

POLICY TITLE: PROCEDURAL RULES FOR MOTIONS AND DEBATE

POLICY STATEMENT:

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 arrival of the Mayor or the Vice Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the item of business then pending 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 in accordance with these procedural rules for motions and debate. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. Any Councilmember, with the exception of the presiding officer, may move to appeal a decision of the presiding officer. If the appeal motion is seconded by another Councilmember, the Council shall vote on the appeal. If the appeal motion is not seconded, the presiding officer's decision shall stand. The presiding officer's name shall be called last on any question in voting.

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.

Debate: 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 rules of civil debate herein stated. A Councilmember, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g. for a point of order, parliamentary inquiry, or appeal of the presiding officer's procedural ruling). In addressing the issue under consideration, a Councilmember shall be guided by the following principles:

- (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 shall be avoided.

Point of Order

Any Councilmember, with the exception of the presiding officer, may call for a point of order to bring to the attention of the City Council a violation of these rules, an omission, a mistake, or an error in procedure, and to secure a ruling from the presiding officer on the question raised. The point of order shall be raised immediately after the violation, omission, mistake or error in procedure has been committed. A Councilmember who wishes to call for a point of order may interrupt a Councilmember who has the floor at the time but shall not explain the basis for his or her point of order until subsequently recognized by the presiding officer. The presiding officer, in his or her discretion, may allow the Councilmember who was interrupted to conclude his or her remarks before ruling on the point of order. A point of order is not debatable; however, the presiding officer may consult the City Attorney or City Manager before ruling on the point of order.

Regular Motion

Any Councilmember, with the exception of the presiding officer, may make a regular motion. A regular motion is debatable.

Motion to Amend/Substitute Motion

Any Councilmember, with the exception of the presiding officer, may make a motion to amend a regular motion or a motion to substitute a new motion for a regular motion. A motion to amend and a substitute motion are both debatable. If the nature of the motion is in question, the presiding officer shall decide whether the motion is a motion to amend (which seeks to retain but modify a regular motion) or a substitute motion (which seeks to replace a regular motion with a new and different motion). If the motion to amend or substitute motion is seconded, the Council shall first vote on whether to accept the motion. If the Council votes to accept the motion, the Council shall then vote on the amended motion or substitute motion. If the Council votes not to accept the motion, the Council shall then vote on the original motion.

Friendly Amendment

Any Councilmember including the presiding officer may ask the moving Councilmember to authorize a friendly amendment to a motion on the floor. If acceptable to both the moving Councilmember and seconding Councilmember, the motion shall thereafter proceed as amended. If not acceptable to the moving Councilmember or seconding Councilmember, the Councilmember who requested the friendly amendment may thereafter make a motion to amend. The presiding officer shall decide whether or not to allow debate or limit debate on a proposed friendly amendment.

Request/Motion to Divide the Question

The presiding officer may, in his or her discretion, divide the motion into multiple questions after a motion has been made and seconded. Any Councilmember may request that the presiding

officer divide the motion into multiple questions after a motion has been made and seconded. If, upon request, the presiding officer declines to divide the question, any Councilmember may make a motion to divide the question. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to divide the question. When dividing the question, the presiding officer or the requesting or moving Councilmember shall clearly state each question to be the subject of a separate City Council vote.

Motion to Table

Any Councilmember, with the exception of the presiding officer, may make a motion to table. If adopted, the motion requires that all discussion of the item under consideration at the time of the motion be halted immediately without further discussion. The motion may or may not include a specific time at which the Council will resume consideration of the item. However, a motion which does not include a specific resumption time shall not be construed as precluding the Council's ability to resume consideration of the item at any future City Council meeting. A motion to table is not debatable.

Motion to Limit Consideration

Any Councilmember, with the exception of the presiding officer, may make a motion to limit consideration (public comment and/or Council debate) on an item to a specific period of time. The motion shall specify the period of time to which consideration shall be limited. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to limit debate. The presiding officer, in the interest of accomplishing the Council's business in a reasonably timely manner, may assign time limits to agenda items prior to or during the Council's consideration of those agenda items.

