

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2019

A RESOLUTION AMENDING CITY COUNCIL POLICY A-13,
CITY COUNCIL MEETINGS

WHEREAS, City Council Policy A-13 establishes policies governing City Council meetings; and

WHEREAS, On December 4, 2018, the Council Procedures Committee reviewed the recommended revisions to Council Policy A-13 to reflect State law and City Charter requirements regarding votes needed to make certain motions;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mountain View hereby amends City Council Policy A-13, City Council Meetings, attached to this resolution.

LK/3/RESO
014-01-03-19r

Exhibit: A. Council Policy A-13

CITY COUNCIL POLICY

SUBJECT: CITY COUNCIL MEETINGS

NO.: A-13

PURPOSE:

In accord with Section 512 of the City Charter, this policy will set forth Rules of Procedure for the conduct of City business. The Council shall be governed by the Rules of Procedure as follows.

POLICY:

1. Meetings

a. Time of Meetings

The regular and special meetings of the City Council shall be held at the time and place, and called in the manner as specified by ordinance adopted pursuant to Article 5, Section 507 of the City Charter.

b. Attendance

Pursuant to Section 503 of the City Charter, a Councilmember is absent with the consent of or on order of the Council if any of the following apply:

The Council consents to the absence either before, or at the meeting immediately after the absence, for the Councilmember to attend to official duties of the City, including, but not limited to, representing the City at conferences or official functions;

The Councilmember is ill;

The Councilmember is on bereavement leave due to the death of a family member which would qualify an employee for bereavement leave under the City's Employer/Employee Relations Resolution;

The meeting was not on the Council's formally adopted annual schedule of meetings if an annual schedule was adopted.

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2. Council Agenda

a. Preparation

The agenda and its supporting information is prepared by the City Manager and City Clerk.

b. Council Request for Agendizing

A Councilmember request for an item to be agendized will be done as an action item with support work of up to one hour by staff. If more than one hour is required, then the item will be agendized to ask Council if time should be spent on preparing a full report on the proposed agenda item.

c. Items for Agenda

Any person may request the placement of a matter on the Council agenda by submitting a written request with the agreement of a sponsoring Councilmember. This may be done in advance through a written request identifying the sponsoring Councilmember, or by appearing at Oral Communications at a Council meeting. If the request is made during Oral Communications, the Mayor shall determine if any Councilmember is willing to sponsor the agenda item. The request must fully identify the person making the request and the action requested by the Council along with all pertinent background information. The City Manager and the Mayor shall reasonably determine when agenda requests will be placed on the agenda and how much meeting time shall be scheduled. Upon a majority vote of a Council advisory board, an item can be agendized requesting Council authorization of a work item, as provided for in Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

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d. Order of Agenda Items

The City Manager or City Clerk may change the order of items on the written agenda from that normally followed in order to better facilitate the meeting. The Mayor with consensus, or Council, by majority motion, may change the order of agenda items during the Council meeting.

3. Public Input

- a. An individual speaker shall have 3 minutes to address the Council. A speaker who represents five or more persons of the public may have 10 minutes to address the Council, if the Mayor determines that such extension will reduce the total number of speakers who planned to speak.

Public Input on Agendized Items: For any single agendized item, if there appears to be 15 or more speakers and the Council might not be able to conclude the scheduled agenda items for that meeting if speakers were allotted three (3) minutes each, the Mayor may reduce speaking time to no less than two (2) minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.

Public Input on Nonagendized Items: For the Oral Communications from the Public on Nonagendized Items, if there appears to be 15 or more speakers and the Council might not be able to conclude the scheduled agenda items for that meeting if speakers were allotted three (3) minutes each, the Mayor may reduce speaking time to no less than two (2) minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.

- b. An applicant and/or appellant for a zone change, precise plan or quasi-judicial hearing or appeal to the Council shall have ten (10) minutes to address the Council and, with the consent of the Council, 2 minutes of rebuttal to opposition speakers.

