

CITY OF MORGAN HILL CITY COUNCIL POLICIES AND PROCEDURES

CP-97-01

SUBJECT: RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

DATE: May 7, 1997 (Revised January 21, 1998; April 1, 1998; April 26, 2000; November 7, 2001; October 16, 2002), REVIEWED JUNE 27, 2007

SECTION 1. SCOPE

- 1.1 These rules shall establish the procedures for the conduct of all meetings of the City Council of the City of Morgan Hill. The purpose of these rules are to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all members of the City Council and contribute to the orderly conduct of City business.

SECTION 2. MEETINGS

- 2.1 Open to Public. All meetings of the City Council, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by Law.
- 2.2 Regular Meetings. The City Council shall conduct its regular meetings at the time and place established by ordinance or resolution if specified in the ordinance. Regular meetings shall not continue beyond the hour of 11:00 p.m. unless extended by a majority vote of the City Council pursuant to Section 5.3 of this policy.
- 2.3 Special Meetings. A special meeting may be called at any time by the Mayor or Presiding Officer of the City Council or by three members of the City Council. Written notice of any such meeting must specify the purpose of the meeting and be signed by the Mayor or members making the call. Notice of the meeting must be made in accordance with the Law.
- 2.4 Closed Sessions. The City Council may hold closed sessions during a regular or special meeting, or at any time authorized by Law, to consider or hear any matter which is authorized by law.
- 2.5 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Council members appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any member, or in the absence of all members, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, matters requiring the expenditure of City funds must receive three

affirmative votes for approval.

- 2.6 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment and permitted by Law.

SECTION 3. POSTING NOTICE AND AGENDA

- 3.1 Posting of Notice and Agenda. For every regular or special meeting, the City Clerk or other authorized person, shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document.
- 3.2 Location of Posting. The notice and agenda shall be posted in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted material.
- 3.3 Posting for Regular Meetings. For any regular meeting of the City Council, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.
- 3.4 Posting for Special Meetings. For any special meetings of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time for the meeting.

SECTION 4. AGENDA CONTENTS

- 4.1 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth as clearly as practical a description of the item and the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.
- 4.2 Availability of the Agenda to the Public. The agenda for any regular or special meeting shall be made available to the general public as soon as it is practical after delivery to the members of the City Council.
- 4.3 Limitation to Act on Only Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:
- A. Upon a majority determination that an "emergency situation" (as defined by State Law) exists; and
 - B. Upon a determination by a 4/5 vote of the City Council that there is a need to take immediate action and that the need to take the action came to the attention of City

officials subsequent to posting of the agenda.

SECTION 5. ORDER OF BUSINESS

5.1 The order of business at meetings of the City Council shall be as follows:

- A. CALL TO ORDER
- B. ROLL CALL ATTENDANCE
- C. DECLARATION OF POSTING OF AGENDA
- D. WORKSHOP (5:00-6:00 p.m., or as deemed appropriate)
- E. CLOSED SESSION (6:00-7:00 p.m., or as deemed appropriate)
Closed Sessions of the City Council can only be held for matters specifically authorized by Law. At times, Closed Sessions may have to be held in an order different than presented due to the timeliness of the matter, to save the City money when an outside attorney has been retained or due to the need for extra time to discuss and deliberate an important closed session item. Closed session items may be continued to the conclusion of the agenda.

Closed sessions, as part of the Redevelopment Agency (RDA) meetings (fourth Wednesdays of the month), will be held at the conclusion of the RDA business meeting.
- F. SILENT INVOCATION
- G. PLEDGE OF ALLEGIANCE
- H. PROCLAMATIONS/RECOGNITIONS
- I. CITY COUNCIL REPORTS
These are updates on activities of individual members of the Council and are non-action items
- J. CITY MANAGER REPORTS
These are updates on current City activities, reports on issues raised at previous Council meetings or special recognitions. These are non-action items.
- K. CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY REPORT
These are updates on reportable actions of the City Council in Closed Sessions and/or current litigation.