Motion to Call the Question

Any Councilmember, with the exception of the presiding officer, may make a motion to call the question. If adopted, the motion requires that all discussion of the item under consideration be halted immediately without further discussion and that the item be immediately put to a vote of the Council. A motion to call the question is not debatable.

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. The motion may be made either immediately during the same session, or at a recessed or adjourned session on the same day. With the exception of the presiding officer, the motion may be made only by a Councilmember who previously voted in the majority on the item which is the subject of reconsideration. A motion to reconsider is debatable.

Motion to Rescind

Any Councilmember, with the exception of the presiding officer, may make a motion to rescind a prior Council action. 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. Except in the case of an emergency or where the Council makes the necessary findings and adds the item to the agenda as a late item in accordance with Brown Act requirements, a request to rescind a prior action of the Council, not already agendaized 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. Nothing in this rule shall be construed as limiting the authority of the Council from again considering at a future Council meeting an item it had considered and acted upon at a prior City Council meeting and thereafter taking action upon that item at variance with the prior Council action or which supersedes the prior Council action.

Motion to Adjourn

Any Councilmember, with the exception of the presiding officer, may make a motion to adjourn. If adopted, the motion requires the Council to immediately cease its meeting and to adjourn to the next regularly scheduled or specially scheduled Council meeting. A motion to adjourn is not debatable.

Motion to Fix the Time to Adjourn

Any Councilmember, with the exception of the presiding officer, may make a motion to fix the time to adjourn. The moving Councilmember shall specifically state the hour at which the Council meeting shall immediately cease if the motion is adopted. If adopted, the motion requires the Council to immediately cease its meeting at the appointed hour and to adjourn to the next regularly scheduled or specially scheduled Council meeting. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to fix the time to adjourn. Nothing in this rule shall be construed as prohibiting the Council from adjourning its meeting prior to the hour specified in the motion should the Council complete its business prior to the appointed hour.

Motion to Recess

Any Councilmember, with the exception of the presiding officer, may make a motion to recess. The moving Councilmember shall specifically state the length of time of the recess if the motion is adopted. If adopted, the motion requires the Council to immediately recess its meeting for the specified period of time. A motion to recess is not debatable. Nothing in this rule shall be construed as prohibiting the presiding officer from recessing a Council meeting from time to time as deemed appropriate by the presiding officer.

Motion to Suspend the Rules

Any Councilmember, with the exception of the presiding officer, may make a motion to suspend the rules. The moving Councilmember shall identify the rule to be suspended if the motion is

adopted and specify the action proposed to be taken during the rule's suspension. The motion shall require the affirmative vote of two-thirds of the Councilmembers present for passage. A motion to suspend the rules is debatable.

Voting

Any Councilmember, with the exception of the presiding officer, may make a motion. Any Councilmember including the presiding officer may second a motion. Any motion which is not seconded by a Councilmember shall die for lack of a second. With the exception of a motion to suspend the rules, which requires a two-thirds affirmative vote for passage, any motion shall pass if a majority of present Councilmembers vote in favor of the motion. Any motion shall fail if a majority of present Councilmembers vote in opposition to the motion or if there is a tie vote on the motion by present Councilmembers. A resolution shall require four affirmative Councilmember votes for adoption. Except as otherwise stated in the City Charter, an ordinance shall require four affirmative Councilmember votes for adoption.

Multiple Motions

A maximum of three motions may be pending at any given time during a Council meeting. Subsequent motions shall be rejected by the presiding officer until less than three motions are pending. When two or three motions are pending, the last pending motion made shall be the first motion voted on by the Council. For example, if a regular motion and a motion to amend are simultaneously pending, the vote on the motion to amend shall be taken first and the vote on the regular motion shall be taken second. By way of further example, if a regular motion is followed by a substitute motion which, in turn, is followed by a motion to table, the vote on the motion to table shall be taken first, followed by the vote on the substitute motion and then, if necessary, followed by the vote on the regular motion.

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