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- c. The Mayor may extend the speaker time limits as deemed necessary if there is no objection from Council. If there is an objection, a majority vote shall decide the issue.
- d. Speaker Cards

Members of the public who wish to address the Council may complete a speaker card provided giving their name and city of residence. If the speaker wants further notification from the City, the speaker may include a mailing or e-mail address.

4. Order of Business

The Council shall conduct business in the following order, except as the order may be adjusted pursuant to Section 2(d) of this policy:

1. Call to Order/Pledge of Allegiance
2. Roll Call
- 2A. Proclamations/Presentations
3. Minutes Approval
4. Consent Calendar

Items that have been reviewed by the staff and considered to be noncontroversial, requiring only routine action by the Council shall be listed on the "Consent Calendar." The presiding officer shall advise the audience that the Consent Calendar matters will be adopted by one motion unless any Councilmember or any individual or organization interested in one or more Consent Calendar matters has any question or wishes to make a statement. In that event, the remainder of the Consent Calendar may be approved and the presiding officer will open the items pulled from the Consent Calendar, unless the Council requests they be considered elsewhere on the Agenda.

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5. Oral Communications from the Public on Nonagendized Items

Any person may address the Council on any matter within the City's subject matter jurisdiction that is not scheduled elsewhere on the agenda. Under State law, the Council may take no action on items raised under this item unless the item is then scheduled on a future agenda.

6. Public Hearings

Recess (ten minutes)

7. Unfinished Business

8. New Business

9. Items Initiated by Council

10. Council, Staff/Committee Reports

Councilmembers may provide a brief report on their activities, including reports on their committee activities, report on inquires they received and any member, or the Council itself may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning any matter, take action to direct staff to place a matter of business on a future agenda, or refer a work item to a Council advisory body or Councilmember committee.

11. Closed Session Report

12. Adjournment

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5. Minutes of the Meeting

a. Preparation

The minutes of the Council shall be kept by the City Clerk in ledgers provided for that purpose with a record of each particular type of business with proper subheads; and written minutes shall become the official records of the City of Mountain View provided that the City Clerk shall be required to make a record only of business actually passed upon by a vote of the 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. A record shall be made of the names and cities of residence of persons addressing the Council, if same are voluntarily provided, the title of the subject matter to which their remarks are related and whether they spoke in support of or in opposition to such matter. The City Clerk shall secure the necessary equipment for recording Council meetings and make recordings available in the current medium when determined to be practical by the City Clerk or as directed by the Council.

As soon as possible after each Council meeting, the City Clerk shall provide Council with a copy of the draft minutes in the agenda packet for approval at the next regularly scheduled Council meeting. The draft minutes will also be posted on the City's bulletin board and website.

b. Reading of Minutes

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

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6. Presiding Officer

a. Mayor/Vice Mayor; Substitutions

The presiding officer of the Council shall be the Mayor, and in his/her absence the Vice Mayor, as provided in Article 5, Section 505 of the City Charter. In the absence of the Mayor and Vice Mayor, the City Clerk shall call the Council meeting to order. Upon the arrival of the Mayor or Vice Mayor, the temporary Mayor Pro Tempore shall immediately relinquish the Chair upon the conclusion of the matter of business then before the Council. The Council has usually handled this by the most tenured Councilmember taking the chair as temporary Mayor Pro Tempore.

7. Conduct of Business

At the time fixed for public hearings or when any subject or question is presented to the Council, and before any motion is made, any persons present who desire to speak to the subject will be permitted to address the Council, and may voluntarily state his/her name and city of residence to the Clerk and upon addressing the Honorable Mayor and members of the City Council. All remarks shall be addressed to the Council as a body and not to any member thereof, except with the permission of the presiding officer. Discussion of a subject may be limited by the presiding officer to a reasonable time, for the expedience of Council business.

Members of the Council desiring to address another member of the Council, or a member of the public, shall only do so upon recognition by the Chair.