L. OTHER REPORTS

These are items that may include the Financial Report or Special Report from a City operating department.

M. PUBLIC COMMENT

This item refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the City Council. Since the matter is not one on the agenda, no action by Council can be taken. If a member of Council so desires, the matter can be placed on the agenda of a future Council meeting for review and consideration.

N. CONSENT CALENDAR

These are items of a routine or generally uncontested nature. Any member of the Council or member of the public may request to have an item pulled from the Consent Calendar and acted on individually by the Council. Items pulled will be discussed after action is taken on the balance of the Consent Calendar and before moving on to public hearings.

O. LEGALLY NOTICED PUBLIC HEARINGS

These matters are ones that are duly noticed and published in a newspaper of general circulation and, where required by Law, written notice is given to the affected residents who have the opportunity to speak in favor or against a matter or ask questions about the matter.

P. INTRODUCTION OF ORDINANCES

These are matters requiring the introduction, or "first reading" of an ordinance of the City Council of the City of Morgan Hill.

Q. OTHER BUSINESS

These are other matters of City business which are not appropriately placed on the consent calendar requiring Council action and direction.

R. ROLL CALL VOTES

These matters are ordinances previously introduced and require "second reading" and adoption.

Q. CLOSED SESSION

Continued closed session for matters not concluded earlier in the evening.

T. FUTURE CITY COUNCIL AGENDA ITEMS

These are items which members of the City Council wish to have placed on future agendas.

U. ADJOURNMENT

5.2 Change in Order of Business. The Mayor or Presiding Officer may decide to take matters listed on the agenda out of the prescribed order unless a majority of members present object to this variation.

5.3 Review Status of Agenda at 11:00 p.m. If, at the hour of 11:00 p.m., the City Council has not concluded its business, it shall review the status of the agenda and determine by majority vote whether to extend the meeting beyond the hour of 11:00 p.m., continue any remaining items, or adjourn the meeting to another date and time.

SECTION 6. PUBLIC COMMENT

6.1. Public Comment. Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda identified for public comment.

6.2. Limitations. The public comment period shall be 3 minutes for items on the agenda or items not listed on the agenda. The Mayor or Presiding Officer may allow more time unless a majority of the City Council objects.

6.3 Procedure

A. To address the City Council, each speaker is requested to fill out a Speaker Request Card before discussion on the agenda item begins. The card shall contain the name and city of residence of the speaker, the subject or subjects upon which the speaker wishes to address the City Council and shall be signed by the speaker. The card should be turned in to the City Clerk before the item is heard by the City Council. The City Clerk will provide the card to the Mayor or Presiding Officer.

B. Upon addressing the City Council, each speaker is required to first state his or her name and city of residence.

SECTION 7. PROCEDURES FOR THE CONDUCT OF MEETINGS

7.1 Role of the Mayor/Presiding Of Officer

- A. The Presiding Officer of the City Council, who shall be the Mayor or in the Mayor's absence shall be the Mayor Pro Tempore, or in their absence any other designated member of the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Council Members and between the Council, staff and public.

- B. Communication with Council Members
 - 1. Council Members should request the floor from the Presiding Officer before speaking.
 - 2. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.
 - 3. With the concurrence of the Mayor, a Council Member holding the floor may address a question to another Council Member. The Council Member being questioned may or may not respond while the floor is still held by the Council Member asking the question. The reply shall be limited to the question asked.

- C. Communication with Members of the Public Addressing the Council
 - 1. The Mayor or Presiding Officer shall open the floor for public testimony as appropriate.
 - 2. Council Members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Council Member permission to directly question the person.
 - 3. Staff members, through the City Manager, shall be a resource to the City Council to answer questions arising during discussions between Council Members and between Council Members and members of the public. Communications in this regard shall be through the Presiding Officer.

