Councilmembers' Handbook

Prepared by the City Clerk's Department

City of Santa Cruz

Revised 2005

Councilmembers' Handbook

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Rules of Procedure for Conduct of City Council Business

Quorum

Four members of the City Council constitute a quorum to do business, but less than that number may adjourn from time to time. When there is no quorum, the Mayor, Vice Mayor, or any other Councilmember shall adjourn the meeting. If no Councilmember is present, the City Clerk shall adjourn the meeting.

Agenda

All written petitions, communications, and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a regular or adjourned regular meeting should be delivered to the City Clerk no later than the time established by current administrative policy. The Mayor, in consultation with the City Manager, City Clerk, and department heads will establish the agenda and the order of the agenda. The City Clerk shall compile the agenda, listing all matters to be considered by the Council according to the order of business, numbering each item consecutively. A copy of the agenda, complete with all accompanying staff reports and other background materials, shall be delivered to each Councilmember, the City Attorney, City Manager, Assistant City Manager, and the press, so as to be available to the recipient no later than the Friday preceding the Council Meeting. The agenda only, without the supporting material, is available to the public in the City Clerk's Department on the Friday afternoon preceding the Council Meeting and in the Council Chambers during each meeting.

Generally, only those matters listed on the agenda shall be finally acted upon by Council. However, if a matter is deemed by any Councilmember, the City Manager, City Clerk, or City Attorney to be urgent, it may, in accordance with the Brown Act, be added to the agenda and acted upon by the City Council if an explanation of the urgency is stated in open Council Meeting and a majority, or super majority, depending upon the applicable provisions of the Brown Act, of the Council consents to hear it.

Order of Business

The business of the Council at regularly scheduled meetings shall be disposed of in the following order:

3:00 p.m. Session:
- Roll Call
- Pledge of Allegiance
- Additions and Deletions
- Consent Agenda
- Council and Administrative Business (routine matters)

Recess

7:00 p.m. Session:
- Roll Call
- Oral Communications
- City Council and Administrative Business
- Ordinances for Introduction and Publication
- Ordinances for Final Adoption
- Public Hearings
- Adjournment

Whenever reasonably necessary to expedite the business of the meeting, the presiding officer may alter the order of business.

Special Meetings Procedures

The Mayor will set the order of business for special meetings. Oral communications are not required during special meetings. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

Decorum in Council Meetings

Requirements

While the Council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent, or slanderous remarks, or becoming boisterous shall be barred by the presiding officer from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the Council.

Every member of the public and every Councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate.

(1) We may disagree, but we will be respectful of one another
(2) All comments will be directed to the issue at hand
(3) Personal attacks should be avoided

Enforcement

The chief of police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The police chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the Council Chambers.

Upon instructions of the presiding officer it shall be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who uses boisterous or profane language, or language tending to bring the Council or any Councilmember into contempt, or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the presiding officer or otherwise disrupts the proceedings of the Council.

Duties of Presiding Officer

The Mayor (or in the Mayor's absence, the Vice Mayor) shall be the presiding officer of the Council. In the absence of the Mayor and the Vice Mayor, the City Clerk or Deputy City Clerk shall call the Council Meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Vice Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. The presiding officer's name shall be called last on any question in voting.

Approval of Minutes

The minutes of the preceding Council Meeting may be approved without reading, provided that the City Clerk has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.

Correction of Minutes

When a Councilmember wishes to correct the minutes, he/she should contact the City Clerk in advance of the meeting with the correction. The City Clerk will then verify the correction by listening to the tape. Upon verification of an error in the minutes, the City Clerk will provide the corrections to the Council in advance of the meeting. If time constraints prevent this procedure, the Council should continue the approval of the minutes to the next meeting, and direct the City Clerk to verify the error.

Rules of Debate

Presiding Officer

The presiding officer may debate and may second motions, but may not make a motion. The presiding officer is subject to the limitations of debate that are imposed on all Councilmembers and, except for making motions, shall not be deprived of any of the rights and privileges of a Councilmember.