8. Consideration and Debate of Matters by Council

Except as otherwise provided, after a public hearing or any other matter has been closed to public input, the Council may debate the matter. During such time, no member of the audience may speak on the subject, except upon being asked a question by a member of the Council through the presiding officer. During such debate, a member of the Council desiring to speak or to address another member of the Council shall address the Chair and, upon recognition by the Chair, may

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speak or address other members of the Council but shall be confined to the question under debate.

a. Subject of Discussion

The Mayor may stop any discussion which does not relate to a specific agenda item or the motion made and may also stop the discussion of the matter if the Council has previously agreed to limit the time for discussion and the allotted time has been used.

b. Council Discussion; Motion

Councilmembers discuss the item and move to dispose of any item.

- (1) Councilmembers shall address the Mayor for recognition.
- (2) The Mayor shall recognize the Councilmember next in turn.
- (3) The Mayor shall endeavor to allow each member a chance to speak once before calling on a member to speak a second time.
- (4) The Mayor shall not speak on the item until all members wishing to speak have had a chance to speak at least once.
- (5) Councilmembers may ask clarifying questions of a member of the public following his/her comments to the Council; however, Councilmembers shall not join in a debate or discussion with members of the audience.
- (6) Councilmembers may make a motion at any time.

c. Motion Contents

The motion shall clearly set out the action to be taken and omit supporting reasons or discussion.

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d. Second to Motion

The Mayor must receive a second to the motion before any discussion or comment may be made on the motion.

e. Restatement of Motion

After discussion and just prior to the vote, the maker of the motion may be asked by the Mayor to restate the motion. If the motion is before the Council in writing, the maker of the motion need state only the main points of the motion and any change in the written recommendation.

f. Conflicting Out

Any Councilmember who is disqualified from voting because of a conflict or potential conflict of interest shall inform the Council of the conflict or potential conflict prior to the consideration of the item. After a member so advises the Council he/she shall exit the Council meeting room prior to consideration of the item, except as permitted under the Political Reform Act.

g. Tie Votes

Any motion receiving a tie vote fails, and the status quo prevails as though the motion were not made. A majority of the Council may continue a tie vote item to the next regular or adjourned regular meeting at which it is anticipated that a full Council will be present. Such an item may be similarly continued again by the presiding officer if the full Council does not attend.

9. General Policies Regarding Meetings and Procedure

a. Starting of Meeting

The Council meeting will start at the published time, or as soon thereafter as a quorum is present.

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b. Disposition of Motions

A main motion is disposed of:

- (1) By no action when it fails to get a second.
- (2) By adopting or rejecting it.
- (3) By adopting a subsidiary motion such as:
 - (a) To postpone to a specific date (continue)
 - (b) To refer to committee.
 - (c) To table the item.

c. Amendments to Motion

- (1) Amendments to main motions are in order during discussion. An amendment may:
 - (a) Add to the main motion.
 - (b) Subtract from the main motion.
 - (c) Both add and subtract from the main motion.
- (2) An amendment may not totally negate the intent of the main motion or change its general purpose.
- (3) A motion to amend must be voted on before a main motion. If the motion to amend passes, the amended motion becomes the main motion which can then be discussed further, amended again and voted upon.

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- (4) A modification of a motion can be made by the maker of the original motion if there is no objection by any other member. (If there is an objection, a formal motion to amend is in order.)

d. Straw Motions

- (1) On complex matters or matters with several component parts, the Council may make "straw" or "trial" motions in an effort to build consensus. These motions are not official motions.

10. Order of Precedence of Items of Business

a. Privileged Motions (Recess or Adjourn)

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Fixed time to adjourn	Yes	Yes	No	M
(2) Adjourn	Yes	No	No	M
(3) Take recess	Yes	No	No	M

b. Incidental Motions (Information or Question of Procedure)

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Preliminary questions	No	No	No	C
(2) Request for information	No	No	No	C
(3) Point of order	No	No	No	C
(4) Suspension of the rules	Yes	Yes	No	M

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c. Subsidiary Motions (Procedural Action to Dispose of Other Motions)