4. Members of the public shall direct their questions and comments through the Presiding Officer.

7.2 Rules of Order. The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to The Standard Code of Parliamentary Procedure by Alice Sturgis (McGraw Hill) as a guide for the conduct of meetings. The Sturgis guideline regarding not requiring seconds for governmental bodies' motions, resolutions or ordinances is not adopted as the rule in the City. The Mayor or Presiding Officer has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council members present.

7.3 Motions. The Mayor or any member of the City Council may bring a matter of business on the agenda before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full debate offering the first opportunity to debate to the moving party and, thereafter, to any Council Member recognized by the Mayor or Presiding Of Officer. Debate shall be closed upon consent of a majority of the Council.

7.4 Reconsideration. Immediately after a vote on a matter, any member of the City Council may request to have his/her vote changed on a matter before the Council moves on to the next item. Such a request will be granted by the Mayor or Presiding Officer unless a majority of the Council objects.

A matter may be reconsidered by the City Council if a member on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Council, however, nothing in this policy precludes the majority of members of the City Council from requesting reconsideration of any item.

7.5 Debate.

- A. The discussions and deliberations at meetings of the City Council are to secure the mature judgement of Council members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

- B. Obtaining the Floor for Debate.

As soon as a debatable motion has been stated to the Council by the Mayor or Presiding Officer, any member of the Council has a right to discuss it after obtaining

the floor. The member obtains the floor by seeking recognition from the Mayor or Presiding Officer. A member who has been recognized is entitled to be heard so long as he/she observes the rules of debate.

C. Speaking More Than Once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council member has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor or Presiding Officer may recognize the member who has already spoken.

D. Relevancy of Debate.

All discussion must be relevant to the motion before the City Council. A member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. The Mayor or Presiding Officer should then direct the speaker to limit discussion to the question before the City Council.

A motion-its nature or consequences-may be attacked vigorously. But, it is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor or Presiding Officer instantly to stop any member who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must discuss measures and ideas, not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Mayor or Presiding Officer and must never be directed to any individual.

E. Mayor's Duties During Debate.

The Mayor or Presiding Officer has the responsibility of controlling and expediting debate. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor or Presiding Officer to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

SECTION 8. ITEMS TO BE PLACED ON THE AGENDA

- 8.1 Council Members. Any member of the City Council may request to have any matter that can be legally agendized to be placed on the agenda of the City Council by requesting same of the City Manager or his/her designee at least 8 working days before the next City Council meeting. Any background materials or information relating to the matter should be provided to the City Clerk for distribution to the City Council as part of the agenda packets for the meeting. The only limitation on placement of items on the agenda is as noted in Section 7.4.

Members of the Council may also place items on the agenda by indicating their desire to do so under that portion of the City Council agenda designated, "Future City Council Agenda Items."

- 8.2 City Manager. The City Manager shall indicate on each agenda of the City Council those items being considered for placement on future meetings of the City Council. The City Council may determine to hold over any matter from a future agenda.

The City Manager may hold over an item for a future agenda if he/she determines that the matter is incomplete based upon subsequent information.

SECTION 9. DECORUM

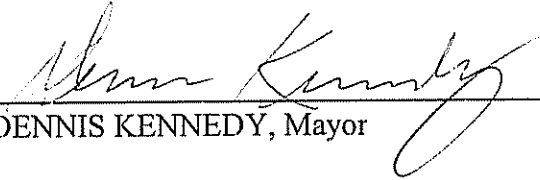
- 9.1 Council Members. Members of the City Council value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council.
- 9.2 City Employees. Members of City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.
- 9.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.
- 9.4 Noise in the Chambers. Noise emanating from the audience within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted.
- 9.5 Sergeant-at-Arms. The Chief of Police shall be ex-officio Sergeant-at-Arms of the City Council.

SECTION 10. VIOLATIONS OF PROCEDURES

Nothing in these policies and procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This Policy Shall remain in effect until modified by the City Council.

APPROVED:



DENNIS KENNEDY, Mayor