Councilmember

Every Councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate. A Councilmember, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g. for a point of order, parliamentary inquiry, question of privilege or appeal of presiding officer's procedural ruling).

(1) We may disagree, but we will be respectful of one another
(2) All comments will be directed to the issue at hand
(3) Personal attacks should be avoided

Motion to Reconsider

A motion to reconsider any action taken by the Council may be made only on the same day that the action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session on the same day. It may be made only by a Councilmember who had voted in the majority on the item which is the subject of reconsideration. This motion is debatable.

Motion to Rescind

A Council action may not be rescinded on the same day the action was taken, but may be rescinded at any subsequent meeting of the Council. Action taken pursuant to resolution may only be rescinded by resolution. Actions taken by motion may be rescinded by motion. A motion to rescind is debatable.

Generally, a request to rescind a prior action of the Council, not already agendized for that meeting, will not be acted upon at the same meeting at which the request is presented but will be continued to the next meeting to permit notification of interested persons.

Addressing Council from Floor

Securing Permission To Speak

Any persons desiring to address the Council shall follow the procedures specified in the agenda and shall first secure permission from the presiding officer. Remarks should be directed to the matter being considered.

Individuals

Persons addressing the Council should give their name in an audible tone of voice for the record and sign on the sign-up sheet provided for that purpose. Unless further time is granted by the presiding officer, the time limit shall be as stated in the agenda and/or as directed by the presiding officer. All remarks shall be addressed to the Council as a whole and not to any individual member. Without the permission of the presiding officer only Councilmembers and the person addressing the Council shall be permitted to enter into any discussion.

Unless they are principally involved with the item under discussion, any member(s) of the public who pull(s) more than one Consent item, or wish to comment on more than one pulled Consent item will be limited to a TOTAL of 5 minutes, in one single comment period, for comment on ALL of the items on which they wish to comment.

Furthermore, any member(s) of the public wishing to speak on multiple Administrative Business items may speak for three minutes on one item of his/her choosing, afterward, the comment period will be for one minute on each additional item.

Each Councilmember may recognize a member or members of the public for additional time or move additional time for public discussion.

Spokesperson for Group Presentations

Organized groups that wish to make a presentation longer than the time allowed for in the agenda should contact the City Clerk prior to the meeting.

Oral Communications

ORAL COMMUNICATIONS: A MAXIMUM OF 30 MINUTES WILL BE SET ASIDE FOR MEMBERS OF THE PUBLIC TO ADDRESS COUNCIL ON ANY ITEM NOT ON THE AGENDA.

- Presentations will be limited to THREE MINUTES.
- Preference will be given to individuals who did not speak at the previous Council meeting's Oral Communications.
- Individuals may not speak more than once during Oral Communications.
- All speakers must address the entire Council and will not be permitted to engage in dialogue.

SPEAKERS ARE REQUESTED TO SIGN THE SHEET PLACED NEAR THE SPEAKER'S STAND SO THAT THEIR NAMES MAY BE ACCURATELY RECORDED IN THE MINUTES OF THE MEETING.

Time limits may be increased or decreased at the Mayor's discretion, subject to the approval of the City Council.

Generally, matters presented as oral communications which require further investigation or information shall be referred to staff, and if Council determines that action is required, the item may be placed on a future agenda.

Public Hearings

Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration.

For land use application public hearings, the applicant presentation shall be limited to 20 minutes, maximum; all other individuals shall be limited to 5 minutes, maximum.

For appeals public hearings, the appellant shall be limited to 20 minutes, maximum; all other individuals shall be limited to 5 minutes, maximum.

Addressing the Council After Motion Made

After a motion is made by the Council, no person shall address the Council except upon the request of a member of the Council through the presiding officer.

PREPARATION OF THE MINUTES

Method of Keeping Minutes

The minutes of the Council shall be kept by the City Clerk and shall be recorded in a file kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings. The City Clerk shall be required to make a record only of such business as was actually passed upon by a vote of the Council and shall not be required to make a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks related and whether they spoke in support of or in opposition to such matter.

