comments on a report shall occur only after the staff presentation and immediately prior to City Council considering the report.

d. Public comments shall occur on a City Council Business item appearing on the agenda, after any staff presentation and prior to City Council acting on the item.

e. Public comments on a study session item shall occur immediately prior to City Council considering the study session item.

f. Unless otherwise approved by City Council action, public comments relating to the subject matter of discretionary public hearings or public hearings required by law, shall be presented only at the time of the conduct of the hearing.

g. At every meeting, public comments on matters not on the agenda and within the subject matter jurisdiction of City Council shall occur immediately following the conclusion of the ceremonial calendar for a period of time not to exceed 30 minutes. If the time required to complete public comments exceeds 30 minutes, any public comments thereafter shall occur immediately prior to the adjournment of the meeting.

h. Unless additional time is granted by the presiding officer, each person shall limit any public comments to three minutes.

i. If during public comments, a person expresses a concern regarding City Council staff or service, City Council may refer the nature of the concern to staff for investigation, resolution or a report.

9. Information/Consent Agenda.

a. The information/consent agenda shall consist of routine items for which staff contemplates no discussion by City Council. Information/consent agenda items shall be supported by such written reports and information as the City Manager deems necessary to apprise City Council of the action required and to enable City Council to make a decision in the best interests of the City.

b. An information/consent agenda item may be removed for discussion at the request of a Councilmember. A removed information/consent agenda item will be considered after City Council acts upon the remainder of the information/consent agenda.

10. Appointment Items. The City Council may schedule items for a specific time to accommodate presentations on selected matters.

11. Special Presentations. Special presentations may be conducted at any City Council meeting at City Council's discretion.

12. Public Hearings.

a. Public hearings are scheduled to comply with State law or at the discretion of City Council to discuss a matter of special community interest.

b. Unless otherwise approved by the City Council, public hearings shall be scheduled to commence at 7:15 p.m.

c. Any person directly involved in the subject matter of a public hearing, such as an applicant, developer, representative of affected homeowners association, property owner or neighborhood council may speak for any length of time at the discretion of the presiding officer.

13. Reports. A report shall consist of an item contemplated by staff to require a written or oral report and on which the City Council will discuss and deliberate on a course of action, including an item appearing on the agenda under City Manager's Report.

14. Study Session.

a. City Council may conduct a study session on subjects and issues as appropriate at any meeting.

b. Such a study session shall be open to the public and shall be devoted to the gathering of information preliminary to consideration of the subject matter at a future regular or special meeting, or for City Council to discuss various issues and programs with the City Manager and staff. City Council shall not formally act upon any matter during a study session.

15. Presiding Officer.

a. The Mayor or in the Mayor's absence, the Mayor Pro Tempore, or a temporary presiding officer in appropriate circumstances, shall be the presiding officer of City Council.

b. In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the City Council to order. The temporary presiding officer shall be the Councilmember present with the greatest length of service on City Council. Upon the arrival of the Mayor or the Mayor Pro Tempore, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before City Council.

c. The presiding officer shall assume the chair at the hour appointed for the meeting and shall call City Council to order.

d. The presiding officer shall preserve strict order and decorum at all City Council meetings, state questions before City Council, and announce City Council's decision on all matters.

e. The presiding officer shall decide all questions of order, subject however, to an appeal by any Councilmember to City Council as a whole, in which event a majority vote of City Council shall govern and conclusively determine questions of order.

f. Unless prohibited by State law, the presiding officer shall vote on all questions before City Council.

g. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all Councilmembers by this resolution.

h. The presiding officer shall not be deprived of any of the rights or privileges of a Councilmember by reason of acting as presiding officer.

16. Rules of Order. Except as otherwise provided in this resolution, the latest revised edition of "Robert's Rules of Order" shall govern the conduct of the meetings of City Council.

17. Addressing City Council.

a. A person wishing to address City Council may be requested to present a speaker card to the City Clerk or the City Clerk's representative. However, a person may address the City Council without completing a speaker's card and without stating his/her name and address.

b. Each person addressing City Council may be requested to state his/her name and address in an audible tone of voice for the record.

c. A person wishing to address City Council shall first be recognized by the presiding officer.

d. Each person shall address all remarks to City Council as a body and not to any member thereof. No person, other than a Councilmember and the person having the floor, shall be permitted to enter into any discussion without recognition by the presiding officer.

e. Whenever any group of persons wishes to address City Council on the same subject matter, the presiding officer may require that a spokesperson be chosen by the group. The presiding officer may limit the number of persons so addressing City Council so as to avoid repetitious remarks.

