



First Floor Conference Room, City Hall  
401 S. Johnstone Avenue  
Bartlesville, OK 74003

**NOTICE OF  
SPECIAL WORKSHOP MEETING  
OF THE  
BARTLESVILLE CITY COUNCIL**

**Monday, February 24, 2025  
5:30 p.m.**

**Mayor James S. Curd, Jr.  
918-338-4282**

**AGENDA**

- 1. Call to order the Special Meeting of the Bartlesville City Council by Mayor Curd.**
- 2. Roll Call and Establishment of a Quorum.**
- 3. Invocation.**
- 4. Citizens to be heard.**
- 5. Discussion on Flock Camera Systems.**
- 6. Discussion on Council Meeting Rules.**
- 7. Adjournment.**

**The Notice of Meeting and Agenda was received in the Office of the City Clerk and posted in prominent public view at City Hall, Bartlesville, Oklahoma on Thursday, February 20, 2025 at 5:30 p.m.**

*Jason Muninger*

**Jason Muninger, CFO/City Clerk**

*/s/ Elaine Banes*

**by Deputy City Clerk**

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## I. SUBJECT, ATTACHMENTS, AND BACKGROUND

Discussion of possible changes to the City Council Public Comment Policy.

Attachments:

- OK AG's Opinion 1998-45
- OK AG's Opinion 2002-26
- Fort Collins Meeting Rules
- Pleasanton Meeting Rules
- Sacramento Meeting Rules
- Tulsa Rules
- Summary of Other Oklahoma Municipalities' Rules for Public Comment

## II. STAFF COMMENTS AND ANALYSIS

Mayor Curd requested that additional research be conducted related to public comment at Council meetings. During this research, his request expanded to a more comprehensive review of our meeting rules as a whole.

As such, I have prepared the included documents that focus on public comment and examples of more comprehensive meeting rules. The focus of this research was on legal considerations, practical considerations, peer analysis, analysis of our current rules, and options for possible changes.

### Legal Considerations

It is critical that the Council always consider potentially negative legal outcomes when adopting policy. As such, I have worked with our City Attorney, Mr. Kane, to attempt to address the known concerns with legal issues related to public comment at meetings and rules governing such comment.

There are a number of legal issues to consider and many of them are not what one would expect.

- Perhaps one of the most ignored legal risks occurs simply by allowing citizens to be heard. There is risk that this agenda item as currently permitted could lead to an open meeting act violation. For instance, what if a citizen asked a question during citizens to be heard, and the Council later discussed this under council comments. If this item is not on the agenda, has a violation occurred? Possibly. There are methods to mitigate this risk that are addressed later in this memo.
- There have been concerns voiced about 1<sup>st</sup> amendment and other legal protections over speech. These concerns are largely baseless, as the 1st amendment would only be

implicated if the City's actions were wholly unreasonable, content specific, or discriminatory towards a protected class.

- Is it a violation of the 1<sup>st</sup> amendment to prohibit public comment at a Council meeting? No. It is clearly established that we are not required to permit public comment at all during our meetings.
- If you allow public comment, is it a violation of the 1<sup>st</sup> amendment to restrict the public's speech? No, so long as any restrictions implemented are reasonable, content neutral, and non-discriminatory. IF the Council allows public comment at its meeting, it creates a "limited public forum" under existing Supreme Court Precedent. Limited public forums allow for reasonable time, place, and manner restrictions.

### Practical Considerations

There are a number of practical considerations for the Council to include in part of your decision making. The first matter pertains to what a Council meeting is. It is a "**business meeting**" of the City of Bartlesville. This language is specific and found in statute. These meetings are created to conduct the business of the City. The purpose of the Open Meeting and Open Records Acts are to guarantee citizens the right to observe their elected body's meetings, deliberations, and decisions. Neither of these Acts are intended to guarantee the public's right to speak at a Council meeting (OK AG). The public's ability to communicate with their elected representatives is provided in other manners including listing public official's contact info, informal meetings with elected officials, and finally, the electoral process that gives the public the absolute right to choose their representative.

Business meetings are not town halls. Town halls are an entirely different type of meeting called by individual representatives for the purpose of obtaining the input of their constituents. These informal meetings are an effective mechanism for the Council to obtain the input of their constituents.

So with the understanding that Council meetings are intended to be business meetings for the Council to conduct the business of the City, how does one balance the efficient execution of our business meetings with the desire to obtain public input about how their City is run? This is where public policy intersects with law. While public comment is not required and is not the purpose of the meeting, the Council has always welcomed and valued public comment at its meetings. As such, the Council can allow public comment in a manner consistent with efficient meeting execution while allowing appropriate public input on matters to be decided.

This leads us to the real question related to public comment, what limits can the Council place on public comment and which ones are most appropriate to obtain this balance sought by Council? There is a near infinite number of iterations of rules that the Council could consider. I've listed the most common below.

- Limitation on time. The Council can control how long an individual speaks and how long the public comment session is in total.
- Limitation on subject. While the Council cannot be discriminatory in this limitation, the Council could limit discussions to items on the agenda.

- Limitation on behavior. The Council can enforce rules of conduct in its meetings including prohibitions of threats, profanity, disparaging remarks, etc.
- Limitation on who can participate. The Council can use common sense rules about who may participate, but this cannot be discriminatory based on any protected class. As the Council is elected by and serves the citizens of Bartlesville. It would be permissible for the Council to limit public comment to citizens of Bartlesville or some other relevant geographic or market consideration.

### Examples of Other Communities' Rules for Public Comment

Attached to this memo is a more detailed analysis of several other communities' rules for public comment. This information was gathered from these communities' websites and agendas, so actual practices may differ. Here I have attempted to summarize the most common practices of these communities.

- Most communities require citizens to sign in at the meeting or in advance of the meeting if they wish to comment.
- Most communities limit comment to items of City business. They typically do not allow for any comments that do not apply to some form of City business.
- Many communities have multiple public comment periods for different types of comment.
  - Comment on agenda items – this is typically held at the beginning of the meeting before any action items are heard. Citizen comments can then be addressed during the agenda item.
  - Comment about items not on the agenda – this is typically held at the end of the meeting before adjournment. No discussion or response is permitted. Staff and/or individual Councilmembers may follow up after the meeting.
  - Citizen agenda items – although not common, the City may create a section of the meeting that permits citizens to present their own agenda items. This requires significant advance notice, an approval process, and must be related to City business. No one is guaranteed an agenda item. This allows for open discussion on citizen driven issues of particular significance. No action is typically taken but follow up or action at future meetings may occur.
- Some communities do not permit public comment at workshops or committee meetings.
- Some communities limit comment to citizens of their community, but many are silent on this rule.
- Some communities do not permit public comment at all.
- While not part of the attached analysis, I have spoken to some communities in the past who hold a special meeting prior to their Council meeting specifically for public comment. It is a fixed duration, and no other provisions are made for public comment.
- Many communities with well developed policy on this matter regulate behavior by prohibiting denigrating remarks, profanity, threats, etc.

### Staff Analysis of Current Rules

There are several areas of our rules that could be considered for amendment based on deficiencies or stated Council preferences. I've listed the concerns of greatest significance and Council interest below.

- There are no rules of behavior for citizens participating in public comment.
- “Citizens to be Heard” allows for citizens to address the Council on any topic. This is fraught with peril and will almost certainly lead to unintentional violations of the Open Meetings Act.
- Our current rules permit all residents of Washington County to provide comment to the Council.
- Our rules could be more comprehensive.

First, while most citizens conduct themselves with the decorum expected in a City Council business meeting, the growing amount of disrespect and distrust for all government officials is leading to behavior that would have been unacceptable a few years ago. In order to create an environment where citizens and officials may share comments, thoughts, and ideas, clear expectations should be established for behavior of parties participating in our meetings.

Second, a more concerning deficiency in our current rules is that we allow comment on any topic. This practice is likely to lead to OMA violations. Most cities with well run meetings have either eliminated citizens to be heard entirely or limited comment under this section to items on the agenda.

Third, a majority of the Council expressed a desire to change the residency requirements for public comment at our February 2, 2025 meeting. There have been numerous reasons stated for support and opposition to limiting public comment to citizens of Bartlesville. I have summarized the few which I have heard most often below:

Against restricting public comment to citizens of Bartlesville:

- Taxation without representation. (I believe this is in reference to sales tax as County residents pay no City property tax levy)
- Bartlesville is the County seat.
- Some Councilmembers desire to hear input from those who reside in the County as well as the City due to their proximity to our community.
- Much of Washington County is served by Bartlesville water.

For restricting public comment to citizens of Bartlesville:

- The Council is elected by and serves the citizens of Bartlesville and not those who live outside of City limits.
- Citizen comments are being diluted by those who do not live here. (Based on information provided on sign-up sheets, between 24% and 40% of public comments have been received from non-Bartlesville residents at each meeting since January 1, 2025)
- The Council is responsible for G.O. bond issuance which is paid solely by the citizens of Bartlesville as part of their property taxes.
- If the Council makes a decision that results in a lawsuit and judgement, this will be paid solely by the citizens of Bartlesville as part of their property taxes.

And finally, in researching this issue, I have been provided a number of examples of meeting rules from around the country. A few of them are attached to this memo for your review. Most of these meeting rules are far more comprehensive than ours and may have elements that are

worth including. It's also important to note that many of these rules include information that we place in our Council handbook. I've summarized a few of these items that have not been otherwise addressed below:

- Order of agenda items. We have guidance that we use, but including this in our rules would provide better transparency on how the agenda is assembled.
- Length of regular meetings. Many of these rules set out the start time and maximum length of the meeting. Several years ago, the City of Norman made a decision at 3 a.m. after a 10-hour Council meeting. They were subsequently sued and lost. I can't imagine many good decisions are made in this manner, so some reasonable limitation on meeting length may be advisable.
- Public conduct. Separate from decorum expected by speakers during public comment, many cities also set expectations for conduct by the public who are attending their meetings. It places limitations on disruptions, signs, placement of cameras, etc. Given renewed media attention at our meetings, it may be worth considering setting aside an area for them where they can film uninterrupted by members of the public. We have received one complaint already from two different media outlets about disruption by an individual of the public.

#### Possible Options for Inclusion in Amended Rules of Procedure

Public comment:

- Separate public comment into two sections. The first section pertains to agenda items, and the second section is for items not included on the agenda.
  - The first section "Comment on Agenda Items" would occur prior to any action items. Questions raised by the public on these items could be addressed during the discussion on the actual item later in the meeting.
  - The second section "Comment on Other City Business" would occur at the end of the meeting. These comments would be limited to items relating to City business that were not on the current or recent agendas. Questions raised by the public in this section could be addressed by Staff and/or individual Councilmember follow up. If necessary, agenda items could be included on a future agenda.
- Alternatively, Council could call a special meeting before each regular meeting for the purposes of obtaining public comment.
  - This meeting could be of a set duration with the time per speaker divided evenly.
  - Comment should be related to City business and preference could be made for those who are commenting on agenda items.
- Create rules of decorum for how comments are to be made.
- Decide on who may participate in public comment. Options include Bartlesville citizens only, citizens of the County, using a radius, allowing business owners to participate, etc.
- Decide if we want to include additional items in our rules of conduct to make them more comprehensive. Examples of other cities rules are attached for consideration.

#### Summary

The Council's meeting rules are exactly that; COUNCIL rules. So, while I can provide information and advice, this is clearly a matter of Council preference. I have attempted to provide

relevant information and examples of best practices to help guide the Council's discussion at our workshop, but this must be a Council-driven discussion.

Please schedule this item for consideration at our February workshop meeting at the request of Mayor Curd.

### **III. RECOMMENDED ACTION**

Provide guidance to Staff, so that, if necessary, a new resolution can be drafted for consideration at a future Council meeting.

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## Question Submitted by: The Honorable Don Ross, State Representative, District 73

1998 OK AG 45

Decided: 02/25/1999

Oklahoma Attorney General

Cite as: 1998 OK AG 45, \_\_ \_\_

¶0 This office has received your request for an Attorney General Opinion in which you ask, in effect, the following questions:

1. Does either the Oklahoma Open Meeting Act or the First Amendment to the United States Constitution require that public bodies, such as city councils, afford interested citizens an opportunity to present their views on matters being considered during the public body's open meeting?
2. If a governmental entity, such as a city council, affords citizens an opportunity to present their views on matters being considered by that public body at its open meeting, what restriction can the public body place upon citizens who choose to express their views?

### I.

**Oklahoma's Open Meeting Act Does Not Require That  
Public Bodies, Such as City Councils, Afford Citizens  
a Right to be Heard at Meetings Conducted Under the Act.**

¶1 The Oklahoma Open Meeting Act, [25 O.S. 1991 and Supp.1998, §§ 301](#) - 314 ("the Act"), generally requires that all meetings of public bodies coming under the Act be held at specific times and places "which are convenient to the public" and which "shall be open to the public." [25 O.S. 1991, § 303](#). Such open meetings must be preceded by advance public notice specifying the time and place of each meeting. *Id.*; [25 O.S. Supp.1998, § 311](#). Additionally, the Open Meeting Act requires advance public written notice and posting of an agenda to be considered by the public body at its open meeting. *Id.* In short, the Open Meeting Act generally requires that public bodies, which come under the Act, hold meetings open to the public with advance public notice of the time and place of the meetings and the matters to be considered on the agendas.

¶2 The Oklahoma Open Meeting Act, however, nowhere provides for or guarantees citizens a right to participate in the governmental decisions being made at an open meeting. Rather, the purpose of the Act is to "encourage and facilitate an informed citizenry's understanding of the governmental process and governmental problems." [25 O.S. 1991, § 302](#). The Act is designed to enable citizens to be present and view the workings of government at open meetings, but does not require that citizens become participants at an open meeting or that they have a right to be heard at an open meeting.

### II.

**The First Amendment to the United States Constitution  
Does Not Grant the Members of the General Public a  
Right to be Heard by Public Bodies Making  
Public Decisions Before Any Policy is Adopted.**

¶3 The First Amendment to the United States Constitution does not grant members of the general public a right to be heard by public bodies making public policy decisions. As the United States Supreme Court held in *Minnesota Board for Community Colleges v. Knight*, 465 U.S. 271 (1984):

*Policymaking organs in our system of government have never operated under a constitutional constraint*



**requiring them to afford every interested member of the public an opportunity to present testimony before any policy is adopted.** Legislatures throughout the Nation, including Congress, frequently enact bills on which no hearings have been held or on which testimony has been received from only a select group. . . . Public officials at all levels of government daily make policy decisions based only on the advice they decide they need and choose to hear. **To recognize a constitutional right to participate directly in government policy-making would work a revolution in existing government practices.**

465 U.S. at 284 (emphasis added).

¶4 The Supreme Court then went on to conclude that:

**Nothing in the First Amendment or in this Court's case law interpreting it suggests that the rights to speak, associate, and petition require government policymakers to listen or respond to individuals' communications on public issues.** . . . It is inherent in a republican form of government that **direct public participation in government policymaking is limited.** See The Federalist No. 10 (J. Madison). Disagreement with public policy and disapproval of officials' responsiveness, as Justice Holmes suggested in *Bi-Metallic*, supra, is to be registered principally at the polls.

465 U.S. at 285 (emphasis added).

¶5 The holdings of the United States Supreme Court make it clear that the First Amendment rights to speak, associate and petition do not require public bodies to afford citizens an opportunity to express their views on issues being considered by the public bodies.

### III.

#### **When Public Bodies Voluntarily Establish Open Forums, They May Impose Reasonable Time, Place and Manner Restrictions.**

¶6 While public bodies are under no requirement to provide an open forum for citizens to express their views on issues being considered by the public body, many public bodies nevertheless voluntarily provide such forums. For example, as suggested by the materials attached to your opinion request, a city council within your district has created, as part of its agenda at each city council meeting, a "Public Comment portion of the Council Agenda." The "Public Comment" portion of the agenda appears to be designed to give citizens an opportunity "to raise new issues before the City Council on matters affecting the City." As the guidelines for the "Public Comment" portion of the agenda indicate, it is "not intended to simply provide free access to television or other media." Instructions on the use of this time ask that citizens "[p]lease address your comments to the Councilors, not the media," and "[p]lease do not use Public Comment for political platforms, or religious or commercial commentary. It is not appropriate for speakers to announce meetings or special events." The guidelines also provide that "[s]peakers will be provided up to five minutes to express their issue, although the Chair has the authority to reduce or extend this timeframe."

¶7 As the United States Supreme Court recognized in *Perry Education Association v. Perry Local Educators' Association*, 460 U.S. 37 (1983) the Constitution forbids a state "to enforce certain exclusions from a forum generally open to the public even if it was not required to create the forum in the first place." *Id.* at 45. Recognizing that while the state is not required to indefinitely retain the open character of any facility "as long as it does so it is bound by the same standards as apply in a traditional public forum. **Reasonable time, place and manner regulations are permissible, and a content-based prohibition must be narrowly drawn to effectuate a compelling state interest.**" *Id.* at 46 (emphasis added).

¶8 The United States Supreme Court's teachings, as illustrated by the above-referenced cases, is that there is no First Amendment right on the part of members of the general public to be heard or address themselves to policymaking entities of the government, and that there is no constitutional right to participate directly in government policy making.

¶9 When, however, a public body creates an open forum, it may only impose reasonable time, place and manner restrictions on expression which are content-neutral. Any content-based prohibition must be narrowly drawn to effectuate a compelling state interest. Whether any particular regulation imposed by a governmental entity providing such a forum is a reasonable time, place and manner restriction, must be decided as a mixed question of fact and law, on a case-by-case basis. Accordingly, it is not possible to issue an Attorney General Opinion addressing such matters. In any event, however, the general First Amendment principles outlined above would apply.

¶10 It is, therefore, the official Opinion of the Attorney General that:

1. The Oklahoma Open Meeting Act, [25 O.S. 1991 and Supp.1998, §§ 301](#) - 314, generally requires that public bodies, which come under the Act, hold meetings open to the public with advance public notice of the time and place of the meeting and the matters to be considered on the agenda. The Open Meeting Act does however, not provide for or guarantee citizens the right to participate in the governmental decisions being made at an open meeting, nor a right to express their views on the issues being considered at the meeting.
2. The rights to speak, associate and petition guaranteed by the First Amendment to the United States Constitution do not require that government policymakers listen to or respond to individual communications on public issues, or that interested members of the public be afforded an opportunity to present their views on the matters being considered by the government policymakers.
3. When a public body voluntarily establishes an open forum, it may establish reasonable time, place and manner restrictions. Any content-based restriction must be narrowly drawn to effectuate a compelling governmental interest. Whether any particular time, place or manner restriction is reasonable and permissible is a question of fact, which courts consider on a case-by-case basis.

W.A. DREW EDMONDSON  
 ATTORNEY GENERAL OF OKLAHOMA  
 NEAL LEADER  
 SENIOR ASSISTANT ATTORNEY GENERAL

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Title 25. Definitions and General Provisions

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<a href="#">25 O.S. 302,</a>	<a href="#">Public Policy</a>	Cited
<a href="#">25 O.S. 303,</a>	<a href="#">Times and Places - Advance Notice</a>	Cited
<a href="#">25 O.S. 311,</a>	<a href="#">Public Bodies - Notice</a>	Cited

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## Question Submitted by: The Honorable Elmer Maddux , State Representative, District 58

2002 OK AG 26

Decided: 07/09/2002

### Oklahoma Attorney General Opinions

Cite as: 2002 OK AG 26, \_\_\_ \_\_

¶0 This office has received your request for an official Attorney General Opinion in which you ask, in effect, the following question:

**Does an agenda of a public body which lists as an agenda item "visitors' comments" or "public comments" comply with the Oklahoma Open Meeting Act, 25 O.S. 2001, §§ 301 - 314?**

#### I.

##### Introduction

¶1 The Oklahoma Open Meeting Act, [25 O.S. 2001, §§ 301 - 314](#), ("Act") requires that all meetings of public bodies "shall be held at specified times and places which are convenient to the public and shall be open to the public." *Id.* § 303. The Act broadly defines "meeting" as "the conduct[ing] of business of a public body by a majority of its members being personally together." *Id.* § [304](#)(2). "Business" is not defined in the Act, but we noted in A.G. Opin. 82-212 that the term "business" should be given a construction in accordance with the purposes of the Act and defined "business" as "includ[ing] the entire decision-making process including deliberation, decision or formal action." *Id.* at 354.

¶2 The Act requires advance notice of the subject matters to be considered at public meetings, providing at [25 O.S. 2001, § 303](#), that "[a]ll meetings . . . shall be preceded by advance public notice specifying the time and place of each such meeting to be convened as well as the subject matter or matters to be considered at such meeting." *Id.* The Act also requires the posting of an agenda to be considered by the public body at its open meeting. This agenda "shall identify all items of business to be transacted by a public body at a meeting." *Id.* § 311(B)(1).

¶3 You ask whether an item on the agenda of a public body which reads "visitors' comments" or "public comments" complies with the Oklahoma Open Meeting Act. The gist of your question is whether the use of terms such as "visitors' comments" and "public comments" is sufficient to meet the notice requirements of the Act.

#### II.

##### **The General Public Does Not Have A Right To Express Views On Issues Being Heard By Public Bodies At Public Meetings.**

¶4 Before addressing your question it is important to recognize that public bodies are not required to provide an opportunity for citizens to express their views on issues being considered by a public body. We concluded in A.G. Opin. 98-45 that neither the Act nor the First Amendment to the United States Constitution grants members of the general public a right to be heard by public bodies making public policy decisions. *Id.* at 913-14. A review of the Act itself shows there is no provision guaranteeing citizens a right to participate in the governmental decisions being made at an open meeting. The recognition that the United States Constitution does not grant such a right is based on the United States Supreme Court's holding in *Minnesota Board for Community Colleges v. Knight*, 465 U.S. 271, 284 (1984) where the Court stated:

***Policymaking organs in our system of government have never operated under a constitutional constraint***

**requiring them to afford every interested member of the public an opportunity to present testimony before any policy is adopted.** . . . Public officials at all levels of government daily make policy decisions based only on the advice they decide they need and choose to hear. To recognize a constitutional right to participate directly in government policy-making would work a revolution in existing government practices.

*Id.* (emphasis added).

¶5 If a public body provides a forum for public comment, however, that body must comply with constitutional provisions. The United States Supreme Court recognized in *Perry Education Association v. Perry Local Educators' Association*, 460 U.S. 37, 45 (1983) that the Constitution forbids a state "to enforce certain exclusions from a forum generally open to the public even if it was not required to create the forum in the first place." Thus, "[r]easonable time, place, and manner regulations are permissible." Any "content-based prohibition must be narrowly drawn to effectuate a compelling state interest." *Id.* at 46.

### III.

#### **The Use Of The Terms "Visitors' Comments" Or "Public Comments" In Agendas Of Public Bodies Provides Sufficient Notice Under The Oklahoma Open Meeting Act That Public Comment Will Be Allowed At The Meeting.**

¶6 While public bodies are not required to allow an opportunity for the public to speak at open meetings, it is common for public bodies to voluntarily provide a forum for members of the public to make comments at public meetings. Some public bodies permit citizens to speak as long as they desire; others limit the amount of time allocated to each speaker. Some public bodies limit public comment to the subject matter of items on the agenda, while others allow open comment. It is in light of these practices that we address your inquiry.

¶7 You ask whether an agenda of a public body may include, as an agenda item, such terms as "visitors' comments" or "public comments." The stated purpose of the Act is "to encourage and facilitate an informed citizenry's understanding of the governmental processes and governmental problems." [25 O.S. 2001, § 302](#). The Act was enacted for the benefit of the public and must be construed liberally in favor of the public. *Int'l Ass'n of Firefighters, Local 2479 v. Thorpe*, 632 P.2d 408, 411 (Okla. 1981). Thus, the Act must be given a construction which will effectuate the intention of the Legislature in facilitating an informed citizenry's right to understanding of government, yet maintaining a process where a public body does not take action on matters for which there has been no specific notice.

¶8 To accomplish the purposes for which it was enacted the Act sets forth the requirements for advance notice in two separate statutory provisions. At 25 O.S. 2001, § 303 the Act requires that all meeting of public bodies "shall be preceded by advance public notice specifying the time and place of each such meeting to be convened as well as the subject matter or matters to be considered." The Act also specifically states that all agendas required pursuant to the Act "shall identify all items of business to be transacted by a public body at a meeting." *Id.* § 311(B)(1).

¶9 A public body generally knows in advance the subject matter of business to come before the body, and is able to decide in advance the particular matter or matters to be considered. In such instances, there is no difficulty in providing notice through the posting of an agenda setting forth the subject matter of items to be considered by the body. The nature of public comment, however, is such that a public body generally has no way of knowing what the subject matter of citizens' concerns may be. This poses difficulty in predicting the subject matters of citizens' concerns and typically prevents the preparation of an agenda setting forth the particular subject matters of the comments.

¶10 If a public body chooses to allow for public comment at its meetings, it may limit such comment to items on the agenda. In that situation, the Act would require that the agenda provide that public comment is limited to items on the agenda. If no limits are placed on the subject matter of public comment, an agenda item stating "visitors' comments" or "public comments" is sufficient to fulfill the purpose of notifying the public that members of the public will be allowed to comment. We therefore conclude that the terms "visitors' comments" or "public comments" provide sufficient notice to fulfill the purpose of the Oklahoma Open Meeting Act.<sup>1</sup>

### V.

## Conclusion

¶11 The purpose of the Act is "to encourage and facilitate an informed citizenry's understanding of the governmental processes and governmental problems." 25 O.S. 2001, § 302. A public body is not required to allow for citizen participation in public meetings, but may voluntarily choose to do so. If a public body chooses to allow for comments by the public, it may limit the comment to items on the agenda and specifically state on the agenda that comment is limited to particular agenda items. A public body may also allow for open public comment. In such situations, the use of terms such as "visitors' comments" or "public comments" in public meeting agendas does not violate the notice provision of the Open Meeting Act.

¶12 It is, therefore, the official Opinion of the Attorney General that:

1. A public body is not required under either the Oklahoma Open Meeting Act, [25 O.S. 2001, § 311\(B\)\(1\)](#), or the First Amendment to the United States Constitution to provide an opportunity for citizens to express their view on issues being considered by a public body, but a public body may voluntarily choose to allow for such comments.
2. A public body which voluntarily chooses to allow for public comment may limit comment to items on the agenda and provide on the agenda that comments are limited. A public body may also allow for open comment.
3. Pursuant to 25 O.S. 2001, § 311(B)(1), an agenda of a public body, which lists as an agenda item general terms such as "visitors' comments" or "public comments," is sufficient to meet the notice requirement of the Oklahoma Open Meeting Act, because it advises that members of the public will be allowed an opportunity to comment.

W.A. DREW EDMONDSON  
 Attorney General of Oklahoma  
 SANDRA D. HOWARD  
 Senior Assistant Attorney General

## FOOTNOTES

<sup>1</sup>We recognize the possibility that the use of terms such as "visitors' comments" or "public comments" in agendas may create a danger that a public body could conceal the true nature of the meeting. Agendas "which are deceptively vague and likely to mislead constitute a wilful violation" of the Act. *Rogers v. Excise Bd.*, 701 P.2d 754, 761 (Okla. 1984). The Act states that "[a]ny action taken in willful violation of this act shall be invalid." 25 O.S. 2001, § 313 (footnote omitted). "[W]illful" is defined "to include any act or omission which has the effect of actually deceiving or misleading the public regarding the scope of matters to be taken up at the meeting. This also includes agency action which exceeds the scope of action defined by the notice." *Haworth Bd. of Educ. v. Havens*, 637 P.2d 902, 904 (Okla. Ct. App. 1981). Whether a particular agenda item has the effect of deceiving or misleading the public is a question of fact outside the realm of an Attorney General Opinion. 74 O.S. 2001, § 18b(A)(5).

### **Citationizer<sup>®</sup> Summary of Documents Citing This Document**

**Cite Name Level**

None Found.

### **Citationizer: Table of Authority**

**Cite Name**

**Level**

**Title 25. Definitions and General Provisions**

Cite	Name	Level
<a href="#">25 O.S. 304.</a>	<a href="#">Definitions</a>	Cited
<a href="#">25 O.S. 314.</a>	<a href="#">Violations - Misdemeanor - Penalty</a>	Cited
<a href="#">25 O.S. 311.</a>	<a href="#">Public Bodies - Notice</a>	Cited
<a href="#">25 O.S. 301.</a>	<a href="#">Short Title</a>	Cited
<a href="#">25 O.S. 302.</a>	<a href="#">Public Policy</a>	Cited
<a href="#">25 O.S. 303.</a>	<a href="#">Times and Places - Advance Notice</a>	Cited

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# **Governing the Conduct of City Council Meetings and Work Sessions**

**Adopted July 2, 2024  
Resolution 2024-090**

## **Section 1. Attendance and Participation in Regular or Special Council Meetings.**

- a. Councilmembers may participate in discussion at Council Regular and Special meetings, including executive sessions, using remote technology, except that only Councilmembers present in person at a meeting are allowed to participate in consideration of quasi-judicial items, to be treated as present for the purpose of establishing a quorum, or to vote on any item.

In the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers may fully participate in and vote in that meeting using remote technology.

- b. The public may participate in any Regular or Special Council meeting as set out in these Rules using the remote technologies that have been arranged for that meeting and may participate in person unless public access for a particular meeting is limited to remote-only access, whether in advance of that meeting, or during the meeting in response to disruption of the planned meeting location or arrangements.
- c. If circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location.
- d. In the case of any such location change or change to the mode of public participation allowed, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast and stream. The meeting must, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. If a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

## **Section 2. Order of Business for Regular or Special Council Meetings.**

- a. Regular Council meetings shall be conducted in the following order (except for special items described below):



- (A) Proclamations and Presentations. (Prior to the meeting)
  - (B) Call Meeting to Order
  - (C) Pledge of Allegiance
  - (D) Roll Call
  - (E) City Manager's Agenda Review (including City Manager removal of items from Consent Calendar for individual discussion)
  - (F) Community Reports (as needed): The purpose of the Community Reports is to provide an opportunity for organizations affiliated with the City (or partnering with the City in specific ways) to update Council and the general public on activities and accomplishments within its organization of interest to the City. Examples include County Health Department, Library District, Platte River Power Authority. Reports are provided at the request of Council or City Leadership.
  - (G) Public Comment on Any Topics or Items or Community Events (including comments on the Consent Calendar and any requests by commenters for removal of items from Consent Calendar for individual discussion). The first 40 speakers will speak plus additional speakers as can be heard in a total of 90 minutes.
  - (H) Public Comment Follow-up (Staff will indicate to Mayor if anyone signed up to speak on a Consent item and was not able to speak under public comment. Those speakers will be able to speak at this point in the agenda.)
  - (I) Councilmember Removal of Items from Consent Calendar for Discussion
  - (J) Adoption of Consent Calendar
  - (K) Consent Calendar Follow-up
  - (L) Staff Reports (as needed): The purpose of the Staff Reports is to provide City Council with information on specific City projects or issues of concern to City Council. Reports may be requested by either Council or staff.
  - (M) Councilmember Reports (as needed): The purpose of the Councilmember Reports is to allow Councilmembers to update one another and the community of any outside activities, meetings, or learning opportunities relevant to the business of the City.
  - (N) Consideration of Items Removed from Consent Calendar for Individual Discussion
  - (O) Consideration of Items Planned for Discussion
  - (P) Resumed Public Comment (if applicable)
  - (Q) Other Business
  - (R) Adjournment
- b. Special Council meetings shall be conducted in the following order (except for special items described below):

- (A) Call Meeting to Order
  - (B) Pledge of Allegiance
  - (C) Roll Call
  - (D) Consideration of Items Identified in the Call of Special Meeting
  - (E) Adjournment
- c. Appeals to Council shall be conducted in accordance with Division 3 of Article II of Chapter 2 of the City Code.
- d. Addition of Permitted Use applications pursuant to Land Use Code Section 1.3.4(c)(3) and zonings and rezonings of land with an area of six hundred forty acres or less (“Quasi-judicial Rezonings”), shall be conducted as follows subject to such limitations in time and scope as may be imposed at the discretion of the presiding officer:
- (1) Announcement of Item;
  - (2) Consideration of any procedural issues;
  - (3) Explanation of the application by City staff;
  - (4) Presentation by the applicant and/or by the affected property owner (if not the applicant);
  - (5) Public testimony regarding the application;
  - (6) Rebuttal testimony by the applicant/property owner;
  - (7) Councilmember questions of City staff, the applicant/property owner and other commenters; and
  - (8) Motion, discussion and vote by the City Council.
- e. Protest hearings required under City Code Section 7-88 (regarding re-districting) or Section 7-156 (regarding ballot title and/or submission clause) shall be conducted in the following order, as part of the agenda item for the item under protest:
- (1) Announcement of Item;
  - (2) Staff Presentation for Agenda Item;
  - (3) Presentation by each person who timely filed a Protest;
  - (4) Councilmember questions of City staff and the protesting parties; and
  - (5) Motion on each Protest, discussion and vote on each Protest by the City Council.

After completion of the Protest Hearing, Council will return to the Agenda Item and receive comments from any persons desiring to speak on the Agenda Item.

- f. Procedures for conduct of other types of special proceedings by the Council shall be established by the presiding officer and shall comply with any applicable legal requirements.
- g. Items for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.

**Section 3. Length of Regular Meetings**

- a. Regular Council meetings will begin at 6:00 p.m. Proclamations will be presented prior to the meeting at approximately 5:00 p.m. and will end no later than 5:30 p.m.
- b. Appropriate breaks will be taken during meetings at the presiding officer's discretion based on meeting length and agenda.
- c. Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.
- d. If the Council for any reason is unable to complete its meeting agenda, all Consent and Discussion items on the agenda that were not considered will be deemed continued to the next regular Council meeting, except as otherwise specified by the Council or, if appropriate, determined by the City Manager.

**Section 4. Public Comment During Regular and Special Council Meetings.**

- a. Comment during Public Participation. During the "Public Comment" segment of each meeting, comment will be allowed on matters of interest or concern to members of the public, including items the Council will consider at that night's meeting.
  - (1) Each speaker will be required to sign up to provide public comment on a City-provided form or system by 5:30 pm of the day of the meeting.
  - (2) Each speaker will only be allowed to speak one time during Public Comment.

- (3) If a speaker comments on a particular agenda item during the time for general public comment, that speaker will not also be entitled to speak during discussion of the particular agenda item.

Section 2-48 of the City Code allows certain interested parties to appeal development review and other types of decisions to Council for review. In considering a matter on appeal, the Council must follow certain procedures and must limit its review to the matters on appeal and the record of the decision that was appealed. Because of this, comments on matters that are the subject of a board or hearing officer decision that will be appealable to the Council are not permitted once the application, review and decision-making process has been initiated.

- b. Comment on Agenda Items. Council will receive public comment during consideration of individual action items, including any item that is addressed by formal Council action under the “Other Business” segment of the meeting that may directly affect the rights or obligations of any member of the general public.

- (1) Each speaker will only be allowed to speak one time to comment on any particular agenda item.
- (2) Comments given during the comment period for an agenda item must pertain to the item under consideration.
- (3) The Council may, but is not required to, receive public comment in connection with procedural matters and motions.
- (4) Except as otherwise provided in these rules, public comment will be permitted only once per item regardless of the number of motions made during Council’s consideration of the item.

- c. Decorum; Scope and Type of Comments Allowed.

- (1) Comment and testimony are to be directed to the Council. When referring to a Councilmember, a speaker is expected to use the Councilmember’s official title. Unless otherwise directed by the presiding officer, all comments must be made into the microphone.
- (2) During general public comment, speakers may speak to any matter of public interest or concern. During discussion of a particular agenda item, speakers shall limit their comments to that item; testimony that strays from the topic will be out of order.

- (3) Speakers shall not make personal, impertinent, profane, vulgar, slanderous intimidating or harassing remarks that disturb, disrupt or impede the conduct of the meeting or the Council's completion of its business. Similarly, threats of violence or harm, or abusive language, and racial or ethnic slurs directed at any person or group of persons, are prohibited. Any speaker who is disrupting the meeting will be warned of the disruption and then steps will be taken to prevent further disruption to the meeting. If the disruption continues, the speaker's microphone will be muted, and further action taken to allow the Council to continue the business of the meeting agenda.
  - (4) Speakers shall avoid lengthy repetition of comments already provided.
  - (5) Dialogue between a speaker and attendees or audience of a meeting, or comments directed to other speakers, are disruptive to the meeting and will be out of order.
- d. Process and Time Limits for Speaking.
- (1) The presiding officer may require those intending to speak to indicate their intention by a show of hands or some other means, such as "raising a hand" using remote technology.
  - (2) The amount of time to be allotted to each speaker will be set by the presiding officer based upon the number of persons expected to speak, in order to allow as many as possible to address the Council within a reasonable time given the scheduled agenda and as necessary to facilitate Council's understanding of an item.
  - (3) The presiding officer may ask those physically present at the meeting and wishing to speak to move to one of the two lines of speakers before the speaker next ahead of them on the speakers list is speaking (or to take a seat nearby for those not able to stand while waiting).
  - (4) Each speaker will be asked to provide their full name and general address at the beginning of their comments.
  - (5) Generally, speakers will be called in the order they appear on the sign-up list for speaking.
- e. Yielding the Lectern. Each speaker shall promptly cease their comments and yield the lectern immediately upon the expiration of the time allotted by the presiding officer.
- f. Yielding of Time. No speaker may yield part or all of their time to another speaker, and no speaker will be credited with time requested but not used by another.
- g. Public Presentation Materials and Evidence. The use of City projection equipment to display presentation materials to Council will be allowed in limited circumstances that permit City staff to manage the use of the equipment, prepare

materials for display and avoid delay or disruption to the meeting. The following limits will apply to all presentations by members of the public:

- (1) Persons wishing to display presentation materials using the City's display equipment under the Public Comment portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.
- (2) As an exception to subsection (1), parties-in-interest in agenda items considered under Section 2.c, 2.d, 2.e or 2.f, above, shall provide all presentation materials to be displayed or proffered for Council consideration to the City Clerk (whether in hard copy or for display) in the manner specified by the City Clerk no later than noon on the day of the meeting at which the subject item is scheduled for consideration or 4:00 p.m. the business day prior to the meeting if the meeting begins earlier than 6:00 p.m. Any such materials must be in a form or format readily usable on the City's display technology. NOTE: Parties in appeals to Council may present new evidence only in the limited circumstances set forth in Chapter 2 of the City Code.

**Section 5. Public Conduct During Regular and Special Council Meetings and Work Sessions.**

- a. General Comment, or Expressions of Support or Opposition. Members of the audience are not entitled to speak except as provided in these Rules of Procedure, or as expressly requested by the presiding officer or City staff and shall not engage in expressions of support or opposition, such as clapping, whistling, cheering, foot stomping, booing, hissing, speaking out, yelling, or other acts, that disturb, disrupt, or impede the meeting or any recognized speaker.
- b. Signs and Props.
  - (1) Signs and props no larger than 11" x 17" are permitted in the City Council Chambers or in the Council Information Center or other Council meeting room (collectively referred to as the "Meeting Room"), except no such signs or props shall be displayed during the conduct of a quasi-judicial hearing during which general public comment is not taken other than by authorized speakers in connection with their hearing testimony.
  - (2) Such signs or props must be held directly in front of one's body so as not to impede the view of others.
  - (3) Signs or props may not be waved, held by more than one person at a time, or used in a manner that, in the judgment of the presiding officer, disrupts the orderly conduct of business.
  - (4) Signs or props may not be left unattended anywhere in the Meeting Room or left unattended on display in the City Hall lobby area.

- (5) Signs or props attached to sticks, poles, or other objects are prohibited.
- c. **Distribution of Literature.** Distribution of fliers or other literature is permitted in the public lobby areas of City Hall only when City Hall is open for a public event. Distribution of fliers and other literature is permitted on the sidewalks and grounds around City Hall. Persons wishing to engage in such activities may do so only in a manner that does not interfere with the movement of persons or obstruct the passage of pedestrians or vehicles.
  - d. **Video and Audio Recording.** Video and audio recording by the press or other members of the public is permitted in the Meeting Room only if the person making the recording is using a small unobtrusive recording device and is seated or standing at a speaker lectern when authorized to speak, or in line awaiting an opportunity to speak, or is standing in the back of the Meeting Room behind all seated persons. Other video or audio recording is allowed only in a manner and area pursuant to the direction of the presiding officer in their reasonable discretion or as designated for that purpose in advance by the City.
  - e. **Areas Permitted for Seating and Standing.** Except for persons waiting in line to speak in accordance with the presiding officer's instructions, no persons shall sit in the Meeting Room except in chairs or seats provided by the City or in wheelchairs or other assistive devices, and no persons shall stand in the aisles or other locations in the Meeting Room except in the back of the Meeting Room, and only in accordance with other applicable limits for fire and building safety.
  - f. **Cellphone and Pagers.** The ringer or other tones of any cellphones, pagers or other communications devices must be off, to avoid disrupting the meeting.
  - g. **Impacts to Public Property.** Meeting attendees are prohibited from altering or damaging any furniture, equipment or other public property or from misusing the City's facilities in the course of attending any Council meeting or work session.
  - h. **Leaving the Meeting.** Meeting attendees leaving the meeting before it has been adjourned must leave in a quiet and orderly manner until outside of the building, to avoid disrupting the meeting.

**Section 6. Procedural Decisions Subject to Modification by Council.**

Decisions by the presiding officer regarding procedures and procedural issues, including but not limited to time limits for public comment, may be overridden by a majority vote of the Council.

**Section 7. Council Questions and Debate.**

Council questions and debate regarding an agenda item during a regular or special Council meeting will occur immediately following public input and prior to entertaining any main motion related to the item. Except when raising a point of order at a regular or special Council meeting, Councilmembers seeking to ask questions or participate in debate or discussion will do so only

when recognized by the presiding officer. The presiding officer may limit or curtail questions or debate as the presiding officer deems necessary for the orderly conduct of business. The presiding officer may participate in questions and debate.

### Section 8. **Basic Rules of Order for Regular and Special Council Meetings.**

The following commonly used rules of order will govern the conduct of City Council business at regular and special Council meetings. *Except as specifically noted, all motions require a second.* These rules of order are in concept based upon Robert's Rules of Order Newly Revised and reflect the existing practices of the Council and the requirements of the City Charter and City Code. For example, while a two-thirds vote is necessary for the passage of some of the motions listed below under Robert's Rules of Order, all motions of the Council, except a motion to go into executive session or a motion to adopt an emergency ordinance, may be adopted upon approval of a majority vote of the members present at a Council meeting, pursuant to Art. II, Sec. 11 of the City Charter.

If there is a question of procedure not addressed by these rules, reference may be made to Robert's Rules of Order for clarification or direction, however, adherence to Robert's Rules of Order is not mandatory, and, in the event of any conflict between these rules of order and Robert's Rules of Order, these rules of order shall prevail. In the event of any conflict between these rules of order or Robert's Rules of Order and a City Charter or City Code provisions, the City Charter or City Code provision shall prevail. Any Councilmember and the presiding officer may make or second any motion, except as specifically limited by these rules.

#### **MAIN MOTIONS**

- Main motions are used to bring business before the Council for consideration and action.
- A main motion can be introduced only if no other business is pending.
- All main motions require a second and may be adopted by majority vote of those Councilmembers present and voting, except that: (1) a motion to go into executive session requires a two-thirds vote of those present and voting and (2) a motion to adopt an emergency ordinance requires the affirmative vote of at least five (5) Councilmembers for approval.
- A main motion may be made or seconded by any Councilmember, including the presiding officer.
- A main motion is debatable and may be amended.

#### **SUBSIDIARY MOTIONS**

These are motions that may be applied to another motion for the purpose of modifying it, delaying action on it, or disposing of it. All subsidiary motions require a second to proceed.

1. Motion to Amend. The point of a motion to amend is to modify the wording - and, within certain limits, the meaning - of a pending motion before the pending motion itself is acted upon.



- A motion to amend, once seconded, is debatable and may itself be amended once.
- A "secondary amendment," which is a change to a pending "primary amendment," cannot be amended.
- Once a motion to amend has been seconded and debated, it is decided before the main motion is decided.
- Certain motions to amend are improper.
  - For example, an amendment must be “germane” to be an order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.
  - Also, some motions to amend are improper, for example, a motion that would merely make the adoption of the amended question equivalent to a rejection of the original motion, or one that would make the question as amended identical with, or contrary to, one previously decided by the Council during the same session.
- “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before formal motions to amend the main motion have been made, and after one or more formal motions to amend the main motion have been made unless one or more members of Council objects to amending by “friendly” amendment (in which case a formal motion to amend the main motion must be used for that purpose).

2. Withdrawal of a Motion. After a motion has been seconded and stated by the presiding officer it belongs to the Council as a whole and the maker may withdraw their motion unless one or more members of the Council objects, in which case the majority of the Council must consent to withdrawal of the motion.

3. Motion to Postpone to a Certain Time (or Definitely). This is the motion by which action on an agenda item or a pending motion can be put off to a definite day, meeting or hour, or until after a certain event has occurred.

- A motion to postpone definitely must be seconded to proceed.
- A motion to postpone definitely can be debated only to the extent necessary to enable the Council to determine whether the main motion should be postponed and, if so, to what date or time.
- Similarly, it is amendable only as to the date or time to which the main motion should be postponed.

4. Motion to Lay on the Table. A motion to table is intended to enable the Council to lay the pending question aside temporarily, but only when something else of immediate urgency has arisen.

- A motion to lay on the table must be seconded to proceed.

- Adoption of a motion to lay on the table immediately halts the consideration of the affected motion, since a motion to table is neither debatable nor amendable.

5. Motion to Postpone Indefinitely. A motion to postpone indefinitely is, in effect, a motion that the Council decline to take a position on an agenda item or main motion.

- Adoption of a motion to postpone indefinitely kills the agenda item or main motion and avoids a direct vote on the item or motion. It is useful in disposing of an item or motion that cannot either be adopted or expressly rejected without undesirable consequences.
- A motion to postpone indefinitely must be seconded to proceed.
- A motion to postpone indefinitely is debatable but not amendable.

6. “Calling the Question”. "Calling the question" may sometimes motivate unanimous consent to end debate. If it does not, however, then debate does not automatically end.

- If any member objects to ending the debate, the presiding officer should ask if there is a second to the motion and, if so, the presiding officer must immediately take a vote on whether to end debate.
- A motion to call the question is not debatable or amendable.

### **INCIDENTAL MOTIONS.**

These are motions that usually apply to the method of conducting business rather to the business itself.

1. Point of Order. If a Councilmember thinks that the rules of order are being violated, the Councilmember can make a point of order, thereby calling upon the presiding officer for a ruling and an enforcement of the regular rules.

- A “point of order” takes precedence over any pending question out of which it may arise *and does not require a second*.
- A “point of order” is not amendable.
- Technically, a “point of order” is not debatable; however:
  - With the presiding officer's consent, the member raising the point of order may be permitted to explain their point.
  - In response to a point of order, the presiding officer can either immediately rule, subject to appeal to the Council, or the presiding officer can refer the point of order to the judgment of the Council, in which case the point becomes debatable.
  - In ruling, the presiding officer may consult with the City Attorney or request the advice of experienced members of the Council.
  - No member has the right to express an opinion unless requested to do so by the presiding officer.

- When the presiding officer has made a ruling, any two Councilmembers can appeal the ruling (one making the appeal and the other seconding it).
  - When an appeal is taken, the matter is decided by majority vote of the Council.
  - A tie vote sustains the decision of the presiding officer.
- If a point of order is to be raised, it must be raised promptly at the time the perceived violation of the rules occurs.

2. Point of Information. Robert’s Rules of Order provides for a “point of information” or a “request for information” that is appropriate in the formal setting of a large legislative body. Because Council consideration of an item is generally an opportunity to request information and ask questions, the formal “point of information” procedure provided in Robert’s Rules is not needed or appropriate for City Council meetings.

3. Motion to Divide a Question. If a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition by itself, the parts of the motion can be separated for consideration and voted on as if they were distinct questions by the adoption of a motion for division of the question.

- A motion to divide a question, if seconded, takes precedence over the main motion and is not debatable.
- The motion to divide must clearly state the manner in which the question is to be divided, and while the motion to divide is pending, another member can propose a different division by moving an amendment to the motion to divide, in which case the amended form of the motion, if seconded, would be decided first.
- Often, little formality is involved in dividing a question, and it is arranged by unanimous consent.

4. Motion to Suspend the Rules. When the Council wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to suspend the rules that interfere with the proposed action.

- A motion to suspend the rules can be made at any time that no question is pending and can be applied to any rule except those that are fundamental principles of the City Charter, City Code or other applicable laws.
- A motion to suspend the rules must be seconded to proceed.
- This motion is neither debatable nor amendable.

The presiding officer may suspend the rules by stating the desire to do so, unless a Councilmember states an objection. In the event of an objection, a motion, second and approval by a majority vote, as described above, is required.

## RESTORATIVE MOTIONS

These are motions that bring a question again before the Council for its consideration.

1. Motion to Take from the Table. The object of this motion is to take from the table and make pending again before the Council a motion or series of adhering motions that previously had been laid on the table.

- A motion to take an item from the table must be seconded to proceed.
- A motion to take an item from the table is neither debatable nor amendable.
- When a question is taken from the table, it is before the Council with everything adhering to it, exactly as it was when laid on the table.

2. Motion to Reconsider. This motion enables a majority of the Council to bring back for further consideration a motion that has already been voted on.

- A motion to reconsider is in order only if made on the same date that the vote to be reconsidered was taken and can be made only by a member who voted with the prevailing side of the vote to be reconsidered.
- A motion to reconsider must be seconded by a member who voted with the prevailing side of the vote to be reconsidered to proceed.
- The purpose of reconsidering a vote is to permit the correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of a vote.
- When a member who cannot make a motion for reconsideration believes that there are valid reasons for one, the member can try, if there is time or opportunity, to persuade someone who voted with the prevailing side to make such a motion.
- A motion to reconsider is debatable whenever the motion proposed to be reconsidered was debatable. And, when debatable, opens to debate the merits of the question to be reconsidered.
- A motion to reconsider is not amendable.
- The effect of the adoption of a motion to reconsider is that the question on which the vote was reconsidered is immediately placed before the Council in the exact position it occupied the moment before it was voted on originally.

3. Motion to Rescind or Amend Something Previously Adopted. By means of the motions to rescind or to amend something previously adopted, the Council can change an action previously taken or ordered.

- A motion to rescind or amend something previously adopted must be seconded to proceed.

- A motion to rescind or amend something previously adopted is debatable and amendable.
- In contrast to a motion to reconsider, there is no time limit on making a motion to rescind or a motion to amend something previously adopted (provided that no action has been taken by anyone in the interim that cannot be undone), and these motions can be moved by any member of the Council, regardless of how that member voted on the original question.
- The effect of passage of this motion is not to place the matter back before the assembly as it was just prior to a vote being taken.
  - Instead, it either entirely nullifies the previous action or modifies it, depending upon which motion is used.
  - For that reason, adoption of a motion to rescind or amend something previously adopted should be carefully considered if third parties may have relied to their detriment on the previous action.
- In order to modify an adopted resolution or ordinance, Council must adopt a new resolution or ordinance making the desired modification, in compliance with all formalities applicable to adoption of a resolution or ordinance (as applicable).

### **PRIVILEGED MOTIONS**

These motions are of such urgency or importance that they are entitled to immediate consideration, even when another motion is pending. This is because these motions do not relate to the pending business but have to do with special matters of immediate and overriding importance that should be allowed to interrupt the consideration of anything else, without debate.

1. Motion to Adjourn. Generally, the presiding officer adjourns the meeting at their discretion at the completion of the agenda. However, any Councilmember may move to adjourn the meeting at any time.

- A motion to adjourn requires a second.
- A motion to adjourn is always a privileged motion except when the motion is conditioned in some way, as in the case of a motion to adjourn at, or to, a future time.
  - Such a conditional motion is not privileged and is treated just as any other main motion.
  - A conditional motion to adjourn at or to a future time is always out of order while business is pending.
- An unconditional, privileged motion to adjourn takes precedence over most other motions.
- The privileged motion to adjourn is neither debatable nor amendable, while a conditioned motion to adjourn is debatable and may be amended.

2. Motion to Recess. A motion to recess is essentially a motion to take a break during the course of a Council meeting.

- A motion to recess must be seconded.
  - A motion to recess that is made when no question is pending is a main motion and should be treated as any other main motion.
  - A motion to recess is said to be privileged if it is made when another question is pending, in which case it takes precedence over all subsidiary and incidental motions and most other privileged motions. It is not debatable and is amendable only as to the length of the recess.
- After a recess, the meeting resumes when the presiding officer has called the meeting back to order.



# **CITY COUNCIL RULES OF PROCEDURE**

**Revised: July 19, 2022**



**CITY COUNCIL MEETING**  
**RULES OF PROCEDURE**

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## **1. Authority**

These rules of procedure are established for the effective and fair conduct of City Council meetings and to help promote public confidence in the integrity of local government. By adopting these rules, the City Council intends to balance a policy of full and free public action and debate with a need to manage its meetings effectively. [36813<sup>1</sup>].

The rules also include expectations for the appointments to the City's advisory bodies and their conduct consistent with the *Commissioners' and Committee Members' Handbook*.

## **2. Purpose**

The purpose of these rules is to document the City Council's accepted practices and to clarify expectations by establishing guidelines for the orderly, consistent, and fair conduct of the City Council's business.

These rules of procedure are intended to help implement, but do not limit or supersede, the state and local laws that govern the requirements and responsibilities for the City Council's meetings. Those laws include, but are not limited to, the California Constitution, the Brown Act<sup>2</sup>, the Political Reform Act<sup>3</sup>, and the Pleasanton Municipal Code.

These rules of procedure are not intended to limit the inherent power or the general legal authority of the City Council, and failure to follow these rules will not invalidate a City Council action.

## **3. Rules of Parliamentary Procedure**

The City Council has adopted *Rosenberg's Rules of Order, Revised 2011*, as its rules of parliamentary procedure, attached. In the event of a conflict between *Rosenberg's Rules of Order* and these rules of procedure, these rules of procedure shall control.

## **4. Applicability**

These rules of procedure apply to the preparation, posting, and distribution of the agendas for City Council meetings. They also relate to the orderly discussion of items and the City Council's voting procedures to take formal action or provide direction to staff. Lastly, they relate to respective powers for the Mayor and Councilmembers.

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<sup>1</sup> All citations are to the California Government Code unless otherwise noted.

<sup>2</sup> The Ralph M. Brown Act is located at California Government Code §§54950 et seq.; also known as the California Open Meeting Law.

<sup>3</sup> The Political Reform Act is an initiative measure adopted by California voters in 1974. The California legislature has adopted implementing statutes at California Government Code §§81000 et seq. and the Fair Political Practices Commission administers related regulations at Title 2 California Code of Regulations §§18104 et seq.

## **5. Presiding Officer**

The Mayor is the presiding officer for each meeting of the City Council that the Mayor attends. In the Mayor's absence, the Vice Mayor shall be the presiding officer for the meeting when the Vice Mayor is present. In the absence of both the Mayor and the Vice Mayor, the Councilmembers present at the meeting shall select a presiding officer. [36802].

The presiding officer shall have the Mayor's duties and responsibilities for conducting City Council meetings.

## **6. Mayoral Duties and Responsibilities**

The Mayor is directly elected for a two-year term in November of each even-numbered year. The Mayor is a member of the City Council and has all the powers of a Councilmember, except when exercising his or her unique mayoral duties. The Mayor enjoys, and shall not be deprived of, any rights and privileges as a Councilmember. Additionally, the Mayor shall have all the powers and duties of an elective Mayor as provided by statute. [34903, 36803; PMC 2.06.020].

### **6.1 Appointment of Vice Mayor and Vice Mayor Duties and Responsibilities**

The Mayor, with approval of the City Council, shall select the Vice Mayor at the meeting certifying election results in each even-numbered year and in December of each odd-numbered year, and affirms that the Vice Mayor shall have all the powers and duties of a mayor pro tempore as provided by statute.

If the Mayor is absent or unable to act, the Vice Mayor shall then serve for the Mayor, and shall have all of the powers and duties of the Mayor until such time as the Mayor returns or is again able to act. [34905, 36801].

### **6.2 Appointments to Intergovernmental Agencies**

The Mayor, with the approval of the City Council, shall appoint Councilmembers to serve on the various regional boards, commissions, and committees that require a City Council representative. [40605]. The appointments shall be made in December of each year, and periodically as the Mayor finds necessary.

Appointees may be removed from their positions by a majority vote of Councilmembers if the appointee is found to: (a) have a poor attendance record on the regional board, commission or committee; or (b) the appointee does not represent the City Council's position (except for those regional boards, commissions or committees where an appointee is legally required to be independent).

### 6.3 Seats on the Dais

The Mayor shall sit at the center of the dais for all City Council meetings. If the Mayor is absent, the Presiding Officer shall sit at the center of the dais.

In December of each year, the remaining seats on the dais shall be selected based on seniority of the Councilmembers (with a tie decided by random means of selection).

### 6.4 Mayor's Office

The Mayor shall have use of an office at City Hall. Councilmembers may also use this office for City business meetings if not in use by the Mayor, who shall have first priority.

### 6.5 Conducting Meetings

The Mayor's duties and responsibilities for conducting City Council meetings as the presiding officer are as follows:

#### 6.5.1 Call to Order

The Mayor shall call the meeting to order at the appointed time. If both the Mayor and the Vice Mayor are absent, then the City Clerk shall call the meeting to order and the Councilmembers present shall then select a presiding officer for that meeting.

#### 6.5.2 Preservation of Order

The Mayor shall preserve order and decorum, and shall discourage personal, verbal attacks on Councilmembers, staff, and/or members of the public, but shall not prohibit criticisms of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council or members of the City staff. The Mayor shall confine debate to the item under discussion. [36813, 38638, 54954.3, 54957.9]. See also Section 11.6 for Disruptive Speech and Conduct.

#### 6.5.3 Questions of Parliamentary Procedure

The Mayor shall determine all questions of parliamentary procedure in consultation with the City Attorney and City Manager.

#### 6.5.4 Reordering of Agenda

The Mayor may reorder the items on the agenda for a noticed meeting to accommodate members of the public who wish to speak on an agenda item that would otherwise be considered by the City Council later in the meeting. The Mayor

shall announce the reorder prior to calling members of the public to speak during the meeting open to the public.

#### 6.5.5 Motion to Be Stated and Roll Call Votes

The Mayor, or the Councilmember who made the motion, shall state all motions submitted for a vote by the City Council; and the Mayor or the City Clerk shall announce the result of the vote and identify the no votes and any Councilmembers that abstained or recused themselves from the vote. A roll call vote shall be taken for all teleconferenced meetings. No action shall be taken by secret ballot, but electronic tabulation may be used to record and report roll call votes. [54953(b)(2) and (c)(2)].

### **7. General Rules – City Council Meetings**

The City Council shall comply with the Brown Act. In the event of a conflict between the Brown Act and these rules of procedure, the Brown Act shall control. [54950 *et seq.*, 54953].

City Council meetings shall be open to the public, but the public shall be excluded from closed sessions as authorized by state law. [54953(a), 54957].

City Council meetings, except for closed sessions, shall be open to the media. The media shall be excluded from closed sessions as authorized by state law. [54953, 54953.5, 54957, 54957.9].

City Council meetings may be recorded by the public and the media, provided such recordings do not interfere with orderly conduct of the meetings and do not constitute a persistent disruption of the proceedings.

#### 7.1 City Council Meeting Schedule

Each December, the City Council shall approve and thereafter follow an annual calendar for its regular meetings in the upcoming year. The annual calendar shall also identify dates for anticipated special meeting workshops. [36805].

#### 7.2 Quorum

The presence of three Councilmembers shall constitute a quorum of the City Council necessary to transact business at a meeting. In the event a quorum is not in attendance, those attending the meeting will be named in the minutes, and they shall adjourn the meeting to a set date, time, and location. If all Councilmembers are absent, the City Clerk shall adjourn the meeting to a set date, time, and location. [36810, 36811, 54955].



### 7.3 Absences

#### 7.3.1 Absence

If a Councilmember is absent without permission or good cause from all regular City Council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy pursuant to election by Municipal Code §2.04.030. [36513].

#### 7.3.2 Absentee Participation

If a Councilmember wants to participate in a meeting from another published location, the appropriate way to participate is through a teleconferenced meeting as provided for in section 7.4.6. Absent Councilmembers are discouraged from communicating their opinions on agenda items to staff or to other Councilmembers to convey at the Council Meeting on behalf of the absent Councilmember. [54953(b)].

### 7.4 Types of Meetings

#### 7.4.1 Regular Meetings

The City Council shall meet in the City Council Chambers at City Hall, 200 Old Bernal Avenue, for all regular City Council meetings. The regular meetings shall begin at 7:00 p.m. on the first and third Tuesday of each month, unless otherwise specified by posted notice. [36805, 54954].

#### 7.4.2 Special Meetings

Special meetings may be called by the Mayor, the City Manager, the City Attorney, or by a majority of Councilmembers. The call and notice for a special meeting must specify the items to be considered and the date, time, and location for the meeting. [36807, 54956(a)].

The City Council may take final action at a special meeting that is not a workshop.

#### 7.4.3 Special Meeting Workshops

The City Council may meet informally in special meetings designated as workshops that are called by the Mayor, the City Manager, or by a majority of Councilmembers. Workshops are special meetings intended for: training purposes such as ethics training, sexual harassment prevention and education, and specific technical subjects such as land use; team building; and to receive briefings and background information and hold general discussions on major issues before City Council action is required. Special meeting workshops are also intended for the City Council to work with staff to develop administrative items such as the budget,

for the City Council to receive public input on matters of community wide concern, and for similar activities.

Workshops are open to the public and are meetings for purposes of the Brown Act. The City Council may provide direction, but unlike other special meetings the City Council may not take a final action at a workshop. [54956].

#### 7.4.4 Closed Session Meetings

Closed sessions may only be held as authorized by state law and shall be held in accordance with the provisions of the Brown Act. The closed sessions may precede or follow a regular meeting or be called as a special meeting. In addition to the provisions in Section 7.4.2 Special Meetings, the City Attorney or City Manager may call and notice closed session meetings as special meetings. [54954.5, 54956.5, 54956.7-54957.1, 54962].

After meeting in closed session, the City Council shall reconvene in open session and the City Attorney shall make a public report, either orally or in writing, of any reportable action taken in the closed session and the related vote tabulation. [54957.1, 54957.7].

#### 7.4.5 Concurrent Meetings

Since the Councilmembers are also the members of geological hazard abatement districts, landscape lighting and maintenance districts, the housing authority, and other legislative bodies, the City Council may concurrently convene the meetings of the City and such legislative bodies that include all Councilmembers, or where Councilmembers constitute a quorum of such legislative bodies. [54952.3].

Joint meetings of the City Council and any other legislative body or bodies shall be noticed as a meeting for each body.

#### 7.4.6 Teleconferenced Meetings

The City Council may meet from different publicly noticed locations connected by electronic means consistent with the provisions of the Brown Act effective at the time of the scheduled meeting, or California laws as amended and in current effect. [54953].

#### 7.4.7 Adjourned Meetings, and Adjourned Regular Meetings

Any meeting of the City Council may be adjourned to a later date, time, and location, and the notice of adjournment shall be posted within 24 hours on or near the door of the place where the adjourned meeting was held. However, if the adjourned meeting is to reconvene less than 24 hours after adjournment, then a copy of the order or notice of the continuance shall be posted immediately following the meeting. [36809, 54955].

The Mayor, City Manager, or majority of Councilmembers may call for an adjourned regular meeting in consultation with the City Attorney to conduct a regular meeting on a date other than on a regular meeting date on the City Council's annual calendar. [54955]

#### 7.4.8 Emergency Meetings

If the Mayor, City Manager, or at least three Councilmembers determine that a catastrophic event has caused an emergency situation to exist as defined by law, then the City Council may immediately hold an emergency meeting. [54956 and 54956.5].

#### 7.4.9 City Council Committees

The City Council may form ad hoc City Council subcommittees that do not have final decision-making authority. The City Council may form standing City Council subcommittees.

City Council standing subcommittees comprised of less than a quorum of the City Council and that have continuing subject matter jurisdiction or a fixed meeting schedule established by the City Council, shall comply with the Brown Act and follow these rules of procedure. [54952(b)].

City Council Brown Act subcommittees comprised of less than a quorum of the City Council and that have other persons as members, shall comply with the Brown Act and follow these rules of procedure. [54952(b)].

Ad hoc City Council subcommittees comprised solely of less than a quorum of the City Council and that are limited to both a defined task and a duration are not subject to the Brown Act and are not required to follow these rules of procedure. [54952(b)].

### 7.5 Notice and Agenda Posting

The City Clerk shall post the notices and agendas for each City Council meeting in the bulletin board in front of City Hall, on the City's website, and at the location where the meeting will be held. Any requirement to post notices and agendas at a remote teleconferenced meeting location outside the City's jurisdiction shall be the responsibility of the Councilmember attending the meeting from that location. [54954.2, 54953].

#### 7.5.1 Regular Meetings

It is the City Council's expectation that the agendas for regular meetings should be posted, and agenda packets delivered to the City Council at least 6 days before the meeting dates, but in no event shall the agenda for a regular meeting be posted less than 72 hours before the meeting date. [54954.2].

### 7.5.2 Special Meetings and Workshops

Notice of the call for a special meeting must be delivered and received by each Councilmember and the media (which have requested notice) at least 24 hours before the special meeting, and must be posted at least 24 hours before the special meeting date. To the extent possible, it is the City Council's goal that the notice and agendas for special meeting workshops should be posted at least 6 days before the meeting dates, and in no event shall the notice and agenda for a workshop be posted less than 24 hours before the meeting date. [54956].

### 7.6 Actions Limited to Posted Agendas

The City Council shall not discuss or take action on any item not appearing on the posted notice or agenda for that meeting. However, as permitted by the Brown Act, Councilmembers and staff may briefly respond to statements made or questions posed by the City Council or by members of the public addressing the City Council. Councilmembers may ask a question of City staff or a speaker for clarification, make a brief announcement, or make a brief report on their own activities. [54954.2(a)(3)]

However, the City Council may take action on items not appearing on the agenda in the following situations:

- a. If an emergency situation (as defined by law) exists as determined by three Councilmembers; or
- b. If there is a need for immediate action that came to the City's attention after the agenda was posted as determined by a two-thirds<sup>4</sup> vote of the members of the City Council present at the meeting (or if less than two-thirds are present, then a unanimous vote of those present). [54954.2, 54956, 54956.5].

### 7.7 Continuance of Agenda Items

#### 7.7.1 Continuance Before an Item is Considered

- a. After calling the meeting to order, the Mayor may ask City staff if there are any agenda amendments. City staff shall advise if any items should be continued and the Mayor shall identify such item and announce that it has been continued.
- b. A majority of the City Council may continue an item (not subject to a legally or City-imposed deadline) to the next City Council meeting or to another date agreeable to a majority of the City Council
- c. A majority of the City Council may table an item (not subject to a legally or City-imposed deadline). (To "table" an item means to put the matter on hold; it is not scheduled to return on a specific date.)

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<sup>4</sup> See *Rosenberg's Rules of Order*, pages 3-4 for Majority and Supermajority Votes and Counting Votes.

- d. Any Councilmember may continue an item (not subject to a legally or City-imposed deadline) to the next City Council meeting or to another date agreeable to a majority of the City Council. A Councilmember using this procedure shall state the reason for such continuance. An agenda item may be continued only once using this procedure.<sup>5</sup>
- e. A participating party as defined in Section 9.5.4 Participating Parties may request that its item be continued to the next City Council meeting or another date. A majority vote by the Councilmembers may grant such request so long as the item is not subject to a legally or City-imposed deadline.

#### 7.7.2 Continuance During Consideration

Once an item has been taken up for consideration, City staff, a Councilmember, or a participating party as defined in Section 9.5.4 Participating Parties may request a continuance of the item. The item may only be continued following a majority vote of the Councilmembers present.

#### 7.7.3 Public Comment for a Continued Item

If the opportunity for the public to address the City Council has concluded, or the public hearing portion of an item was formally closed, and the item was returned to the City Council for deliberation before it was continued, then the opportunity for public comment on the item will not be reopened absent a motion by the City Council. [54955].

#### 7.8 Consideration of items to be heard after 11:00 p.m.

Prior to or by 10:30 p.m., the City Council, in consultation with staff, shall determine by vote which agenda items, if any, it will take up that evening, with the intent of completing those items by 11:30 p.m. At 11:30 p.m. the City Council shall determine by vote whether it will complete action on the current agenda item and any others. Any other agenda items scheduled for the evening but not taken up or completed shall be continued to a future date, unless subject to legal deadline.

#### 7.9 Points of Order, Privilege, and Personal Privilege

See *Rosenberg's Rules of Order* page 7.

#### 7.10 Minutes

##### 7.10.1. All Proceedings Recorded

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<sup>5</sup> The same item may not be continued another time by a different individual Councilmember. A City Council majority may continue the item an additional time (so long as not subject to legally or City-imposed deadline).

An account of all open meetings of the City Council shall be recorded, and minutes prepared, by the City Clerk. [36814, 40801]. After the City Council approves the meeting minutes, the City Clerk shall enter them into official minute books of the City Council.

#### 7.10.2 Approval

The minutes for a City Council meeting shall be reviewed and approved as set forth in this section.

- a. The City Council shall approve minutes for a regular meeting, special meeting, and special meeting workshops.
- b. A Councilmember may not approve the minutes for any City Council meeting that the Councilmember did not attend, unless the Councilmember observed the meeting or reviewed a video or audio recording prepared for that meeting. Also, a Councilmember may not approve the minutes for a meeting that they were not eligible to attend as a Councilmember.
- c. If no Councilmembers are eligible to approve the minutes for a City Council meeting, then the City Clerk shall attest to the accuracy of the meeting minutes and enter them into official minute books of the City Council.
- d. The minutes shall be approved without reading if the City Clerk has furnished each Councilmember with a copy.

#### 7.10.3 Preferred Method of Recordation and Minutes

City Council meetings which are open to the general public are recorded by electronic means. Audio and video tapes of such City Council meetings are not the official record of those meetings. The approved minutes constitute the only official record.<sup>6</sup>

### 7.11 Staff Attendance

#### 7.11.1 City Manager

The City Manager, or designee, shall attend all City Council meetings,. [PMC 2.08.130]. The City Manager may make recommendations and shall have the right to take part in all discussions of the City Council, but shall have no vote.

#### 7.11.2 City Attorney

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<sup>6</sup> A majority of the City Council who were at the meeting can amend and re-adopt meeting minutes.

The City Attorney, or designee, shall attend all City Council meetings. Upon the City Council's request, the City Attorney shall provide opinions and recommendations, either written or oral, on questions of law and procedure.

#### 7.11.3 City Clerk

The City Clerk, or designee, shall attend all City Council meetings open to the general public. The City Clerk shall record, prepare, and maintain the official record of such City Council's proceedings and perform other related duties as may be prescribed by the City Council and the City Manager. [36814, 40801].

#### 7.11.4 Department Heads/Employees

Department Heads and employees shall attend City Council meetings as directed by the City Manager.

#### 7.11.5 Sergeant-at-Arms

The Chief of Police, or designee, serves as Sergeant-at-Arms will attend City Council meetings as directed by the City Council or the City Manager. [38638].

### 7.12 Meetings That Are Not Subject to the Brown Act

As provided by the Brown Act, a quorum of the City Council may attend conferences and similar gatherings, open community meetings organized by a person or organization other than the City Council, open and noticed meetings of another legislative body other than a City advisory body, and social and ceremonial gatherings without complying with the notice and agenda requirements in these rules of procedure, provided that the Councilmembers do not discuss among themselves business of a specific nature that is within the City's subject matter jurisdiction. [54952.2(c)(3)-(5)].

Meetings of an ad hoc City Council subcommittee are not subject to these rules of procedure unless the Mayor or City Council expressly state that the committee shall follow these rules. [54952 and section 7.4.9.].

Briefings of less than a quorum of the City Council are not subject to these rules of procedure provided the briefings comply with the Brown Act. [54952.2].

## **8. Development of Agenda**

The City Manager, with input from the Mayor, is responsible for preparing the City Council's meeting agenda. Items may also be placed on an agenda for City Council consideration in the following ways: by direction of the Mayor; by direction of the City Attorney in consultation with the City Manager; by direction of a majority of Councilmembers during the matters initiated portion of the agenda to place an item on a future agenda; and under any processes set forth by statute or ordinance that requires

City Council action, including City Council consideration of land use matters, appeals, and other matters as set forth in the Pleasanton Municipal Code.

The agenda shall contain a brief general description of each item of business to be transacted or discussed, including any items to be discussed in closed session. [54954.2, 54954.5].

## **9. Order of Business – Regular Meetings**

The usual order of business for regular meetings shall be as follows:

- |                                      |  |
|--------------------------------------|--|
| 1. Call to Order and Pledge to Flag  | 6. Meeting Open to the Public            |
| 2. Remarks and Roll Call             | 7. Public Hearings and Other Matters     |
| 3. Report on Closed Session (if any) | 8. Matters Initiated by the City Council |
| 4. Agenda Amendments                 | 9. Council Reports                       |
| 5. Consent Calendar                  | 10. Adjournment                          |

### **9.1 Call to Order, Pledge to Flag, Remarks, Roll Call, Report on Closed Session**

These parts of the agenda are for the pledge of allegiance, roll call and the reporting out from any closed session items that may have occurred prior to the meeting.

The City Council shall assign, on a rotating basis, a member (except the Mayor), to lead the Pledge of Allegiance. Following the Pledge, the assigned Councilmember may then make remarks (e.g., commendations, announcements, dedications), appropriate for opening the public meeting.

### **9.2 Agenda Amendments**

The agenda may be amended as provided in Section 6.5.4 Reordering of Agenda and Section 7.7 Continuance of Agenda Items.

### **9.3 Consent Calendar**

The consent calendar portion of the agenda is for routine items such as: approval of minutes<sup>7</sup>, resolutions confirming actions from a previous meeting, the introduction and adoption of ordinances<sup>8</sup>, and the processing of administrative items such as the approval of contracts, the acceptance of public improvements, and other routine items requiring City Council approval by ordinance, resolution, or law. Prior to taking action on the

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<sup>7</sup> The City Council waives the full reading of the minutes when the City Clerk has provided a copy of the minutes to the City Council in advance of the meeting.

<sup>8</sup> The first reading and introduction of any ordinance on the Consent Calendar will include a reading of the title by the City Clerk, City Attorney or Mayor. The second reading and adoption of an ordinance on the Consent Calendar will note on the agenda when a Councilmember voted “No”, abstained or recused from the first reading and introduction; which will be reflecting in the vote tally of the final ordinance. The City Council waives the full reading of all ordinances at time of introduction and adoption per 36934.



Consent Calendar, a Councilmember may ask questions about, or comment on, a Consent calendar item without moving the item from the Consent Calendar.

Any Councilmember may pull an item from the Consent Calendar for separate discussion. Members of the public may address the City Council on consent calendar items by following the procedures set forth in Section 11 Public Participation. Speakers are generally limited to three (3) minutes, or as determined by the Mayor.

The items on the consent calendar are generally approved by the City Council by a single motion.

#### 9.4 Meeting Open to the Public

This portion of the agenda is for City proclamations to recognize significant community events, people, or days. The City Manager, or designee, may develop a policy regarding proclamations as a guide. It is also for the City Council confirmation of appointments to advisory bodies and to administer the oath of office to advisory body members. As authorized by the Mayor or the City Manager, this portion of the agenda is also for other local, regional, or state legislative bodies and elected officials to make brief presentations to the City Council concerning activities of interest to the City.

These are ceremonial matters and not action items by the City Council. While the preference is for proclamations to be included in the posted agenda, the desire to recognize a significant community event, person, or day may arise or be discovered after an agenda is posted. In that case, the Mayor may make additional proclamations at a City Council meeting so long as they do not unduly interfere with the City Council's business.

This portion of the agenda is also for any member of the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. Speakers are generally limited to three (3) minutes, or as determined by the Mayor. However, to prepare and preserve a proper administrative record, public comments concerning an item listed elsewhere on the agenda should be reserved and addressed to the City Council when that item is called for consideration.

The procedures for public comments during the Meeting Open to the Public are set forth in Section 11 Public Participation.

#### 9.5 Public Hearings and Other Matters

The public hearing and other matters portion of the agenda is reserved for items that require, by statute or practice, a noticed public hearing for action. The notices for public hearing items shall be posted in a newspaper of general circulation and mailed to property owners as required by law. [6060]. This portion of the agenda is also for items for City Council discussion and action that do not require formal statutory notice and hearing.

The procedures for public hearings and other matters are as follows:

### 9.5.1 Introduction

The Mayor shall introduce each item for hearing and consideration.

### 9.5.2 Staff Presentation

A member of City staff will then:

- a. Introduce themselves and the item by identifying the report and other written material included in the agenda packet for the City Council's consideration, as well as any written comments received from the public.
- b. Identify any supplemental written materials that have been provided to the City Council for consideration, which were received or prepared for the item after the meeting agenda was published.
- c. Identify any other staff members or consultants that will be part of the staff presentation or are otherwise present and available for City Council questions.
- d. State whether the applicant is present and whether the applicant intends to make a presentation to the City Council.
- e. Make an oral report, unless waived by the City Council.

### 9.5.3 City Council Questions

Following the staff presentation, Councilmembers are limited to asking technical or clarifying questions of City staff and consultants on the item, but shall not at this portion of the meeting express personal opinion or debate the merits of the item under consideration.

### 9.5.4 Participating Parties

Following City Council questions after the staff presentation, the applicant and/or appellant, and other named participants in the item that is party to an agenda item (collectively "participating parties") may address the City Council for generally ten (10) minutes. After the Mayor determines that no other participating parties wish to address the City Council on the hearing item, the Mayor will then invite City Council technical questions for clarification of the participating parties and staff concerning the item. Participating parties shall address the City Council following the procedures set forth in Section 11 Public Participation and Section 11.4 Participating Parties Addressing the City Council.

- a. For matters being considered on appeal, the appellant (if not the applicant) may address the City Council following City Council questions after the staff

presentation. Then, if there is an applicant for the matter, the applicant can speak to the City Council, followed by members of the public. The appellant will then have a rebuttal opportunity. [Sections 9.5.5. and 11].

#### 9.5.5 Opening and Closing the Public Hearing

The purpose of the public hearing is to provide members of the public with an opportunity to address the City Council concerning the hearing item, as well as to express their support or opposition to the item. The Mayor will formally announce the opening of the public hearing and invite members of the public to address the City Council on the hearing item. Public speakers shall address the City Council following the procedures set forth in Section 11 Public Participation.

After the Mayor determines that no other member of the public wishes to address the City Council on the hearing item, for items involving a participating party, the Mayor shall provide the participating party time for rebuttal, generally limited to five (5) minutes.

After the participating party's rebuttal, or if the item does not involve a participating party, the Mayor will formally close the public hearing and return the item to the City Council for City Council comments and deliberation.

#### 9.5.6 Comments and Deliberation

Once an item of business returns to the City Council for comments and deliberation, the Mayor will invite the Councilmembers to discuss the item to develop concurrence for a motion. Councilmembers may ask questions of staff as part of their deliberations. The procedures for City Council deliberation are set forth in Section 12 City Council Deliberation.

With permission of the Mayor, Councilmembers may pose further questions to the participating parties or the public by re-opening the public hearing. After such questions and answers are heard, the Mayor shall re-close the public hearing and return the item for City Council comments and deliberation.

#### 9.5.7. City Council Action

After City Council comments and deliberation, the Mayor shall call for a motion and a second as set forth in Section 13 Motions, and the City Council may make such motions as set forth in that section.

### 9.6 Matters Initiated by Council and Council Reports

This portion of the agenda is for:

1. The City Council to provide guidance and direction to staff concerning items to be included on future agendas and information to be provided in response to questions

raised during the meeting open to the public. The item will be placed on such agenda if a majority of the City Council present agrees.

2. A majority of the City Council to request staff to provide information, perform studies, or undertake other administrative functions or to develop information for Council action at a future meeting. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or if it will involve substantial staff resources, the City Manager will report to the City Council.

3. A Councilmember may request that an item be placed on a future agenda, if a majority of the City Council present agrees.

4. Each member of the City Council to provide brief reports as required by reimbursement policy.[53232.3(d)].

5. The City Manager, City Attorney, and City staff to provide information of community interest to the City Council and to seek direction from the City Council concerning items to be included on future agendas.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a)].

#### 9.7 Adjournment

This portion of the agenda is for the Mayor to adjourn the City Council meeting to its next meeting. The meeting may be adjourned to a regular meeting, special meeting, special meeting workshop, adjourned regular meeting, or adjourned special meeting. The Mayor may adjourn the meeting in honor of a distinguished Pleasanton resident or other person of community interest that has passed away.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a)].

Adjournment at any other point in the meeting requires a formal motion by the City Council.

### **10. Order of Business – Special Meetings and Workshops**

No matters except those specified in the notice and agenda for a special meeting or special meeting workshop may be discussed at those meetings.

The usual order of business for special meetings and workshops shall be as follows:

#### 10.1. Call to Order

This portion of the agenda is the same as it is for a regular meeting.

10.2. Public Comment

The purpose of this portion of the agenda is to provide the public with the opportunity to address the City Council on only those items listed in the posted notice and agenda for the special meeting or workshop.

Public speakers shall address the City Council following the procedures set forth in Section 11 Public Participation.

However, unlike a regular meeting, the agenda for a special meeting will not include a meeting open to the public or opportunity for the public to address the City Council on any item of interest to the public that is within the City Council’s subject matter jurisdiction, unless that opportunity is expressly included in the agenda.

10.3 Special Meeting Item and Workshop Item

Generally, the procedures for this portion of the agenda follow the procedures in Section 9: Call to Order, Pledge to Flag, and Roll Call, Section 9.5.1 Introduction, 9.5.2 Staff Presentation, 9.5.3 City Council Questions, and 9.5.6 Comments and Deliberations. The City Council may take a final action at a special meeting, but not at a workshop, as set forth in Section 7.4.2 Special Meetings and Section 7.4.3 Special Meeting Workshops.

10.4 Adjournment

This portion of the agenda is the same as it is for a regular meeting.

**11. Public Participation**

A City Council meeting is a limited public forum. Members of the public have the right to address the City Council and to attend its meetings, except for closed sessions and other meetings that permit the public to be excluded as a matter of law. During the meeting open to the public portion of a regular meeting agenda, members of the public have a right to address the City Council on any item of interest to the public that is within the City Council’s subject matter jurisdiction but not listed on the agenda. Members of the public also have the right to address the City Council before the City Council considers or takes action on an item on any regular meeting agenda, except for items properly listed or considered in the Call to Order and Pledge to Flag, Matters Initiated by Council, Council Reports, and the Adjournment portions of the agenda. Members of the public shall be provided an opportunity to address the City Council concerning any item that is described in the notice for special meeting workshops and special meetings. [54954.3].

The procedures for addressing public comments to the City Council are as follows:

11.1 Addressing the City Council

Members of the public who want to address the City Council during the meeting open to the public or before the City Council considers or takes action on an item should indicate

their desire by submitting either a speaker card<sup>9</sup> requesting to speak to the City Clerk, or designee, or by using other methods specified by the City Clerk in the agenda for that meeting (use of speaker cards or such other methods are referred to as “speaker cards”). The methods for addressing the City Council will be described at each meeting. The City Clerk will prominently display the methods to address the City Council in the City Council Chambers or other location where the City Council gathers in person for a meeting.

Before an item is considered by the City Council, the City Clerk shall identify or provide the submitted speaker cards to the presiding officer in the order that they are received for each agenda item.

The purpose of submitting a speaker card to request to speak is to help the presiding officer conduct the City Council’s meetings and to complete its business in an orderly fashion. The intent is not to limit testimony. Therefore, a member of the public will not be denied an opportunity to speak if a speaker card lacks information or because a speaker wants to remain anonymous.

### 11.2 Speaker Time Limit

The amount of time allotted to each member of the public wishing to address the City Council shall generally be limited to a maximum of three (3) minutes. The Mayor may adjust the amount of time allotted to each speaker based upon the number of persons wishing to speak, the complexity of the item if one is being considered, the anticipated time reasonably needed to complete the remaining items on the meeting agenda, and other reasonable factors. [54954.3(b)]. Individual members of the public may not yield their allotted time, or any remaining portion thereof, to anyone else.

Prior to calling for public comment during the meeting open to the public, as well as before the City Council considers or takes action on an item, the Mayor shall set and announce the time limit for each member of the public to speak before inviting members of the public to address the City Council.

### 11.3 Members of the Public Addressing the City Council

- a. Speaker cards shall be used to call each speaker to come forward to address the City Council. When calling a speaker to come forward, the next two speakers can also be identified so that they are prepared to address the City Council when called.
- b. The Mayor may request, but cannot require, that each speaker state his or her name and address before providing comments to the City Council. A speaker is not required to provide his or her name or address in order

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<sup>9</sup> A speaker card asks a person to provide the speaker’s name, address, phone number and agenda item. A speaker is not required to provide name, address or phone number. This information is used to ensure the accuracy of minutes, and will not be retained after the minutes have been approved by the City Council.

to address the City Council. However, to the extent such information is relevant to the issues being considered by the City Council during a public hearing, the absence of such information may bear on the speaker's credibility and the weight the City Council affords the speaker's comments.

- c. Speakers shall address their comments only to the City Council as a body and not to a particular member.
- d. Members of the public may only address the City Council when called to speak from the lectern, microphone or other device. No member of the public, other than the speaker so called, may address the City Council, unless called upon by the Mayor.
- e. If a speaker asks a question of a Councilmember or the Mayor, Councilmembers and the Mayor are not obligated to answer any questions asked. If a speaker asks a question of City staff, the Mayor may ask staff for a brief answer while the speaker is at the lectern.
- f. Members of the City Council and the Mayor are limited to asking clarifying or technical questions of speakers, but shall not at this portion of the meeting express personal opinion, comments or debate the merits of the item under consideration.
- g. Speakers shall not use their time to unduly disrupt the orderly conduct of the City Council's meeting.
- h. Speakers are encouraged to avoid repetition.
- i. Speakers are encouraged to avoid making personal attacks.
- j. Each speaker shall relinquish the lectern when his or her time to address the City Council has expired.
- k. A speaker may use his or her allotted time to read letters or other documents, play electronic recordings at a non-amplified volume, or otherwise present information to the City Council in a non-disruptive manner, provided those activities are completed within the allotted time.

Speakers who desire to present photos, videos or recordings are encouraged to contact the City Clerk's Office in advance if the speaker has questions about formats, if any, available to present information.

- l. When called upon during the meeting open to the public portion of the agenda, speakers may address the City Council on any item of interest to

the public within the City Council's subject matter jurisdiction. [54954.3(a)].

- m. When called upon to provide public comment on a specific item of business on the agenda, speakers shall focus their comments on that specific item of business before the City Council. [54954.3(a)].

#### 11.4 Participating Parties Addressing the City Council

Participating parties shall comply with the procedures set forth in Section 11 Public Participation when addressing the City Council, except that the participating parties shall each have up to a maximum of ten (10) minutes to make visual presentation and address the City Council and five (5) minutes for rebuttal. The Mayor may set and announce the time limit for each active participant to address the City Council based upon the same criteria set forth in Section 11.2 Speaker Time Limit.

When the City Council is acting in its quasi-judicial capacity, the Mayor may further modify the rules of procedure in this section, or adopt such additional rules of procedure and speaker times as may be reasonably necessary, to afford the active participants with procedural due process commensurate with the rights at issue.

- a. A quasi-judicial matter generally involves: (a) a hearing held to apply a rule or standard; (b) to an individual person, project or circumstance; (c) the taking of evidence; and (d) results in a decision (including adoption of findings) based on facts and arguments submitted at the hearing.<sup>10</sup>
- b. For quasi-judicial matters, requirements of due process and fair hearings apply. A Councilmember should remain open-minded and not pre-judge a matter before the hearing. If a Councilmember speaks with participating parties or members of the public outside of the hearing, the Councilmember should summarize those ex parte communications at the hearing. If the hearing involves a specific site, the Councilmember should disclose at the hearing if the Councilmember visited that site.

#### 11.5 Public Criticism

Public criticism of the City's policies, procedures, programs, or services, or of the acts or omissions of the City Council, shall not be prohibited. However, the rights of each speaker to express his or her views is not absolute and nothing in these rules of procedure are intended to confer any privilege or protection for expression beyond that otherwise provided by law. [54954.3].

#### 11.6 Disruptive Speech and Conduct

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<sup>10</sup> An example of a quasi-judicial matter which might come before the City Council is an appeal of the Planning Commission's decision on a conditional use permit.



Any person unduly disrupting a City Council meeting may be requested by the Mayor to leave the meeting. The Mayor shall discourage demonstrations before the City Council, such as applauding or booing. Upon instructions by the Mayor, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the Mayor's judgment, has disrupted the meeting. [36813, 38638, 54954.3, 54957.9, Penal Code 403]. When possible, the Mayor is encouraged to use alternative means, such as direction to speakers to avoid disruption or by taking a recess to review these rules with the speaker, to avoid disruptions to allow the City Council to complete its business.

## 11.7 Written Communications

### 11.7.1 Submitted after the hearing notice, but before the Agenda Publication

Any member of the public may submit written comments and materials to the City Council through the City Clerk's Office. All written comments and materials are encouraged to be submitted between the date public hearing notices are published (10 days prior to the meeting) and noon on the day before agenda publication (7 days prior to the meeting). The City Clerk shall deliver all written comments and materials received by 12:00 p.m. the day before agenda publication as part of the agenda packet for the posted agenda.

### 11.7.2 Submitted Post Agenda Publication

Any member of the public may submit electronic comments to the City Council using the electronic submission process the City Clerk specifies and makes available on the City's website within the timeframe provided on the agenda. Any additional attachments can be submitted directly to the City Clerk. The City Clerk shall post on the City's website, and as otherwise required by law, and deliver any additional materials received by 12:00 p.m. the day of the meeting to the City Council in a supplemental packet prior to the meeting.

Physical copies of written comments and materials, and electronic and physical materials submitted to the Clerk's Office before 12:00 p.m. on the day of the City Council meeting will be included in the supplemental packet, and made available to the public as otherwise required by law. After 12:00 p.m. on the day of the City Council meeting, any member of the public that desires to submit materials to the City Council for consideration at that meeting is hereby encouraged to present 8 copies of the materials to the City Clerk for distribution to the City Council at its meeting when the item is considered.

### 11.7.3 Special Meetings and Workshops

For special meetings and workshops, the City Clerk shall specify the instructions and timeframes for the public to submit comments and materials in the agenda for those meetings.

## **12. City Council Deliberation**

City Council deliberations shall be orderly and guided by the Mayor to reach a decision on the item before them or to provide the direction sought by staff.

Once an item is before the City Council for deliberation, the Mayor shall call upon each individual Councilmember present, in turn, to comment on the item. Usually after each Councilmember has had the opportunity to comment on the item, the Mayor shall invite a motion. Councilmembers shall not interrupt any other Councilmember that is speaking.

## **13. Motions**

### **13.1 Making a Motion**

The Mayor may recognize a Councilmember for the purposes of making a motion. However, a motion may be made by any Councilmember as well as by the Mayor.<sup>11</sup> Once a motion has been made, the Mayor will solicit a second. A motion shall die unless it receives a second. If a motion receives a second, the Mayor shall then invite debate and discussion on the motion and any amendments.

Any Councilmember who makes a motion may withdraw it during debate and discussion, even to the point of interrupting a speaker to do so. If the motion is so withdrawn, the Mayor may ask the Councilmember who had seconded the motion if that Councilmember wishes to make the motion, subject to another Councilmember's second.

### **13.2 Motions**

See *Rosenberg's Rules of Order* pages 3 and 4 for types of motions, amendments, substitutes, multiple motions, and debate.

### **13.3 Miscellaneous Motions, Reviews and Appeals**

#### **13.3.1 Motion to Suspend the Rules of Procedure**

A motion to suspend these Rules of Procedure is debatable and to the extent possible should be addressed to a specific rule. If the Rules of Procedure are suspended in their entirety, such a motion does not supersede law or the Pleasanton Municipal Code.

#### **13.3.2 Motion to Reconsider**

A motion to reconsider any action taken by the City Council may be made as follows: (1) The motion must be made by a Councilmember that voted along with majority that voted for the original motion that passed, although the motion for

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<sup>11</sup> While the Mayor, or presiding officer, has full rights to participate, it is recommended that the Mayor, or presiding officer, generally does not make or second a motion unless other Councilmembers fail to do so. See *Rosenberg's Rules of Order* pg. 3.

reconsideration may be seconded by any Councilmember; (2) The motion must be made either at the meeting at which the action to be reconsidered was taken, or, at the next regular meeting, provided appropriate due process is afforded to any participating parties; (3) The motion is debatable; (4) If any participating party has left the meeting, or if the motion comes at a subsequent meeting, the ultimate decision to be reconsidered must take place at a subsequent meeting; and, (5) If the original hearing was a public hearing, a new notice of hearing must be given before the matter is reconsidered.

### 13.3.3 Council Review

A majority of the City Council, or an individual member of the City Council, may elect to have the City Council review any action of City staff or any board, commission or committee as provided in the Pleasanton Municipal Code.

### 13.3.4 Councilmember Appeal of Procedural Decision of Presiding Officer

Any Councilmember may appeal any procedural ruling by the Mayor. If a Councilmember so moves and the motion is seconded, after debate, the ruling of the Mayor may be reversed by majority vote. If an appeal is taken, the question shall be, "Shall the decision of the Mayor be sustained?"

## **14. Action and Direction**

### 14.1 Votes, General Rules

Unless otherwise provided, the City Council's actions must be passed pursuant to a majority vote on a motion, and the motion may not be considered unless it is seconded. A simple majority vote by those Councilmembers present is necessary to pass a motion providing direction to staff or establishing administrative policy, however motions for the adoption of resolutions and ordinances require an affirmative vote of at least three Councilmembers to pass the motion as provided in Section 16.4 Majority Vote by Three Councilmembers Required.

A Council majority may, before the vote is called, require that a roll call vote be taken on the motion before the City Council. For such roll call vote, Councilmembers' names will be called by the City Clerk in order of: Councilmember who made the motion; Councilmember who seconded the motion; then others alphabetically; with the Mayor's name called last. Councilmembers shall not give explanations for their vote during roll call.

If a motion does not receive the necessary majority vote for passage, the Mayor may solicit additional discussion and another motion for further deliberation and voting. If further discussion and deliberation does not result in a motion receiving a majority vote necessary to pass a motion, the Mayor may declare that "no action has been taken" and proceed with the remainder of the agenda. In the event of a tie vote, the procedures in section 14.2 Tie Votes, shall control.

If a Councilmember is present at the meeting but abstains from voting on a motion or is silent during the vote on the motion, then the rules in section 14.3 Abstentions and Silence shall govern how the Councilmember's silence or abstention is tabulated.

#### 14.2 Tie Votes

Generally, a motion fails if there is a tie vote. After a tie vote, the City Council should try to reach consensus, and the Mayor may solicit additional discussion and another motion in an attempt to break the tie. If the tie vote occurs during a Councilmember absence, and the absent Councilmember does not have a conflict of interest related to the item being voted on, the City Council shall continue the item to a subsequent City Council meeting when the absent Councilmember is expected to be present in an effort to resolve the tie (unless subject to a legally or City-imposed deadline). If the tie vote is not resolved, the motion shall fail and the Mayor may declare that "no action has been taken" and proceed with the remainder of the agenda.

#### 14.3 Abstentions and Silence

The City Council strongly discourages abstentions since abstentions without either legal conflict<sup>12</sup> or appearance of conflict may impede the City Council's actions, for example by causing a tie vote. Abstentions also deprive Pleasanton residents of one vote of five, or representation of their district, and may diminish accountability of Councilmembers on items of legitimate concern. At the same time, it is not the City Council's intention to impede any individual Councilmember's right to choose not to speak or vote on an item. A Councilmember shall publicly state the reason for an abstention.

The City Council adopts the rule for counting votes as "those present and voting" as described in *Rosenberg's Rules of Order* (see pages 5 and 6). Under this rule, a Councilmember who abstains or is silent counts as "present" for determining a quorum, but when counting votes is treated as if the Councilmember is not voting.

#### 14.4 Protests

Any Councilmember shall have the right to enter into public record reasons for dissent or protests against any motion carried by the majority.

### **15. Advisory Bodies**

#### 15.1 Implementation of Municipal Code

##### 15.1.1 Creation and Appointments

The City Council may create boards, commissions, or committees to advise the City Council. [PMC Title 2].

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<sup>12</sup> When a Councilmember has a legal conflict of interest under the Political Reform Act or Government Code §1090, the Councilmember "recuses" from participation in the decision.

#### 15.1.2 Notice of Vacancy

The City typically advertises for vacancies on boards, commissions and committees two times a year. The City Clerk generally shall cause notice thereof to be advertised for a minimum of thirty (30) days. For unscheduled vacancies, a special vacancy notice shall be advertised as required by law. [54974]. The Mayor and any other interested Councilmembers shall interview all candidates.

#### 15.1.3 Scheduling of Interviews

Following the close of the advertised period, City staff shall distribute to the City Council the applications and shall schedule the interviews of the candidates.

#### 15.1.4 Recommendations

After the City Council has received the applications and/or after the candidates are interviewed, any Councilmember may make a recommendation to the Mayor as to an appointment.

#### 15.1.5. Appointments

The Mayor shall make all appointments to the City's advisory bodies, subject to City Council approval, except as noted in the Pleasanton Municipal Code. [40605]. If the Mayor's appointment is disapproved, the Mayor shall continue to make appointments until an appointment receives at least three affirmative votes.

Appointees may be removed from their position by a majority vote of Councilmembers for reasons which include, but are not limited to: (a) poor attendance; (b) failure to timely file Statements of Economic Interest; or (c) other maintenance of membership provisions in the Municipal Code or resolution forming the advisory body.

#### 15.1.6 Eligibility of City Employees

While City employees are not precluded from serving on advisory boards, commissions, and committees, there is a potential for conflict. The City Council and any subcommittees to the City Council shall not make appointments that are potentially incompatible with City employment for any reason. For example, an appointment will be incompatible with City employment if:

- a. An act of the advisory board, commission, or committee may later be subject directly to the control, inspection, review, audit, or enforcement of any other City officer or employee.
- b. The time demands of the advisory board, commission, or committee would render performance of duties as a City employee less efficient.

### 15.1.7 Interviews of Members Eligible for Reappointment

If the term of any commissioner, committee member, alternate and/or board member is about to expire or has expired, and the person is eligible to serve additional time on the commission, the Mayor, upon receiving written application from the person stating an interest in being reappointed, contributions during prior term, attendance and accomplishments while serving, may waive the procedures in subsections 15.1.2, 15.1.3 and 15.1.4 if the Mayor intends to reappoint the person. The Mayor shall notify other Councilmembers of the Mayor's intention to waive the procedures of those subsections in a reasonable time prior to such procedures being waived.

### 15.2 Direction to Advisory Boards, Commissions, and Committees

Within the scope of their duties and responsibilities established in Title 2 of the Pleasanton Municipal Code, or otherwise by the City Council, the boards, commissions, or committees (collectively referred to as "advisory bodies" or "advisory body" for the purposes of this subsection) created by the City Council are directed to:

1. Follow the *Commissioners and Committee Members' Handbook*, as revised.
2. Follow *Rosenberg's Rules of Order* for parliamentary procedure as modified by these rules of procedure.

## **16. Document Preparation and Approval for an Agenda**

### 16.1 Ordinances

No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, prepared by the City Attorney on his or her own initiative, or recommended by the City Manager and developed with the City Attorney's assistance. [36936].

### 16.2 City Attorney Approval as to Form

All ordinances, resolutions, and contracts shall be approved as to form by the City Attorney, or his or her attorney designee, before being placed on the agenda. If the City Manager finds it necessary or expedient to place a contract on a City Council agenda for authority to execute it, but the contract is not yet in final form or has not been signed by the other parties, the City Council shall condition its authorization to execute the contract on the final contract being in substantially the same form as the one presented for the City Council's consideration with such changes as may be directed by the City Council, and upon the City Attorney's approval of the final contract as to form. If the contract is substantially changed or is not approved as to form by the City Attorney, then the contract must be placed on a subsequent agenda for the City Council's consideration.

16.3 Ordinance Introduction/Adoption

The City Council hereby establishes and directs that reading the title of a proposed ordinance will be considered to constitute a full reading of the ordinance, unless a majority of the City Council present asks for a full reading. [36934].

16.4 Majority Vote by Three Councilmembers Required

An affirmative vote of at least three members of the City Council shall be necessary to adopt an ordinance and a resolution, and to approve a contract for the expenditure of funds. An urgency (emergency) ordinance must be adopted by at least four members of the City Council. [36936, 54954.2, 54956.5].

16.5 Ordinance Preservation

Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, publish a summary, and post the full text according to law. The ordinance shall be filed and preserved in the City Clerk’s Office.

16.6 Consent Calendar, Public Hearing, or Matters for Consideration

Ordinances not requiring a public hearing may be presented to the City Council for introduction and adoption on either the consent calendar or other matters for consideration portion of the agenda. The City Attorney shall determine the placement of an ordinance on a City Council agenda in consultation with the Mayor and City Manager, or as directed by the City Council.

**17. City Council Expectations**

17.1 Following Meeting Rules of Procedure

These Rules of Procedure express both statutory requirements and standards of conduct expected for Councilmembers. Councilmembers are responsible for adhering to these procedures.

Councilmembers should respectfully point out to the offending Councilmember infractions of these Rules of Procedure. If offenses continue, then the matter may be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

If after consultation with the Mayor the Councilmember’s behavior continues to violate these Rules of Procedure, the alleged violation(s) can be brought up with the City Council at a public meeting.

17.2 Limited use of electronic devices or other forms for private communications during meetings

Councilmembers should not utilize electronic devices or other forms for private communications during a meeting to communicate among themselves, the public, or anyone else during a City Council meeting on substantive matters related to City business (except for an emergency). This restriction on the use of electronic devices and other forms for private communications preserves compliance with the Brown Act and due process.

**18. Failure to Observe Rules of Procedure**

Failure to observe any of the listed procedures does not serve as an independent source of challenge to any action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by an individual Councilmember or by the City Council as a whole.

Attachment: *Rosenberg's Rules of Order* (Rev. 2011)





# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### **About the League of California Cities**

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### **ABOUT THE AUTHOR**

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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# **Council Rules of Procedure**

Resolution No. 2024-0019 Adopted on January 16, 2024



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## Chapter I – Authority/Administration

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### A. General Authorities and Applicability

1. The Charter of the City of Sacramento provides that the city council shall determine its own rules and order of business ([Sacramento City Charter, § 30](#)). These Council Rules of Procedure (“Rules”) apply when not in conflict with the [Charter of the City of Sacramento](#), [Sacramento City Code](#), the Constitution, or laws of the State of California, including the Ralph M. Brown Act ([Government Code, § 54950 et seq.](#)) (Brown Act). Until such time as they are amended or new rules are adopted by resolution, these Rules govern the order and conduct of business of the city council legislative bodies that meet concurrently with the council, council committees, and council-established boards, commissions, and committees (collectively, “legislative bodies”).
2. These rules are applicable to council-established boards, commissions, and committees, as well as to the persons sitting on those boards, commissions, and committees. Those council-established boards, commissions, and committees that are authorized to adopt rules of procedure shall adopt rules that are consistent with these Rules and may not be in conflict with the Charter of the City of Sacramento, Sacramento City Code, the Constitution, or laws of the State of California.
3. In the absence of council-adopted administrative policies, council staff shall abide by the administrative policies approved by all charter officers.

### B. General Administration

1. The council shall review and revise these Rules at least annually, or as needed.
2. During council discussions, deliberations, and proceedings, the presiding officer has the primary responsibility to ensure that the council, staff, and members of the public adhere to these Rules.
3. Any member who thinks the Rules are being violated may make a “point of order” to call for the presiding officer to enforce the Rules.

### C. Amendment

Any rule may be adopted, altered, amended, or repealed by resolution at any time by a majority vote of the council, provided that at least a 120-hour notice of such proposed rule change is given to the councilmembers.

### D. Suspension

1. Any rule may be temporarily suspended by a two-thirds vote of all councilmembers present, being not less than five votes.

E. Rosenberg's Rules of Order

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, [Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century](#) shall apply.



## Chapter 2 – Duties

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### A. Duties of Members and Staff

- I. Members and city staff shall conduct the business of the City of Sacramento:
  - a. recognizing that stewardship of the public interest is of primary concern;
  - b. working for the common good of the people of Sacramento; and
  - c. assuring fair and equal treatment of all persons, claims, and transactions coming before the council, council committees, and council-established boards, commissions, and committees.

### B. Duties of Mayor and Vice Mayor

- I. The mayor is:
  - a. the presiding officer of the city and of all meetings of the council;
  - b. the official head of the city for performance of duties lawfully delegated to the mayor by the charter;
  - c. referred to as “chair” or “chairperson” when acting as presiding officer of legislative body meetings other than the council;
  - d. considered a member of the council;
  - e. entitled to make and second motions on matters before the council and vote on actions, but possesses no veto power over actions of the council;
  - f. the primary, but not the only, person responsible for interpreting the policies, programs, and needs of city government to the people; and for informing the people of any major change in policies or programs; and
  - g. empowered, but not exclusively empowered, to make recommendations to the council on all policies and programs that require council decisions; and to perform such other duties as prescribed by the charter.
2. The vice mayor and mayor pro tem shall be elected annually from among the members of the council, other than the mayor, by a majority vote at the council’s first meeting in January.
  - a. In the absence of the mayor from the city or a council meeting, the vice mayor shall possess all powers of the office of the mayor and be subject to all prescribed duties for that office.
  - b. In the absence of the mayor and vice mayor from the city or a council meeting, the mayor pro tem shall possess all powers of the office of the mayor and be subject to all prescribed duties for that office.

## Chapter 3 – Conduct of Members

---

### A. Norms and Expectations

#### I. Members shall:

- a. Put constituents first at all times;
- b. Treat each other, staff, and members of the public with dignity, courtesy, and respect;
- c. Value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation;
- d. Follow through on commitments and be accountable to each other;
- e. Clarify when items are discussed in confidence and maintain appropriate confidentiality;
- f. Be attentive to others, limiting interruptions and distractions;
- g. Encourage dissent in debate while being mindful not to prolong discourse or block consensus;
- h. Be candid with each other about ideas and feelings, and resolve conflicts directly;
- i. Keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;
- j. Continuously strive to improve how members work as a team;
- k. Place clear and realistic demands on staff resources and time when requesting action;
- l. Start and end meetings on time, work from an agenda, and be present, attentive, and prepared;
- m. Present problems in a way that promotes discussion and resolution; and
- n. Continually work to build trust in each other.

### B. General Conduct

#### I. Members shall:

- a. Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- b. Be fair, impartial, and unbiased when voting on quasi-judicial actions;

- c. Use the speaker sequencing system to inform the presiding officer of their wish to speak and wait to be acknowledged by the presiding officer before speaking;
- d. Move to require the presiding officer to enforce these Rules, and the presiding officer shall do so upon an affirmative vote of a majority of the members present;
- e. Preserve order and decorum during the meeting;
- f. Not delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, by conversation or otherwise, nor disobey the orders of the council, or the presiding officer, except as otherwise herein provided;
- g. Abide by the Confidential Information Policy (Resolution No. 2010-0108) prohibiting disclosure of confidential communications and authorizing public censure for failure to comply with the policy;
- h. Support the laws established by the council; and
- i. Abide by these Rules in conducting the business of the City of Sacramento.

#### C. Conduct with Members

##### I. Members shall:

- a. Value each other's time;
- b. Attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail, and the majority shall show respect for the opinion of the minority;
- c. Have the right to dissent from, protest, or comment upon any action of the council;
- d. Respect each other's opportunity to speak and, if necessary, agree to disagree;
- e. Avoid offensive negative comments and practice civility and decorum during discussions and debate; and
- f. Assist the presiding officer's exercise of the affirmative duty to maintain order.

#### D. Conduct with City Manager and Staff

##### I. Members of the city council shall:

- a. Speak to the city manager directly on issues and concerns;
- b. Direct the city manager to implement council's policy decisions through the administrative functions of the city;

- c. Treat staff professionally and refrain from publicly criticizing individual employees;
- d. Avoid involvement in personnel issues except during council closed sessions regarding council-appointed staff, including but not limited to the city attorney, city auditor, city clerk, city manager, city treasurer, or director of the office of public safety accountability;
- e. Discuss directly with the city attorney, city auditor, city clerk, city manager, city treasurer, or director of the office of public safety accountability as appropriate, any displeasure with a department or staff; and
- f. Request answers to questions on council agenda items from the city attorney, city auditor, city clerk, city manager, city treasurer, or director of the office of public safety accountability, department directors, or division managers prior to the meeting whenever possible.

## 2. General Direction

- a. Council requests that deal with policy issues and council requests that may be construed as direction must be directed to the city manager, except for general inquiries or questions, in which case the council may go to the department directors or key staff in the City Manager's Office. Members may also deal directly with the city attorney, city clerk, city treasurer, city auditor, or other staff appointed by the council.

## E. Conduct with the Public

### I. Members shall:

- a. Make the public feel welcome;
- b. Be impartial, respectful, and without prejudice toward the public;
- c. Listen courteously and attentively to public comment;
- d. Not argue back and forth with members of the public; and
- e. Make no promises to the public on behalf of the legislative body.

## F. Conduct with Other Agencies

### I. Members shall:

- a. Project a positive image of the city when dealing with other agencies;
- b. Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;

- c. Represent official policies or positions of the council when designated as delegates of a legislative body;
- d. Explicitly state when their opinions and positions do not represent the legislative body when representing their individual opinions and positions, and not allow the inference that they do (see also Rule 13.A.1.c); and
- e. Have the ability to lobby or discuss issues that have been adopted by legislative bodies or are standing policies of the legislative bodies with other legislators, government officials, applicants, or other interested persons.

#### G. Conduct with Boards and Commissions

- 1. Councilmembers shall:
  - a. Treat all members of boards, commissions, and committees with appreciation and respect; and
  - b. Refrain from participation at board, commission, and committee meetings with the purpose of influencing the outcome of those meetings.
- 2. Rule 3.G.1.b does not apply to the Compensation Commission, Sacramento Ethics Commission, or Independent Redistricting Commission.

#### H. Conduct with the Media

- 1. Members shall not discuss – or go "off the record" with the media to discuss – confidential or privileged information pertaining to closed sessions, or attorney-client privileged or attorney work product communications, including personnel, litigation, or real property negotiations.
- 2. Providing non-confidential, non-privileged background information is acceptable.

#### I. Ethical Conduct

- 1. Members shall conduct themselves in accordance with the Sacramento City Code of Ethics ([Sacramento City Code § 4.02](#)) including but not limited to:
  - a. Members shall comply with the citywide nepotism policy adopted or approved by city council resolution.
  - b. Members shall comply with the citywide whistleblower protection policy adopted or approved by city council resolution.
  - c. Members shall receive ethics training material, as required by Assembly Bill 1234 within 30 days of taking office and at least every two years.
  - d. Members shall receive sexual harassment training material, as required by Assembly Bills 1825 and 1661 within 30 days of taking office and at least every two years.

- e. Members shall follow the Political Reform Act and Fair Political Practices Commission regulations.
- f. Members shall conduct themselves in accordance with such policies and training.

## Chapter 4 – Conduct of City Staff

---

### A. General Conduct

- I. Staff shall:
  - a. Prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
  - b. Be available for questions from members in accordance with the [Brown Act](#) prior to and during meetings;
  - c. Respond to questions from the public during meetings only when requested to do so by members or the city manager;
  - d. Refrain from arguing with the public or members; and
  - e. Switch electronic equipment such as cellular telephones to silent or off mode during council meetings.
2. Staff shall remain objective on issues and not be advocates for issues unless so directed by the legislative body.
3. To the extent permitted by the [Brown Act](#), the city manager and staff shall, as soon as possible, inform the mayor and members representing the districts affected of controversial, significant-impact issues that are coming before the legislative body.
4. The city manager shall advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.
5. The city manager shall make available an informational briefing for members' staff for items affecting the city and items on, or potentially on, the council agenda. Briefings shall include necessary department staff and shall take place as soon as possible.

## Chapter 5 – Conduct of the Public

---

### A. General Conduct

#### I. Decorum.

- a. Members of the public attending council meetings shall observe the same rules and decorum applicable to the members and staff as noted in chapters 3 and 4 of these Rules.
- b. No person shall engage in conduct that is intended to or is likely to provoke violent or riotous behavior, nor shall any person engage in conduct that disturbs the orderly conduct of the council meeting. Examples of disorderly conduct include:
  - (i) Feet-stamping.
  - (ii) Whistling or other abrupt noises.
  - (iii) Yelling or shouting or interrupting a speaker who is addressing the council.
  - (iv) Organized silent demonstrations and other demonstrations intended to disturb the progress of the meeting.
  - (v) Physically threatening conduct.
  - (vi) Verbal threats.
  - (vii) Banging, slamming, or throwing objects.
  - (viii) Interfering with other attendees' ability to participate or address the council.
  - (ix) Entering areas of the chamber not intended for the public.
  - (x) Incitement to commit unlawful or disturbing acts or disrupt proceedings.
  - (xi) Refusing to abide speaker time limits and leave the podium when directed.
  - (xii) Placing physical objects in a manner that creates a disturbance or disrupts proceedings.
  - (xiii) Interjection when not at the podium.
  - (xiv) Refusing to heed the presiding officer's call for order.



- (xv) Approaching the podium or dais without permission of the presiding officer.
  - (xvi) Signs may not be mounted to any solid item that would facilitate holding or waving and may not impede the view of other attendees.
- c. Enforcement. In addition to the presiding officer, the decorum officer and the sergeant-at-arms shall have primary responsibility for enforcing council meeting decorum. Additionally, any member may at any time call for a point of order, to request the timely enforcement of these rules of decorum.
- (i) The presiding officer shall request that a person who is breaching the rules of decorum cease the conduct. If the person does not cease the conduct immediately, the presiding officer may order the person to leave the council meeting or order the sergeant-at-arms to remove the person.
  - (ii) In addition to the sergeant-at-arms, the decorum officer, who shall be a council-selected person who sits on the dais, may also exercise the duties of the presiding officer in Rule 5.A.1.c.(i) above.
  - (iii) The sergeant-at-arms shall assist in enforcing the rules of decorum, including removing disorderly persons upon order of the presiding officer or decorum officer.
2. Lobbyists shall identify themselves and the client(s), business, or organization they represent before speaking to the council ([Sacramento City Code, § 2.15.160](#)).
3. Members of the public wishing to provide documents to the council shall comply with Rule 7.D.
- B. Addressing the City Council
1. Purpose of public comment. During regular meetings, the city provides opportunities for the public to address the council as a whole in order to listen to the public's opinions regarding agendized items and unagendized matters within the subject matter jurisdiction of the city. At all other (special) meetings, public comment is limited to agendized items.
- a. Public comments should not be addressed to individual members nor to city officials, but rather to the council as a whole regarding city business.
  - b. While members of the public may speak their opinions on city business, personal attacks on members and city officials, use of swear words, and signs or displays of disrespect for individuals are discouraged as they impede good communication with the council.

- c. Consistent with the [Brown Act](#), the public comment periods on the agenda are not intended to be “question and answer” periods or conversations with the council and city officials. The limited circumstances under which members may respond to public comments are set out in Rule 8.D.2.
  - d. Members of the public with questions concerning consent calendar items may contact the staff person or the member whose district is identified on the report prior to the meeting to reduce the need for discussion of consent calendar items and to better respond to the public’s questions.
  - e. The presiding officer may stop a member of the public whose comments are not confined to the agendized item being heard. During the public comment portion of the agenda, the presiding officer may stop a member of the public whose comments are not within the subject matter jurisdiction of the city.
2. Speaker time limits. In the interest of facilitating the council’s conduct of the city’s business, the following time limits apply to members of the public (speakers) who wish to address the council during the meeting.
- a. Matters not on the agenda: two minutes per speaker.
  - b. Consent calendar items. The consent calendar is considered a single item and speakers are therefore subject to the two-minute time limit for the entire consent calendar. Consent calendar items can be pulled at a member’s request and will be considered individually, with up to two minutes of public comment per speaker.
  - c. Discussion calendar items: two minutes per speaker.
  - d. Time limits per meeting. In addition to the above time limits per item, the total amount of time any one speaker may address the legislative body at a meeting is eight minutes.
    - (i) Each speaker shall limit their remarks to the specified time allotment.
    - (ii) The presiding officer shall consistently utilize the timing system, which provides speakers with notice of their remaining time to complete their comments. A countdown display of the allotted time will appear and will flash red at the end of the allotted time.
    - (iii) In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group, but with no increase in time.
    - (iv) Speakers shall not concede any part of their allotted time to another speaker.

- (v) The presiding officer may further limit, or expand, the time allotted for public comments per speaker or in total for the orderly conduct of the meeting; such limits shall be fairly applied.
2. Speaker slips. Members of the public in chambers wishing to speak to the legislative body must submit to the city clerk a completed speaker's slip indicating the agenda item or matters not on the agenda item that they wish to address before the item is called. Members of the public participating via teleconference wishing to speak to the legislative body must use the teleconferencing platform to "raise their hand" before the item is called. After the first speaker concludes, no speaker slips will be accepted in chambers and the "raise hand" feature in the teleconferencing platform will be disabled.

#### C. Electronic Devices

1. Members of the public shall turn their electronic devices that are capable of emitting sound – including cellular telephones, personal data devices, digital tablets, laptop computers, etc. – to the off- or silent-mode during council meetings.
2. Cameras. Cameras and recording equipment may be used during council meetings only if:
  - a. the devices are silent during use; and
  - b. the devices are used in a manner and at locations that do not impede walkways or others views of the meeting or disrupt the conduct of the meeting.
  - c. Continual lighting may not be used with video recording.
  - d. Flash photography is not allowed.

#### D. Location of Speaker

1. Members of the public shall not approach the dais without the express consent of the presiding officer or city clerk.
2. Members of the public wishing to address the legislative body must approach the podium when recognized by the presiding officer or city clerk and speak only from the podium.

## Chapter 6 – Meeting Types and Schedules

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### A. Regular Meetings

1. The city council shall hold regular meetings and provide the time, place, and manner of holding its meetings by annual resolution. A majority of regular council meetings must be held after 5:00 p.m. All meetings of the council must be open to the public, except as permitted by state law ([Sacramento City Charter, § 31](#)).
2. The council shall generally meet on Tuesdays at either 2:00 p.m. or 5:00 p.m. in the City Hall Council Chamber, 915 I Street, First Floor, Sacramento, California, except as otherwise provided in the annually adopted meeting schedule or as otherwise revised by the council.
3. City boards, commissions, and committees shall hold regular meetings and provide the time, place, and manner of holding its meetings. All meetings of the the city’s legislative bodies must be open to the public, except as permitted by state law. The city council shall annually adopt a meeting schedule for all legislative bodies.

### B. Adjourned Meetings

As permitted by law, the legislative body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the motion of adjournment.

### C. Special Meetings

1. The mayor or a majority of the members of the City Council may direct the city clerk to call a special meeting by providing notice 24 hours in advance of the meeting to the mayor, to all members, and to all media outlets and persons having requested in writing notification of such meetings pursuant to state law.
2. Whenever practicable, special meetings must take place in the council chamber and be video streamed live, available via teleconferencing, and recorded for viewing later.

### D. City Council Emergency Meetings

1. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities or services, the City Council may hold an emergency meeting without complying with either the 120-hour (regular meeting) or 24-hour (special meeting) notice and posting requirements but shall otherwise comply with the [Sacramento City Code § 4.04](#) and [Brown Act](#) procedures generally stated below.
2. Each local newspaper of general circulation and radio or television station that has requested notice of emergency meetings pursuant to the [Brown Act](#) shall be notified by the City Clerk, or designee thereof, at least one hour prior to the emergency

meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the emergency meeting.

3. This notice shall be given by telephone call or text message to the numbers provided in the most recent request for notification.
4. In the event that telephone services are not functioning, the notice requirements of this section are deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.
5. During an emergency meeting, the legislative body may meet in closed session pursuant to the [Brown Act](#) if agreed to by a two-thirds vote of the members present, being not less than five votes of the council.
6. All special meeting requirements in the [Brown Act](#) are applicable to an emergency meeting, except for the 24-hour notice and posting requirement.
7. The minutes of an emergency meeting; a list of persons who the presiding officer of the legislative body, or designee of the council, notified or attempted to notify; a copy of the roll call vote; and any actions taken at the meeting, shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

#### E. Closed Sessions

1. Closed sessions generally shall be special meetings held immediately prior to regular meetings.
2. In accordance with the [Brown Act](#), the public may speak regarding any closed session item prior to the closed session.
3. All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the closed session. Any member sharing information in violation of this rule may be subject to censure by the council consistent with the council's confidentiality policy then in effect.
4. The city attorney shall report out in public session any reportable actions that were taken by council and the vote on such actions in accordance with the [Brown Act](#).

#### F. Public Hearings

1. The city clerk shall set council hearing dates and notify the council via the preliminary draft agenda on all matters that require a notice and public hearing before the council, such as matters received from the planning division and appeals to the council.
2. Public hearings will not be withdrawn or continued without the full knowledge and concurrence of the councilmembers within whose districts/jurisdiction the issue resides.

3. The council may refuse to grant a continuance of any hearing unless there is a valid legal reason why the hearing must be continued.
4. Continuances.
  - a. Any person (applicant, appellant, or designated representative) scheduled for a public hearing before the legislative body:
    - (i) May obtain one continuance for a period not to exceed the second regular meeting after the original scheduled hearing date, as a matter of right, without personally appearing on the scheduled hearing date, provided a written request for the continuance must be delivered to the city clerk by noon on the day prior to the scheduled public hearing. Any person who has once obtained a continuance by any procedure may not obtain a subsequent continuance under this Rule 6.F.4.a(i).
    - (ii) Who wants to obtain a continuance of the hearing beyond the second regular meeting after the original scheduled hearing date, or who has not notified the city clerk as provided in Rule 6.F.4.a(i), may obtain a continuance only by appearing before the legislative body at the time the original hearing is scheduled and requesting a continuance. This continuance is not a matter of right and will not be granted unless the legislative body is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.
    - (iii) Who has once obtained a continuance of a hearing either by notice to the city clerk under Rule 6.F.4.a(i) or by personal appearance under Rule 6.F.4.a(ii) may obtain a further continuance only by appearing before the legislative body at the scheduled hearing and satisfying the legislative body that extraordinary circumstances exist that would justify this second continuance.
    - (iv) Who has twice obtained a continuance of a hearing may obtain an additional continuance only by appearing before the legislative body at the scheduled hearing and satisfying the legislative body that a miscarriage of justice would result from the refusal of the legislative body to grant a continuance.
  - b. City staff may obtain a continuance based on the need of the originating department or on behalf of a member. Department staff may request, via the city clerk, as many continuances as needed to complete and ready the project or appeal for the hearing process; however, staff may not serve as a requestor on behalf of an applicant or appellant.

- c. Any organized group of residents or neighborhood associations not recognized as an applicant or appellant may contact their councilmember and request a continuance as needed to complete and ready the project or appeal for the hearing process. The member, in their sole discretion, may request the legislative body approve the continuance for good cause.
- d. At the meeting when the hearing is scheduled, but before the hearing starts, any member may request the council approve a continuance.
- e. Disputes regarding the length of a continuance will be decided by the council at the scheduled hearing if city staff or the city clerk cannot obtain mutual agreement between the parties beforehand.

#### G. Teleconference Meetings

- a. Members of the public may address the legislative body via a teleconference platform such as computer or telephone. Instructions for participation will be printed on every meeting agenda.
- b. Members of the City Council may participate via a teleconference platform only in accordance with [Sacramento City Code § 4.04](#) and the [Brown Act](#).

#### H. Televised Meetings

- a. City Council meetings held in the council chambers are generally telecast via local television and available live via video streaming on the city's official [website](#) and recorded for viewing later.
- b. Standing committee and advisory body meetings held in the council chambers or historic hearing room are available live via video streaming on the city's official [website](#) and recorded for viewing later.

## Chapter 7 – Meeting Agendas

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### A. Requirements for Agenda Item Submission

1. The city manager and city clerk shall develop the agenda for council meetings in consultation with the mayor and/or vice mayor, with the exception of agenda items involving the compensation of charter officers or any personnel that report to the Council, which may only be brought forward with the initial approval of the mayor, or recommendation by a majority of the Personnel and Public Employees (P&PE) Committee.
2. Charter officers, the director of the office of public safety accountability, and the Sacramento Housing and Redevelopment Agency executive director may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
3. Department directors, subject to the discretion of the city manager, may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.



4. Outside agencies and advisory bodies, and city boards, committees and commissions may submit agenda items in accordance with the following:
  - a. Items must be sponsored for agenda placement by the mayor, councilmembers, charter officers, or department staff; and
  - a. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.
5. Prior to an agenda item being brought to the city council, it should be brought to any relevant city board, committee, or commission and the staff report should include the board, committee, or commission recommendation.

#### B. Declaration of Policy

1. No ordinance, resolution, motion, or item of business may be introduced or acted upon at a meeting of a legislative body of the city without it appearing on a duly noticed and posted agenda in accordance with [Sacramento City Code § 4.04](#) and the [Brown Act](#). Exceptions to this rule are limited to those provided by state law.
2. No ordinance, resolution, motion, or item of business will be considered that:
  - a. Does not affect the conduct of the business of the City of Sacramento or its powers or duties as a municipal corporation, or
  - b. Supports or disapproves of any legislation or action
    - (v) Of the State of California;
    - (vi) Of the President or Congress of the United States; or
    - (vii) Before any officer or agency of the state or nation, unless the proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers or duties of the City of Sacramento or its officers or employees.
  - c. Rule 7.B.2 may be invoked only before public comment or council deliberation on the matter and by five affirmative votes on the question: "Shall the council consider this matter?"

#### C. Procedures for Submission of Reports

1. A written staff report should be prepared and submitted in accordance with the agenda review procedure and reviewed by the relevant departments including but not limited to finance, city manager, and city attorney.
2. Continued items do not require a new report if there are no changes other than the agenda date. If there is any other change, a new report meeting all applicable requirements must be submitted.

3. Staff reports should include sufficient information for members of the council and the public to understand the action being considered including any board, commission, or committee recommendation, and the appropriate legislative history.

#### D. Written Communications from the City and the Public

1. The city clerk shall manage communications to members regarding meeting topics to ensure compliance with the [Brown Act](#).
  - a. Except for records exempt from disclosure under the California Public Records Act ([Government Code, § 54957.5](#), subd. (b)) and otherwise by law, agendas and any other writings distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public and shall be made available upon request without delay.
  - b. Materials distributed to the members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the city or a member, or at the conclusion of the meeting if prepared by another person ([Government Code, § 54957.5](#), subd. (b)).
2. Interested parties or their authorized representatives may address the council by written communications regarding agenda items.
  - a. Written communications received by the city clerk will be delivered to members as soon as possible or at the city council meeting if related to an item on that meeting agenda.
  - b. Members of the public may submit comments via the agenda “e-comment” function on the city’s [website](#).
  - c. Documents (20 copies recommended) that members of the public submit to the legislative body at the meeting shall be given directly to the city clerk for distribution and shall not be given directly to the members. The documents will be made available to the public.

#### E. Preparation of the Agenda Packet

1. No later than 120 hours prior to each regularly scheduled meeting, the city clerk shall finalize the agenda packet.
2. Agenda Packet Contents.
  - a. The agenda packet will include the agenda, the staff reports, draft resolutions and ordinances, contracts, and other attachments. Items noted as “To Be Delivered” on the agenda will be delivered and published to the city’s [website](#) upon receipt by the city clerk. No item is required to be considered by the legislative body if the applicable written material is not delivered to the members before the meeting and made available to the public at the same time.

- b. Corrections or supplements to a staff report or other written materials already included in the agenda packet may be delivered separately.
  - c. All agreements on the agenda must be available for review by the council and the public prior to the meeting, or at the meeting location during the meeting, unless determined otherwise by the city attorney.
  - d. Unless waived by a two-thirds vote of council, all city labor agreements and all agreements greater than \$1,000,000 must be posted on the city's website and be made available to the public at least ten days prior to council action.
- F. Distribution of the Packet
- 1. The city clerk shall distribute the agenda packet to the members and post it to the website no later than 120 hours prior to a regularly scheduled meeting.
- G. Posting of Agenda
- 1. The city clerk shall post the agenda of each regular meeting of the legislative body at least 120 hours in advance of the meeting in a location that is freely accessible to members of the public, as required by the [Brown Act](#).
  - 2. The city clerk shall maintain an affidavit indicating the location, date, and time of posting each agenda.
  - 3. If technical difficulties occur, the agenda and reports will be published on the city's [website](#) as soon as those difficulties are resolved.
- H. Failure to Meet Agenda Deadlines
- 1. The city clerk shall not, without the concurrence of the city manager and city attorney, accept any agenda item or revised agenda item after the deadlines established and noted in these Rules.
  - 2. Any agenda items or revised agenda items submitted after the established deadlines will be reviewed by relevant departments as identified by the agenda workflow approval process.
- I. Exceptions to the Agenda Requirement
- 1. Matters not included on the published agenda may be discussed and acted upon by the legislative body only in the following situations:
    - a. at a meeting during which a majority of the members determine in open session that the matter in question constitutes an "emergency" ([Government Code, § 54956.5](#)); or

- b. upon a determination by two-thirds of the members, or if less than two-thirds are present by unanimous vote of the members present, that:
  - (i) There is a need to take immediate action; and
  - (ii) The need for action came to the attention of the city after the agenda had been posted.

J. Order of Business and Types of Agenda Items

The order of business should be carried out as listed on the agenda in the order as set out below; however, the presiding officer may reorder the items at the meeting, unless members object. Members may request items be reordered by motion.

1. Closed Session: confidential discussions with the legislative body as permitted by the [Brown Act](#).
2. Special Presentations/General Communications: the presentation and receipt of ceremonial resolutions and celebrations not requiring formal legislative body action.
3. Consent Calendar: considered one item, consisting of matters routine in nature and not likely to be subject to debate or inquiry by the members or the public; typically adopted in one motion.
4. Public Hearings: duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the council.
5. Discussion Calendar: non-routine items requiring an oral presentation and discussion before action is taken.
6. Information Items: items when staff is required by federal or state law or city code to inform council of an issue when authority has been delegated to a person, position, board, or commission.
7. Council Ideas, Comments, and Questions:
  - a. Brief oral or written reports summarizing meeting or conference attendance at city expense, as required by Assembly Bill 1234 ([Government Code, § 53232.3](#));
  - b. Requests for the city manager or staff to report on various issues;
  - c. Requests to place items on a future council meeting agenda;
  - d. Requests to refer preparation or review of non-binding resolutions or ordinances to the Law and Legislation Committee; and
  - e. Reports on district and citywide activities or news.

8. Public Comment-Matters Not on the Agenda: oral communications from the audience regarding matters not on the agenda but within the subject matter jurisdiction of the city.

K. Ordinances and Non-Binding Resolutions

1. Ordinance and non-binding resolution preparation must be referred to the Law and Legislation Committee (L&L) before coming to council, as described in Rule 13.
2. Ordinances on the agenda may be passed for publication or adopted in accordance with the procedures in [Sacramento City Charter § 32](#).
3. Ordinance changes during the review and adoption process.
  - a. The text of an ordinance as approved by the L&L Committee, receiving the necessary votes to bring the matter to council under Rule 13, must be the text that is included in the published agenda as pass-for-publication.
  - b. If an ordinance is brought to council under Rule 13, the text of the ordinance brought to council must be the same text as was submitted to the L&L Committee.
  - c. The text of an ordinance passed for publication must be the text that is included in the published agenda for the meeting at which the adoption of the ordinance is discussed.
  - d. Notwithstanding subsections a, b, and c, typographical and clerical errors may be corrected at any time during the ordinance review and adoption process.
  - e. If a member intends to make a substantive (i.e., anything not typographical or clerical) change to an ordinance after it is included in a published agenda, at or before the time the ordinance adoption item is called on the agenda, the member shall distribute sufficient written copies of the proposed change so that all other members, the charter officers, relevant city staff, and the public audience have copies.
  - f. If the legislative body's motion to adopt a resolution or ordinance includes a change to the resolution or ordinance text from that published in the agenda, prior to the vote the city clerk shall repeat verbatim the proposed change or otherwise indicate the change is reflected in the circulated written copy of the change.
  - g. Ordinances bypassing the pass-for-publication requirement under [Sacramento City Charter § 32](#) are subject to this Rule 7.K.3, as applicable.

## Chapter 8 – Conduct of Meeting

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### A. Call to Order – Presiding Officer

1. The mayor, or in the mayor's absence the vice mayor, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the council to order.
2. In the absence of the mayor and vice mayor, the mayor pro tem shall preside over the meeting.
3. Upon the arrival of the mayor, the vice mayor shall immediately relinquish the chair at the conclusion of the business then before the council.
4. For council standing committees the chair shall call to order and preside over the meeting. In the absence of the chair, the vice chair shall perform the duties and obligations of the chair.
5. For all other city established legislative bodies the chair shall call to order and preside over the meeting. In the absence of the chair, the vice chair shall perform the duties and obligations of the chair. In the absence of chair and vice chair, the city clerk shall call the meeting to order, and a temporary chairperson shall be elected from among the members present. Upon arrival of the chair or vice chair, the temporary chairperson shall relinquish the position upon conclusion of the item then before the legislative body.

### B. Roll Call/Attendance

1. A majority of the members of the council then in office constitutes a quorum ([Sacramento City Charter § 30](#)).
2. A majority of members of the council established legislative body constitutes a quorum.
3. Before the legislative body proceeds with the business before it, the city clerk shall note the members present for the minutes. The late arrival and early departure of members will be entered into the action minutes.
4. A councilmember is considered present at a meeting if the member is either physically in the council chamber or is participating in the meeting through teleconference in accordance with the [Brown Act](#). Meeting attendance of the mayor or councilmembers through teleconference is permitted only in extraordinary circumstances.
5. Members must be physically present at the council chamber dais or teleconference location to vote. Proxy or absentee voting is not permitted.

## C. Order of Discussion

The order of business must be carried out as listed on the agenda as set out below; however, the presiding officer may reorder the items at the meeting, unless members object. Members may request items be reordered by motion.

- I. Consent calendar items removed for discussion
  - a. Members, the city manager, or other charter officers may request that any matter be removed from the consent calendar and a separate vote taken.
  - b. All matters remaining on the consent calendar shall be approved by a single action, such single action to have the legal effect of individual action on each matter.
  - c. If consent calendar items are removed, they shall be discussed immediately after adoption of the balance of the consent calendar.
2. Public Hearings.
  - a. The order of public hearings will generally be as follows:
    - (i) **Open the public hearing.**
    - (ii) Member report of ex parte communications.
    - (iii) Staff comments, information, and reports, followed by member questions.
    - (iv) Proponent, if applicable, speaks, followed by member questions.
    - (v) Opponent, if applicable, speaks, followed by member questions.
    - (vi) If the public hearing is on an appeal that does not require council de novo review, then the appellant (opponent) speaks before the applicant (proponent) in accordance with the allotted time.
    - (vii) Public comments.
    - (viii) If the public hearing is a de novo review appeal, the applicant speaks in rebuttal, but if not a de novo review appeal, the appellant speaks in rebuttal.
    - (ix) Closure of public comment period.
    - (x) Further member discussion.
    - (xi) **Motion to close public hearing and take action.**

- b. The presiding officer may direct speakers to avoid repetition in order to permit maximum information to be provided the legislative body within the time allotted for the hearing.
  - c. The appellant and applicant shall be allocated sufficient time to address the legislative body. However, reasonable time limits on persons addressing the legislative body, including applicants, proponents, and opponents may be imposed if necessary for the orderly conduct of the hearing and the limits are fairly applied.
3. Discussion Calendar.
- a. The order of discussion after introduction of an item will generally be as follows:
    - (i) Staff comments, information, and reports, followed by questions from the members.
    - (ii) Public comments and information, followed by questions from the members.
    - (iii) Member discussion, motion, and action.
  - b. Once the item is placed before the council for discussion, motion, or action, no member of staff or the public is allowed to address the council without the consent of the mayor or members.
4. Public Comment for matters not on the agenda will be held at the end of each regular meeting.

#### D. Public Comment for Matters Not on the Agenda

- 1. As required by the [Brown Act](#), a portion of each council meeting agenda will provide an opportunity for members of the public to address the council on any agenda item, including closed session and consent calendar items. Regular meeting agendas also will provide for public comment on any unagenda matter that is within the subject matter jurisdiction of the city.
- 2. In response to public comment on unagenda items, the members may individually:
  - a. briefly respond to statements made or questions posed by members of the public;
  - b. ask questions for clarification;
  - c. provide a reference to staff or other resources for factual information or response;
  - d. request staff to report to the council at a subsequent meeting; and
  - e. request staff to place a matter of business on a future agenda as needed.



#### E. Quorum Call

1. During the course of the meeting, should the presiding officer note a quorum is lacking, the presiding officer shall call this fact to the attention of the city clerk.
2. The presiding officer then shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the presiding officer may declare a recess for a reasonable period of time in order to reestablish a quorum.
3. If no quorum is reestablished within a reasonable time, the presiding officer shall adjourn the meeting.
4. Continuation of a meeting extending past 9:30 p.m. requires a majority vote of the members present.

#### F. Obtaining the Floor

1. Any member wishing to speak must first obtain the floor by being recognized by the presiding officer. The presiding officer shall recognize any member who seeks the floor when appropriately entitled to do so.
2. With the concurrence of the presiding officer, a member holding the floor may address a question to another member and that member may respond while the floor is still held by the member asking the question. A member may opt not to answer a question while another member has the floor.

#### G. Motions

1. [\*Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century\*](#) governs the management of motions.

#### H. Voting

##### I. Requirements for Action.

- a. Unless a higher vote is required by the city charter, the city code, or otherwise by law, the affirmative votes of at least five members of the council shall be required:
  - (i) For the council to take action on an item of business;
  - (ii) To pass any ordinance, resolution, or motion; or
  - (iii) To make or approve any order for the payment of money requiring council approval.
- b. Any ordinance declared by the council to be necessary as an emergency measure and containing a statement of the facts constituting such emergency as provided in the city charter may be introduced and adopted at the same meeting if passed by at least six affirmative votes ([Sacramento City Charter, § 32](#)).

## 2. Voting Disqualification.

- a. A member shall not vote upon a matter if the member is disqualified from voting on that matter due to a conflict of interest. Nor shall any member vote on a quasi-judicial matter if the member is biased regarding that matter.
- b. A member shall openly state an abstention due to a conflict of interest or bias.
- c. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- d. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
- e. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.

## Chapter 9 – Council Vacancies

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### A. Procedures

1. As provided in the Sacramento City Charter, absence from five consecutive regular meetings of the council, unless excused by resolution of the council, operates to vacate the seat of the mayor or councilmember so absent. (Sacramento City Charter, §§ [28](#) and [46](#).)
2. A vacancy in the office of councilmember or mayor shall be filled by special election called by the council as provided in [Sacramento City Charter § 154](#), unless the vacancy occurs within one year of the next general election at which that office would normally be filled, in which case the vacancy shall be filled by appointment. The city clerk shall take the necessary actions to accomplish the recruitment and appointment of candidates as provided in [Sacramento City Code § 1.14](#).

## Chapter 10 - Facilities

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### A. Meeting Locations

1. Whenever practical, legislative body meetings shall be held at the City Hall Complex, located at 915 I Street, Sacramento, CA 95814 to facilitate video streaming to the city's [website](#) and archiving for future access.

### B. Meeting Capacity

1. Council chamber and historic hearing room attendance is limited to the posted seating capacity. The maximum occupancy of council chambers is 230 and historic hearing room is 70. The city manager shall appropriately regulate entrance to the council chamber when the council chamber capacity is likely to be exceeded. When legislative bodies are in session, members of the public shall not remain standing in the seating area or aisles of the council chamber. Sitting on the floor is not permitted. The sergeant-at-arms shall enforce this chapter.
2. In compliance with the Americans with Disabilities Act, meeting locations are accessible to the public. If a member of the public needs special assistance, a disability-related modification or accommodation, agenda materials in an alternative format, or auxiliary aids to participate in this meeting, they should contact the Office of the City Clerk at 916-808-7200 or [clerk@cityofsacramento.org](mailto:clerk@cityofsacramento.org) as soon as possible. Providing at least 72 hours' notice will help ensure that reasonable arrangements can be made.

## Chapter 11 - City Council Committees and Regional Organizations

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### A. General

1. The mayor shall make all appointments to council standing committees, subject to the approval of the council. The mayor shall make all appointments to council ad hoc committees.
2. A standing committee is a permanent committee of the council established to consider subjects of a particular class, with regularly scheduled meeting dates and times.
3. An ad hoc committee is a temporary committee of the council established for a special purpose and of limited duration.
4. Standing and ad hoc committees have fact-finding, informative, and recommendatory powers only, and such other powers delegated by the council.
5. The council intends that council committees, to the extent possible, conduct a full hearing on any matter referred to that committee before the committee refers the matter back to the council.
6. The city clerk shall maintain and keep on file a list of the standing committees, ad hoc committees, regional organizations, and joint powers agencies to which councilmembers are appointed.

### B. Council Standing Committees

#### I. General Guidelines

- a. Standing committee appointments shall be made by the mayor each at the beginning of each calendar year or as necessary.
- b. Standing committees shall meet at the city hall complex.
- c. Standing committees are subject to the [Brown Act](#) and the Sacramento Sunshine Ordinance ([Sacramento City Code § 4.04](#)). Standing committee agendas shall be prepared, posted, and distributed in accordance with the Brown Act and the Sacramento Sunshine Ordinance (Sacramento City Code Chapter 4.04), stating the time and place of the meeting and the subject matters to be discussed.
- d. A councilmember who is not a member of the standing committee may attend a standing committee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.
- e. Except as provided in subsection f, all items on a standing committee's agenda must first be referred to the committee by the council for review, with a recommendation returned to the council within 120 days, subject to the exceptions set forth below or as otherwise modified by the council.

- f. With approval of the city clerk, city manager, or committee chair, an item may be sent directly to a standing committee without council referral. If a matter is so referred to a standing committee, the committee agenda must note that fact on the face of the agenda and the committee chair shall notify the council. Such referrals are not required to be forwarded to the council unless council action is recommended by the standing committee.
- g. The city clerk shall assign staff to assist the committee chair with the operation of the committee.

### C. Council Ad Hoc Committees

#### 1. Establishment.

- a. The mayor or a majority of the council may request the creation of an ad hoc committee.
- b. The city manager or a department director, together with the city attorney, shall work with the appropriate supporting department(s) and determine the scope and approximate duration the ad hoc committee.
- c. The department director shall submit a request to the mayor, with a copy to the city clerk, requesting the creation of and appointment of up to four members to an ad hoc committee.

#### 2. Scheduling Ad Hoc Committee Meetings.

- a. Once an ad hoc committee has been established, the city clerk shall schedule the first meeting. Once confirmed, the city clerk shall notify the members, mayor's office, city manager (or designee), and the city attorney (or designee) of the meeting details. A regular meeting calendar will be established and adopted by the ad hoc committee.
- b. A councilmember who is not a member of the ad hoc committee may attend an ad hoc committee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.
- c. Ad hoc committees are subject to the [Brown Act](#) and the Sacramento Sunshine Ordinance ([Sacramento City Code § 4.04](#)).

#### 3. Dissolution.

- a. Once an ad hoc committee has completed its task, the supporting department shall submit a report to the mayor, with a copy to the city clerk, stating completion of the ad hoc committee tasks and request the dissolution of the ad hoc committee.
- b. An ad hoc committee is automatically dissolved one year after its first meeting, unless it is dissolved earlier under Rule 12.C.3.a.

- c. The city clerk will provide a periodic report to council announcing the dissolution of ad hoc committees.

#### D. Regional Organizations

The mayor shall appoint council representatives to regional organizations and joint powers agencies listed in the documents maintained by the city clerk, subject to council approval. Appointments shall be made at the beginning of each calendar year or as necessary.

## Chapter 12 – Councilmember Proposal Requests

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### A. General

1. This chapter outlines the process for councilmembers to propose an idea for council action. It modulates the agenda requests of individual councilmembers by referring those requests to the relevant city council standing committee for review, as appropriate, and in so doing provides clear guidance to the council appointees that their work demands are serving the council as a whole. It also ensures councilmember requests are duly tracked and assigned, thus promoting transparency and accountability.

### B. Procedures

1. Councilmember proposal requests must be submitted in writing to the city clerk. The proposal must include a brief summary and background, identify the applicable strategic plan/priority, estimate any budget adjustment or impact, and include additional information sufficient for committee deliberation.
2. The mayor, in consultation with the city manager, city attorney, and city clerk, shall review all requests and will assign each proposal to a committee based on committee jurisdiction, unless an exception applies.
  - a. Exceptions:
    - i. Urgent matter that requires quick council action;
    - ii. A matter related to a pending council matter;
    - iii. A matter that on its face falls fully outside the jurisdiction of the City;
    - iv. A matter within the City Manager’s executive function that does not need council authorization; or
    - v. A matter that should receive a city-established board, commission, or committee input before going to a city council standing committee.
3. Standing committees shall review each proposal and vote whether to approve staff work.
  - a. If the proposal receives threshold committee support to work on the proposal (i.e., a vote of 4/0, 3/1, or 2/1), staff work commences.
  - b. If the proposal receives a 2/2 vote, within 30 days thereafter the city councilmember who initiated the proposal may ask that the city council vote on a non-debatable motion to reconsider, which motion will be placed on the next available city council agenda. If the motion receives

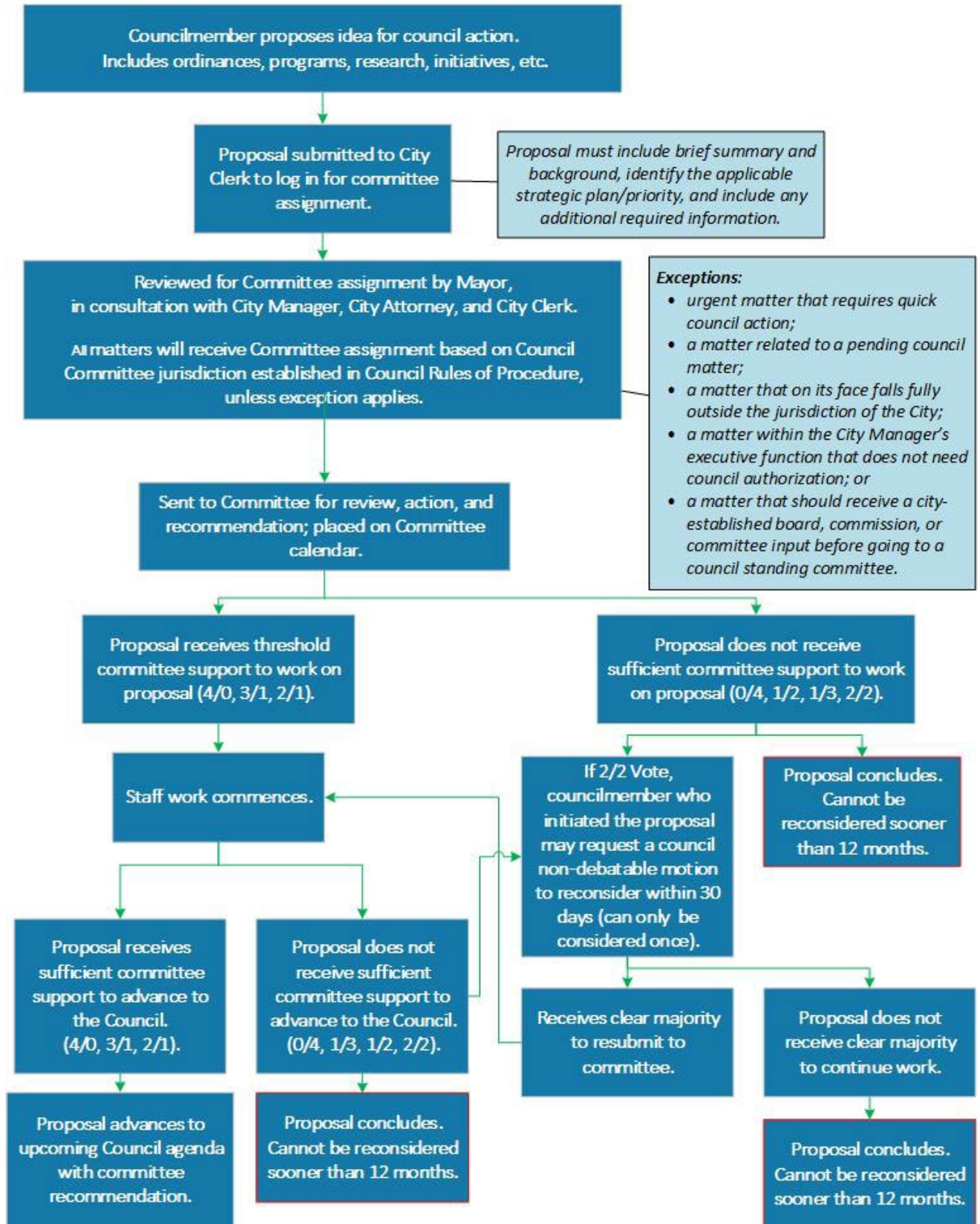


five or more “aye” votes, the item will be resubmitted to the committee. If the motion fails, the proposal concludes. The non-debatable motion to consider may only be considered once. Once a proposal concludes, it cannot be reconsidered sooner than 12 months.

- c. If the proposal does not receive sufficient committee support (i.e., a 0/4, 1/3, or 1/2 vote) for further work on the proposal, the proposal concludes.
4. If directed by the standing committee to commence work, staff will bring back to the committee a report for its consideration.
    - a. If the proposal receives a vote of 4/0, 3/1, or 2/1, the proposal advances to the city council with a committee recommendation.
    - b. If the proposal receives a 2/2 vote, within 30 days thereafter the city councilmember who initiated the proposal may ask that the city council vote on a non-debatable motion to reconsider, which motion will be placed on the next available city council agenda. If the motion receives five or more “aye” votes, the item will be resubmitted to the committee. If the motion fails, the proposal concludes. The non-debatable motion to consider may only be considered once. Once a proposal concludes, it cannot be reconsidered sooner than 12 months.
    - c. If the proposal does not receive sufficient committee support (i.e., a 0/4, 1/3, or 1/2 vote) to advance to the city council, the proposal concludes and cannot be reconsidered sooner than 12 months.

#### C. Councilmember Proposal Request Flowchart

# COUNCILMEMBER PROPOSAL REQUEST FLOWCHART



## Chapter 13 – Law and Legislation Committee

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### A. Authority; Purposes

#### I. Authority to Represent City Positions.

- a. The Law and Legislation (L&L) Committee has the authority to take positions on behalf of the city on state and federal legislation as outlined in the city's legislative platform.
  - b. The mayor or the chair of the L&L Committee has the authority to take positions, consistent with the adopted legislative platform, on behalf of the city when the need to react quickly does not allow for a matter to be considered by the L&L Committee.
  - c. Except as provided in subsections a and b, no person or committee has authority to represent the council on policy matters, unless that authority has been granted by the council or the information is limited to a factually accurate statement of the council's publicly-adopted position.
2. Purposes. The purposes of the L&L Committee are to consider, evaluate, conduct fact-finding, and recommend to council positions on proposed city ordinances and non-binding resolutions.

### B. Procedures

#### I. Ordinances and Non-Binding Resolutions.

##### a. Origination.

- (i) Requests to prepare, amend, draft, or process ordinances and non-binding resolutions shall be made in one of the following ways:
  - (A) In writing to the city clerk; or
  - (B) By the city manager or other city staff.
- (ii) All non-binding resolution requests must be referred to the L&L Committee. Except as provided in subsection b below, all ordinance requests must be referred to the L&L Committee.
- (iii) The requesting member(s), city manager, or staff is considered the sponsor. City staff shall work directly with the sponsor in developing the proposed ordinance language.

- b. Ordinances not requiring L&L Committee review prior to council review and adoption are those that are:
  - (i) Deemed urgent by the mayor or city manager;
  - (ii) Voted on by the majority of council to bypass the L&L Committee;
  - (iii) Voted on by the majority of the L&L Committee to go to council without full L&L Committee review;
  - (iv) Zoning code amendments for specific development projects;
  - (v) Listings on, or deletions from, the Sacramento register under Sacramento City Code chapter 17.604, article II;
  - (vi) Adopting property-related fees or fee increases that require public notice before the Utilities Rate Advisory Commission;
  - (vii) Authorizing the execution of a development agreement;
  - (viii) Establishing or adjusting parking meter rates
  - (ix) The biennial update for campaign contribution limits, as required by Sacramento City Code section 2.13.120; or
  - (x) Levying a special tax on land within a community facilities district.
- c. Ordinances and non-binding resolutions referred to the L&L Committee shall be placed on the legislation log, with new items placed at the end of the log, to establish a priority order; provided, the L&L Committee or council may reorder the priority.
- d. The log will be scheduled for the consent agenda at every L&L Committee meeting. Any committee member may pull an item from consent for discussion.
- e. Items on the log may be removed at the request of the sponsor. Staff shall note the removal request on the log and remove the item after the log has been approved by the committee.
- f. The process for advancing an item to the city council is outlined in Chapter 12.

## **Chapter 14 – Personnel and Public Employees Committee**

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### **A. Purposes**

The purposes of the Personnel and Public Employees (P&PE) Committee are to:

1. Review applications received for membership to various city boards, commissions, and committees;
2. Conduct interviews for such membership appointment;
3. Make recommendations to the mayor concerning such appointments;
4. Review advisory body reports and recommendations, as provided in Rule 17.C; and
5. Develop and lead annual performance metrics and evaluations for council-appointed officers, as provided in Rule 18.

### **B. Procedures**

1. Applications for seats on city boards, commissions, and committees will be reviewed by the P&PE Committee.
2. The P&PE Committee shall conduct interviews of qualified applicants.
3. Recommendations by the P&PE Committee shall be submitted to the city clerk for distribution to the mayor to consider appointment.
4. After the mayor's appointment, the city clerk shall submit a report for a council agenda requesting confirmation of the mayor's appointment.

## Chapter 15 – Budget and Audit Committee

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### A. Purposes

The purposes of the Budget and Audit Committee (B&A) are to:

1. Assist the council in overseeing and supervising the city auditor;
2. Assist the council in evaluating the proposed budget, including a mid-year report, and any amendments thereto;
3. Assist the council in understanding the budget impacts resulting from council's actions;
4. Assist the council in reviewing and evaluating the Innovation and Growth Fund; and
5. Assist the council in enhancing the city's ability to:
  - a. Improve the effectiveness and efficiency of city operations;
  - b. Improve the city's fiscal operations;
  - c. Adopt and adhere to a balanced budget; and
  - d. Comply with city policies, procedures, and regulatory requirements.
6. Review councilmember proposals for funding allocations that fall outside of the budget process.

### B. Procedures

1. The B&A Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, and updates from the city auditor.
2. The B&A Committee shall receive and review the proposed budget and any material amendments thereto.
3. The B&A Committee shall receive and review any key budget policy issues, including but not limited to, Annual Comprehensive Financial Report (ACFR) results, use of any year-end surplus, the mid-year report, budget priorities, use of unanticipated revenue, or proposed budget issues such as fee increases, prior to bringing forward to council.
4. The B&A Committee may:
  - a. Receive, review, and forward to the council, when relevant to city audits, any reports from the city treasurer, the department of finance, other city offices, or external auditors;

- b. Receive, review, and forward to the city council any reports and recommendations from the economic development department or city manager regarding the Innovation and Growth Fund; and
  - c. Propose that the council adopt ordinances, resolutions, or take other actions, provided that such ordinances, resolutions, or actions are within the jurisdiction of the B&A Committee.
5. The process for advancing an item to the city council is outlined in Chapter 12.

## Chapter 16 – Racial Equity Committee

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### A. Purposes

The purposes of the Racial Equity Committee are to:

1. Help the council align its advancement of racial equity in city decision-making with the impacts resulting from city policy, budget, and service-delivery decisions;
2. Provide a space to help coordinate the various city racial equity initiatives, efforts, metrics, and best practices into a holistic citywide informed approach (rather than a case-by-case approach); and
3. Increase engagement, transparency, and accountability for the City’s ongoing racial equity work.

### B. Procedures

1. The Racial Equity Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, policy proposals, and updates regarding racial equity issues. Review and approval of ordinances and adoption of positions on state and federal legislation shall be undertaken by the Law and Legislation Committee, unless an ordinance or legislation is referred directly to the Racial Equity Committee by the council.
2. The process for advancing an item to the city council is outlined in Chapter 12.



## Chapter 17 – City Advisory Bodies

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### A. Vacancies and Appointments

1. When any vacancy occurs on a board, commission, or committee (advisory body) the city clerk shall announce that vacancy pursuant to the standard outreach procedures. The city clerk's office maintains the board and commission files and performs all clerical and administrative support tasks related to the application process.
2. At the close of the application period, all applications received for the vacancy are referred by the city clerk to the appropriate nominating body or person for review and recommendation.
3. If the recommending body is the Personnel and Public Employees Committee (P&PE) the applicant will be invited to interview in person before P&PE at the next available meeting. Following review and recommendation by P&PE, the city clerk shall forward to the mayor for review.
4. If the recommending body is a councilmember, following review, the member shall send the board and commission recommendation(s) to the city clerk who will forward to the mayor for review.
5. After reviewing the submitted recommendation(s) made by P&PE or a member, the mayor shall direct the city clerk to prepare a staff report with the mayor's appointment to fill the vacancy at the next council meeting. Concurrence in an appointment for a seat on a city board, commission or committee shall be by vote of the city council.
6. If the council does not approve the appointment, then the mayor shall make another appointment, and at the soonest regular meeting following the meeting at which the subsequent appointment was made, the council shall vote whether to confirm the new appointment.
7. This procedure shall be followed until an appointment has been approved by the council. No request by a member to delay the appointment or approval will be allowed unless approved by a majority vote of the council.
8. At the direction of the council, all vacancies, application periods, and close of application periods for boards and commissions shall be monitored and maintained by the city clerk.

9. In making nominations and appointments to city boards and commissions, the mayor, P&PE Committee, and members should consider persons of various ethnicities, ages, genders, education, and occupational experience as reflected in the general population of the city; and should, as appropriate for the vacancy, consider persons from all districts of the city.

#### B. Requests for Future Agenda Items

- I. Members may submit items under the purview of the advisory body for inclusion on a future agenda by orally making the request under Ideas, Comments, and Questions.
  - a. The department staff shall add a member's requests to a chronologically-ordered log that contains all pending requests, i.e., those not having been heard as an agenda item or not otherwise having been removed from the log.
  - b. The log shall appear on the Consent Calendar of each regular meeting and include estimated agenda date or disposition.

#### C. Advisory Body Reports

- I. Advisory body recommendations and reports to the city council shall follow the procedure set forth in this Rule 17.C.
2. Annual report preparation.
  - a. Each advisory body shall provide an annual report for review by the Personnel and Public Employees (P&PE) Committee.
  - b. The annual report shall be provided in a format established by the city clerk and should include highlights and accomplishments from the prior year's work; proposed projects, priorities, and recommendations for the upcoming year; and any other information required of the advisory body according to the Sacramento City Code.
  - c. The city clerk shall manage an advisory body annual report calendar so that city staff can gather input to prepare a proposed report to the advisory body in a timely manner.
  - d. Each advisory body must approve its annual report before presentation to the P&PE Committee. When presenting proposed reports to advisory bodies, staff should include information on the feasibility of any recommendations therein.

3. Review by P&PE Committee.
  - a. Annual reports approved by advisory bodies shall be placed on a P&PE Committee meeting agenda.
  - a. The city clerk shall act as a liaison and collaborate with city staff to collect any additional information that may be helpful to the committee's evaluation of advisory body annual reports.
  - b. The P&PE Committee shall review advisory body annual reports and give staff direction on those reports' stated projects, priorities, and recommendations. Before forwarding the report to the city council, the committee may request supplemental information from staff or the advisory body.
4. Other recommendations. If an advisory body has recommendations outside the annual review process, the city clerk shall coordinate with the advisory body to have those recommendations brought before the P&PE Committee, which may consider and act on those recommendations in the same way it does advisory body annual reports.

## **Chapter 18 – Annual Review of City Council Appointive Officers**

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### **A. Purposes**

1. The city council is committed to performing regular annual reviews of its appointive officers, which include the following positions: city attorney, city auditor, city clerk, city manager, city treasurer, director of the office of public safety accountability, and executive director of the Sacramento Housing and Redevelopment Agency. These positions report directly to the city council.
2. Clear communication and performance metrics are at the core of the work of the council and the city. To evaluate council appointive officers on a consistent basis, the P&PE Committee will assume the role and responsibility of developing and leading annual performance metrics and evaluations.

### **B. Procedures**

1. With direction from the P&PE Committee, the city clerk shall coordinate and schedule appointive officer annual reviews.
2. The city council shall meet in closed session to conduct a performance evaluation of an appointive officer. The council may appoint one or more of its members to be the point of contact with the appointive officer and the Human Resources Department for the negotiation of any compensation adjustments.
3. Final approval of compensation adjustments, by resolution or contract, shall be made at an open meeting of the city council.

## **Glossary**

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### **et seq**

et seq means “and the following one or ones”.

### **Ex Parte Communications**

An ex parte communication is a written or oral communication between a decisionmaker and an interested person concerning any issue in a formal proceeding, other than procedural matters that does not occur in a public forum established in the proceeding or on the record of the proceeding.

Members shall disclose the substance of all ex parte communications at the beginning of a public hearing for any item brought before the legislative body for hearing, consideration, or action.

### **Non-Binding Resolution**

A non-binding resolution is a resolution in which the council declares its position and opinions on an issue, policy, or other matter that the council lacks legal authority to establish or regulate, but that the council determines is of such importance that the council should make the symbolic gesture of adopting a resolution declarative of council’s position.

### **Presiding Officer**

The Presiding Officer is the person who presides over a meeting and is charged with maintaining order and decorum, recognizing members to speak, and interpreting the rules, practices, and precedents. In the city council the presiding officer is the Mayor. In advisory bodies established by the city council the presiding officer is the Chair. In the absence of Mayor or Chair, the Vice Mayor or Vice Chair shall preside.

### **Quasi-judicial**

Quasi-judicial action means any council action that implicates constitutionally protected property or liberty interests, such as issuance or denial of discretionary land use permits, subdivision maps, business licenses, and other similar action in which a property interest is at stake and the council is charged with applying legal standards to a specific factual situation.

### **Sergeant-at-Arms**

The sergeant-at-arms is the principal law enforcement official of the legislative body and is charged with maintaining security within the chamber (meeting location) and surrounding areas. The sergeant-at-arms also enforces protocol and ensures public decorum is followed as noted in the body’s rules of procedure.

### **Teleconference**

A meeting conducted among participants in different locations via telecommunications equipment such as telephones, computers, or other devices.



# **TULSA CITY COUNCIL**

## *RULES & ORDER of*

### *BUSINESS*

*Latest revision: January 15, 2025*

The following constitutes the rules, policies, procedures, guidelines, and order of business as periodically updated and adopted by the Tulsa City Council

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## **I. MEETINGS**

### **A. Regular Meetings**

Regular Meetings of the Council of the City of Tulsa are usually held weekly, at 5:00 PM, Wednesday in the City Council Chambers, 2<sup>nd</sup> Floor, City Hall at One Technology Center (OTC) located at 175 East Second Street. The Council may change a regular meeting from Wednesday to another weekday, or to another location, provided that it does so in accordance with the Oklahoma Open Meeting Law.

### **B. Special Meetings**

Special Meetings of the Council of the City of Tulsa may be called at any time by either the Council Chair, one-third the membership of the Council, or the Mayor, in accordance with Article II, Section 3.1, "MEETINGS", of the City of Tulsa, Oklahoma 1990 Charter, as amended.

### **C. Standing Committee Meetings**

The Council holds its standing committee meetings on Wednesday unless determined otherwise by the Council. The usual location of standing committee meetings is Room 411, 4th floor, City Hall, 175 E. 2nd St. Tulsa, OK.

The usual times for standing committee meetings are:

10:30 A.M. Urban and Economic Development

1:00 PM Budget

2:30 P.M. Public Works

Only a City Councilor, the Council Administrator, or Secretary of the Council can place an item on the Agenda of a standing committee of the Council. