



MEMORANDUM

TO: CITY COUNCIL

FROM: DIANNE THOMPSON, CITY MANAGER

SUBJECT: CONSIDERATION OF RESOLUTION AMENDING THE POLICY/PROCEDURE FOR CONDUCTING CITY BUSINESS CONTAINED IN THE CITY COUNCIL OPERATIONS MANUAL

DATE: NOVEMBER 10, 2015

RECOMMENDATION:

It is recommended that the City Council adopt a Resolution amending the Policy/Procedure for Conducting City Council Business.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is minimal impact on personnel resources from this item.

BACKGROUND:

Currently, the City Council Operations Manual contains a "Policy/Procedure for Conducting City Council Business" (the "Policy"). Section 2 of the Policy, entitled "Addressing the City Council," at Subsection A, states: "The speaker shall state for the record his/her name and address." The Brown Act requires that speakers be allowed to speak at a public meeting regardless of whether or not the speaker chooses to provide their name and address.

ANALYSIS OF ISSUES:

While providing one's name allows for clarity of the record and an opportunity for follow up by the City, where appropriate, the City Council does not require speakers to provide their name and address, and is therefore in compliance with the Brown Act. However, it may be advisable to revise the language in the Policy to reflect the City Council's existing practice and ensure compliance with the Brown Act. It is recommended that the following sentence in the Policy: "The speaker shall state for the record his/her name and address" be replaced with: "Speakers shall be asked to voluntarily state their name for the record, but speakers will not be required to do so as a condition of attendance or participation."

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ALTERNATIVES:

1. Adopt a Resolution amending the Policy/Procedure for Conducting City Council Business;
2. Modify and adopt a Resolution amending the Policy/Procedure for Conducting City Council Business;
3. Do not adopt a Resolution amending the Policy/Procedure for Conducting City Council Business; or
4. Provide direction to staff.

ADVANTAGES:

The advantage to modifying the policy would be to provide clarification to the public that they are not required to provide their name and address and to demonstrate compliance with the Brown Act.

DISADVANTAGES:

There are no disadvantages.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The agenda was posted in front of City Hall on Thursday, November 5, 2015 and the agenda and staff report were posted on the City's website on Friday, November 6, 2015.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE AMENDING THE POLICY/PROCEDURE
FOR CONDUCTING CITY COUNCIL BUSINESS CONTAINED
IN THE CITY COUNCIL OPERATIONS MANUAL**

WHEREAS, the City Council of the City of Arroyo Grande has adopted guidelines to assist the City Council in the conduct of City business; and

WHEREAS, such guidelines, entitled "Policy/Procedure for Conducting City Council Business" are included in Section 2 of the City Council Operations Manual; and

WHEREAS, the Policy/Procedure for Conducting City Council Business has a provision regarding speakers addressing the City Council and providing their name and address; and

WHEREAS, while providing one's name allows for clarity of the record and an opportunity for follow up by the City where appropriate, in order to clarify and codify the City's existing practice and procedure of not requiring members of the public to state their name and address as a condition of attendance or participation at a City Council meeting, the City Council desires to amend Section 2.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE
DOES HEREBY RESOLVE AS FOLLOWS:**

1. The Policy/Procedure For Conducting City Council Business ("Policy/Procedure"), adopted by Resolution No. 3264 on December 9, 1997; amended by Resolution No. 3391 adopted on August 24, 1999; amended by Resolution No. 3645 adopted on January 28, 2003; amended by Resolution No. 3654 adopted on February 11, 2003; amended by Resolution No. 4435 adopted on March 13, 2002; and amended by Resolution No. 4548 adopted on September 24, 2013, is hereby further amended as set forth in Exhibit A attached hereto and incorporated herein by this reference.
2. The City Manager is hereby authorized and directed to place copies of said Policy/Procedure in suitable places for the guidance of the public.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this ____th day of November 2015.

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JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

DIANNE THOMPSON, CITY MANAGER

APPROVED TO AS FORM:

HEATHER WHITHAM, CITY ATTORNEY

EXHIBIT A

2. POLICY/PROCEDURE FOR CONDUCTING CITY COUNCIL BUSINESS

11/10/15

The following guidelines are to assist the City Council in the conduct of City business and are procedural only. Failure to strictly observe such procedures shall not affect the jurisdiction of the Council nor invalidate any action taken at a meeting that is otherwise held in conformance with the law.

Except as otherwise provided for in this Policy, any special rule adopted by the City Council, or as otherwise provided by state statute, the procedures of the City Council meetings shall be governed by the latest revised edition of "*Sturgis Standard Code of Parliamentary Procedure*", as modified by Council practices. The City Attorney is designated as the parliamentarian for City Council meetings. The City Manager shall preside as the parliamentarian in the City Attorney's absence.

1. MEETINGS

- A. The City Council shall meet in regular session on the second and fourth Tuesday of each month.
- B. Business at regular sessions shall be conducted from 6:00 PM to 11:00 PM only, unless extended by unanimous consent of the City Council Members present.
- C. Special adjourned meetings and study sessions of the City Council may be called by a majority vote of the City Council.
- D. The order of business for the City Council shall be as arranged by the City Manager, except for matters set at a specific time by the Council.