18. Rules of Debate.

a. Every Councilmember desiring to speak shall address the presiding officer and upon recognition by the presiding officer shall confine any comments to the matter under consideration.

b. A Councilmember once recognized shall not be interrupted when speaking unless called to order or as herein otherwise provided. If a Councilmember, while speaking, is called to order, the Councilmember shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

19. Silence Constitutes Affirmative Vote. Unless a Councilmember states an intention not to vote, the City Clerk shall record silence as an affirmative vote.

20. Motion to Reconsider.

a. A motion to reconsider any action taken by City Council at a regular or special meeting may be made only at the meeting such action was taken. The motion to reconsider may be made either immediately during the same meeting or at a recessed or adjourned meeting thereof.

b. A motion to reconsider must be made by a person on the prevailing side but may be seconded by any Councilmember and may be made at any time and have precedence over all other motions or while a Councilmember has the floor.

c. A motion to reconsider shall be debatable.

d. If the motion to reconsider passes and the original motion then fails, nothing herein shall be construed to prevent any Councilmember from remaking the motion which was the subject of the motion to reconsider at a subsequent meeting of City Council.

21. Inclusion of Item on Future Agenda.

a. Any Councilmember may direct the City Manager to include an item on City Council Business, for discussion only, at a future City Council meeting.

b. At the future City Council meeting, City Council will discuss and determine, by majority vote, whether the item should be included on a future City Council meeting for consideration with the accompanying appropriate research and agenda report prepared by the City Manager and staff.

22. Decorum.

a. While City Council is in session, Councilmembers shall preserve order and decorum, and no Councilmember shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of City Council nor disturb any other Councilmember or refuse to obey the orders of City Council or the presiding officer except as otherwise herein provided.

b. A member of the public shall not engage in conduct that disrupts, disturbs or impedes the orderly conduct of a City Council meeting during any portion of a City Council meeting, including during public comments or comments about items on the agenda. The prohibited conduct may include making loud, threatening, abusive, personal, impertinent or profane remarks that disrupt, disturb or impede the meeting. At the discretion of the presiding officer or a majority of the Councilmembers present, a person engaging in such conduct may be

ordered to be silent, barred from further communication with City Council during that meeting, ejected from the meeting or arrested.

c. The Chief of Police shall be *ex officio sergeant-at-arms of City Council*. The Chief of Police shall carry out all orders and instructions given by the presiding officer or a majority of City Council for the purpose of maintaining order and decorum during the meeting.

23. Approaching City Council. No person except City officials, their representatives and representatives of news-gathering agencies shall be permitted to approach City Council without the consent of a majority of City Council.

24. Roll Call Vote.

a. City Council shall take a roll call vote upon the adoption of all ordinances and resolutions and upon the passage of orders for the payment of money. Such roll call vote shall be entered in the minutes of City Council showing those Councilmembers voting aye, those voting no and those not voting or absent.

b. Upon request of any Councilmember, a roll call vote shall be taken and recorded on any vote. Whenever a recorded roll call vote of City Council is in order, the City Clerk shall call the names of the Councilmembers, alternating the order.

25. Minutes.

a. The minutes of City Council meetings shall be prepared by the City Clerk and shall be maintained in a book as a record of each particular type of business transacted. The City Clerk shall be required to make a record only of such business as was actually passed upon by a vote of City Council and shall not be required to record any remarks of Councilmembers or of any other person except at the special request of a Councilmember.

b. The City Clerk shall record the name of any person addressing City Council or submitting a written speaker card.

c. As soon as possible after each City Council meeting, the City Clerk shall cause a copy of the minutes thereof to be forwarded to each Councilmember and the City Manager.

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

e. Any Councilmember, upon request, shall have entered in the minutes the right to have personal reasons for support for, dissent from, or protest against, any action of City Council.

- 26. Repealed Resolution. Resolution No. 12,071 is hereby repealed.
- 27. Effective Date. This resolution shall be effective on June 13, 2006.

PASSED AND ADOPTED this 13<sup>th</sup> day of June 2006, by the following vote:

AYES: Councilmembers Herrera, Holden, Maulhardt, Zaragoza and Flynn.

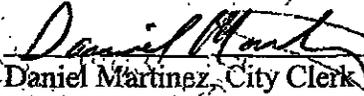
NOES: None.

ABSENT: None.



Dr. Thomas E. Holden, Mayor

ATTEST

  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
Gary L. Gillig, City Attorney