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Table/postpone indefinitely	Yes	Yes	No	M
(2) Call for the question (end debate)	Yes	No	No	2/3 of M
(3) Limit or extend debate	Yes	No	Yes	2/3 of M
(4) Postpone to a certain time	Yes	Yes	Yes	M
(5) Amend	Yes	Yes	Yes	M
(6) Reconsider	Yes	Yes	No	M†
(7) Change order of agenda items	Yes	Yes	No	M
(8) Adding new items to agenda	Yes	Yes	No	**
(a) Emergency situation	Yes	Yes	Yes	M
(b) Immediate action necessary arising after agenda posting	Yes	Yes	Yes	<u>5 2/3 of M</u>
(c) Item continued from meeting 5 days earlier	No	No	No	None

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d. Main Motion (Principal Motions on Substantive Items for Council Consideration)

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Main motion	Yes	Yes	Yes	M
(a) Introduce ordinance	Yes	Yes	Yes	3 M
(b) Adopt ordinance or resolution	Yes	Yes	Yes	4
<u>(c) Adopt emergency ordinance</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>5</u>
(2) Main motion allocating unbudgeted funds or amending the adopted budget	Yes	Yes	Yes	5

M = Majority of members present.

2/3 of M = Two-thirds of members present, i.e., three out of four; four out of five or six; five out of seven.

C = Chair, or Mayor.

† = Motion must be made by person on the prevailing side of previous motion. Four votes are required to change action or item previously adopted.

** = See Ralph M. Brown Act, Government Code § 54950, *et seq.*, 54954(b).

11. Reconsideration

A motion acted upon by a majority of the members voting may be reconsidered upon motion of a person who voted on the prevailing side of the prior motion at the same time or at the next regular or adjourned regular meeting. The motion for reconsideration may be made by any person who voted in the affirmative on a motion which was adopted, or any person who voted in the negative when the

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motion was defeated. Any member may second. The question of reconsideration may be voted upon immediately after the motion is made and, if successful, the main question shall be acted upon at the meeting where action was taken or at the next meeting. Reconsideration may be acted upon at the same meeting at which the original action was taken if all parties appearing for the matter in question remain present. After the normal time for reconsideration, a matter which has been acted upon shall not again be placed on the agenda within one year except upon the request by two or more Councilmembers, with one of them being a member who voted in the majority when the item was last considered. Matters for which finality is required in order to meet the requirements of law shall not be reconsidered.

12. Decorum

While the Council is in session, all persons shall conduct themselves with reasonable decorum.

Any person who is so disorderly or who so persistently disrupts the business meeting so as to interfere with the proper conduct of the business may be ordered removed from the meeting place. At such time, the Mayor will call a recess.

The Police Chief or authorized representative shall be Sergeant-at-Arms of the Council meeting. The Sergeant-at-Arms shall carry out all orders and all instructions of the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

13. Rules of Procedure

The presiding officer: (a) shall maintain strict order and decorum at all meetings of the Council; (b) shall announce the decision of the Council on all subjects and decide all questions of order; subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order.

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14. Study Sessions

From time to time, the Council may meet in a Study Session at a time and place to be designated by the Mayor. Such Study Sessions shall be noticed and will be open to the public as provided by law and may be conducted as part of an agenda for a meeting at which action will be taken. Study Sessions shall be devoted to matters regarding the exchange of information preliminary to consideration of an item at a regular or special meeting. No official action or formal vote shall be taken at such Study Session on any matter under discussion; provided, however, that the Councilmembers in attendance shall be entitled to express opinions on any matter under discussion and provide direction to staff for further investigation or development of the item.

15. Time of Adjournment of Council Meetings

It is the policy of the Council that all evening meetings of the Council, including Study Sessions, be adjourned not later than 10:00 p.m., which time is referred to as the normal time of adjournment. No new item of business shall be taken up by the Council after the normal time unless the Council has determined by majority vote to set aside this policy. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special or adjourned regular meeting unless the Council shall otherwise direct.

16. Councilmember Committees

All actions of the Councilmember committees shall be reported to the Council.

a. Standing Committees

1. Creation. The Council may create or dissolve standing committees at any time by the affirmative vote of a majority of the Council.