2. ADDRESSING THE CITY COUNCIL

- A. Each person desiring to address the Council shall proceed to the speaker's stand upon invitation by the Mayor. Speakers shall be asked to voluntarily state their name for the record, but speakers will not be required to state their name as a condition of attendance or participation. Unless further time is granted by the Mayor, (unless overruled by a majority vote of the Council), the speaker shall limit his/her remarks to three (3) minutes unless special circumstances exist. All remarks shall be pertinent to the subject at hand. All remarks must be addressed to the Council as a whole and not to any Member individually. No questions shall be asked of a Council Member or member of City staff without the permission of the Mayor.

- B. In order to avoid repetitious presentations and delay in the business of the Council, whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor to request a spokesperson be chosen by the group to represent its position. The Mayor may, in his discretion, grant additional time for a speaker that has been recognized or designated by a group to present comments on their behalf.
- C. After a motion has been made and seconded, or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so from the Mayor or a majority vote of the Council.

3. DISTURBANCE OF CITY COUNCIL MEETINGS

The following procedure and format will be used by the City Council to address disruptive persons at a Council Meeting:

- A. The Presiding Officer shall make the following announcement:

As the Presiding Officer, I am advising you that your comments have violated the City Council's rules of procedure for addressing the City Council and you are causing a serious disruption to this meeting. I must ask you to immediately cease the disturbance before further action is necessary. At this time, I am going to recess the meeting for 10 minutes. We will then reconvene our meeting.

- B. Recess and call for police to be present when meeting reconvenes.
- C. If the disturbance continues after reconvening the meeting, the Presiding Officer shall make the following announcement:

As Presiding Officer, since you are continuing this disturbance, I must advise you that the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor. If you do not immediately cease this disturbance, I will request the police to arrest you under Penal Code Section 403.

- D. If the disturbance continues, request the police to come forward to make the arrest. (Government Code Section 54957.9)

4. PROCEDURES

- A. Council ordinances and resolutions must be reviewed in written form before binding action is taken on same.

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- B. A Council order applies mainly as a directive to City officers or employees. It need not be in writing, as it generally applies to one specific act only.
- C. In the absence or inability of the Mayor and the Mayor Pro Tem to attend a meeting of the City Council, the Members present shall select one Member to temporarily preside.
- D. A motion shall not be debated or "put to vote", unless the same is seconded. When a motion is seconded, if requested, it shall be stated by the Mayor or the City Clerk before debate.
- E. Upon a motion having been made and seconded, it shall be deemed to be in possession of the Council, but it may be withdrawn at any time, before decision or amendment, with the assent of a second.
- F. A Member called to order should relinquish the floor, unless permitted to explain; and the Council, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Mayor shall be final.
- G. Upon demand of any Council Member, or at the discretion of the Mayor, the vote shall be by roll call, except that the vote on all ordinances or resolutions shall be by roll call vote.
- H. Tie votes shall be lost motions.
- I. Tie votes on the appeal of a Commission/Board/Committee or staff decision sustain the action of the Commission/Board/Committee, or staff.
- J. Every Council Member, unless disqualified by reason of a conflict of interest or as otherwise provided by law, shall cast his/her vote upon any matter put to vote by the legislative body.
- K. Any Council Member who abstains from voting without a valid reason shall be deemed to have voted with the majority on that particular issue.
- L. A Council Member who publicly announces that he/she is abstaining from voting on a particular matter for specified reasons shall not subsequently be allowed to withdraw that abstention.
- M. In order to avoid any attack on the validity of Council hearings, Council Members shall avoid forming final conclusions or making commitments with proponents and opponents during any meetings, conferences, or discussions regarding the merits of the matter or issue before the body, including but not limited to, specific zoning and related land-use proposals, comprehensive planning, and like matters.

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- N. A motion to reconsider a legislative or quasi-legislative action taken by the Council may be made only at the same meeting at which the action was taken. Quasi-judicial actions shall not be subject to a motion to reconsider.

5. COMMITTEES

- A. The Council shall appoint committees as deemed necessary for the proper conduct of City business.
- B. No committee shall include in its membership more than two (2) Council Members.
- C. The City Manager, or his/her designee, shall be an ex-officio member of all committees.

6. AGENDAS

- A. Agendas for the Council will be prepared by the City Manager.
- B. Agendas shall be posted on a bulletin board, publicly accessible, in City Hall and/or the Council Chamber, and posted on the City website.

7. COUNCIL MEMBER REQUESTS AND QUESTIONS

- A. Under the Council Communications portion of the meeting agenda, Council Members may ask a question for clarification, make an announcement, or report briefly on his or her activities. Subject to Council Policies and Procedures, Council Members may also request staff to report back to the Council at a subsequent meeting concerning any matter or take action to direct staff to place matter of business on a future agenda.
- B. Proper action will then be taken by staff.

8. MISCELLANEOUS

- A. Items referred to departments for action by the City Council shall be routed through the City Manager's Office.
- B. The City Council shall occasionally review this Policy/Procedure.
- C. Amendments to this Policy/Procedure shall be by majority vote of the Council.