Remarks of Councilmembers Entered in Minutes

A Councilmember may request, through the presiding officer, the privilege of having an abstract of that member's statements on any subject under consideration by the Council entered in the minutes. If the Council consents, such statements shall be entered in the minutes.

Synopsis of Debate Entered in Minutes

The Clerk may be directed by the presiding officer, with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

Delivery of Minutes

As soon as possible after each Council Meeting, the City Clerk shall cause a copy of the minutes to be forwarded to each Councilmember, the City Manager, and department heads, typically delivered with the agenda packet for the next regular meeting.

PROCESSING COUNCIL MAIL

The Mayor (or designee) is authorized to receive and review all mail generally addressed to the City Council. All correspondence not requiring Council action will be acted upon between Council Meetings and referred to staff if appropriate. Action taken on these communications will later be reported to the City Council.

SPECIAL COMMITTEES

Subject to approval of the Council, the Mayor may appoint special committees of the Councilmembers, private citizens, or both, as deemed desirable and necessary to assist and advise the City Council in its work.

PREPARATION AND STAFF APPROVAL OF ORDINANCES, RESOLUTIONS, AND CONTRACT DOCUMENTS

All ordinances, except those initiated by the voters of the City under the provisions of Article VII, Section 706 of the City Charter, shall be prepared or reviewed by the City Attorney. Ordinances shall be prepared for presentation to the City Council only if ordered by a majority vote of the City Council, requested in writing by the City Manager, or prepared on the City Attorney's own initiative. As time allows, the City Attorney may assist individual Councilmembers in preparation of ordinances for future Council consideration.

Ordinances (except ordinances initiated by the voters of the City under provisions of Article VII, Section 706 of the City Charter), resolutions and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution or contract shall also be examined for administration by the City Manager, the head of the affected department, or an authorized representative of the City Manager.

COUNCIL ACTION

Any vote of the Council may be by voice vote. A roll call vote will be taken if any member of the Council requests it, either prior or subsequent to any vote.

Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded and until the motion has been restated by the presiding officer or the City Clerk. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. Ordinances and resolutions may be introduced and passed by reading the title only; they shall be read in full only when requested by a majority of the Council.

Disqualifications

Section 607 of the City Charter states that "...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made."

The Political Reform Act of 1974, Section 87100 states that "no public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that no person shall make or participate in a governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.

The City Attorney is available to help Councilmembers decide if they should declare a disqualification on any issue. There may be instances where financial conflict of interest is not the issue, and again, the City Attorney will provide guidance in determining whether a Councilmember should disqualify him/herself from acting on the item. In these instances Councilmembers should use the phrase, "...to avoid the appearance of impropriety."

Vote Required

a) Ordinances and Resolutions

Legislative action shall be taken by the Council only by means of an ordinance or resolution. Except where a greater number of votes is required by statute or Charter, any ordinance or resolution introduced or passed must receive the affirmative votes of at least four (4) members of the Council.

b) Minute Orders

Administrative matters may be acted upon by minute order. These actions, may be taken by motion and, unless subject to Charter, statutory or Constitutional requirements, shall be deemed passed upon receiving a majority vote of all Councilmembers present.

Tie Vote

If a tie vote should occur on an appeal to the Council of an administrative decision, or on any matter before the Council, the tie vote shall be resolved as follows:

a) Disqualification

A tie vote resulting from a disqualification of one or more Councilmembers, with no Councilmembers absent and no vacancies on the Council, shall constitute a denial of the appeal, or a defeat of the motion.

b) Absence

A tie vote during the absence of one or more Councilmembers, or when there is a vacancy on the Council shall cause the item to be automatically continued (typically to the next meeting); except that as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Votes

A tie vote at the next meeting on a matter which has been continued as a result of a tie vote, constitutes a denial of the appeal or defeat of the motion.

Motion to Table

A motion to table may be made to suspend City Council consideration of an item that appears on a City Council meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another Councilmember has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Councilmembers will refrain from using a motion to table as a means of capriciously limiting debate among Councilmembers, to suppress a minority of the Council, or to avoid public input on an agenda item under consideration by the Council. (Resolution No. NS-23,109)