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2. Appointment. The Mayor shall annually appoint members to the standing committees.

b. Special or Ad Hoc Committees

1. Creation and Dissolution. Special or ad hoc committees may be created by the Mayor or a majority vote of Council. A special or ad hoc committee may be dissolved by the Council.

2. Appointment. The Mayor shall appoint members to special or ad hoc committees.

c. Attendance by Other Members

To the extent permitted by the Ralph M. Brown Act, other members of the Council not assigned to a Councilmember committee may attend meetings of a committee, as an observer, and shall be seated with the audience and may not participate in any manner or address the committee.

d. Appointment of Alternates

If an absence is anticipated on a committee and that absence may impede the work of the committee, the committee chair or other member may request that the Mayor designate another member of the Council to attend for the absent member and serve as an alternate member of the committee, provided that the member's attendance will comply with the Brown Act. The term for service by the alternate member shall be the term designated in the appointment, or for one meeting, if no term is specified.

e. Work Items

Generally, work items will be specific and direct referrals from the City Council, except as provided for in City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

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17. Ordinances, Resolutions, Motions and Contracts

a. Preparation of Ordinances

All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested in writing by the City Manager, or prepared and initiated by the City Attorney.

b. Approval by Administrative Staff

All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or authorized representative and shall have been examined and approved for administration by the Finance and Administrative Services Director or authorized representative or by the City Manager or authorized representative, where there are substantive matters of administration involved. If the City Manager does not agree with the proposed ordinance, he/she shall advise the Council in writing and give the reasons for withholding approval.

18. Administrative Matters

a. Agenda Packets

- (1) Agenda packets are to be made available at the City Clerk's Office, the Library, the City's website, and at the Council meeting.
- (2) Agenda packets are to be delivered to Councilmembers on the Thursday prior to (Tuesday) Council meetings. Councilmembers are encouraged to reduce time taken at Council meetings by contacting staff in advance for answers to questions.
- (3) Agenda packets may be released to the press or members of the public directly after release to Council.

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b. Written Communications

- (1) Written communications addressed to the City Council are to be referred to the City Clerk for: (a) forwarding to the Council with their agenda packet; (b) placing on agenda with or without a staff report; or (c) direct response to citizen with copy of communication and staff letter to Council.
- (2) Written communication from one Councilmember to the other Councilmembers on agenda items is not encouraged. If a Councilmember wishes to send such a memo, he or she should consider the Brown Act implications and consult the City Manager and City Attorney. If a Councilmember wishes to send such a memo following this consideration and consultation, the memo shall be provided to the City Clerk in time for forwarding to the Council with their agenda packet and electronic posting of the agenda packet.

c. Rules of Procedure: In General

- (1) This policy is to provide general guidance for the preparation of the agenda and the conduct of Council meetings. From time to time, the Council may depart from its specific requirements for the convenience of the public, Council consideration and debate or to expedite the processing of business. The Council by majority vote, however, may at any time reinvoke this policy's specific requirements.
- (2) Formal written amendments to this policy may be adopted by a majority vote of the Council. The proposed change must be placed on an agenda and adopted as part of the regular business of the City Council.
- (3) In situations not addressed by these rules, *The Modern Edition of Robert's Rules of Order* may be used for reference and/or guidance. To the extent that these rules of procedure conflict with any previously adopted, these rules shall prevail.

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- (4) The provisions of this Policy are designed to comply with and implement the Ralph M. Brown Act. The Act shall prevail over this policy to the extent of any inconsistencies, amendments or judicial determinations.

d. Titles of Staff and Members of the Council

Members of the City Council shall be referred to individually as "Councilmember" and collectively as "Councilmembers." Staff members shall be referred to as "Mr." or "Ms."

Revised: November 20, 2012, Resolution No. 17733

Revised: May 8, 2012, Resolution No. 17685

Revised: March 22, 2011, Resolution No. 17592

Revised: June 23, 2009, Resolution No. 17421

Effective Date: June 10, 1974, Resolution Nos. 10093, 10094, and 10095

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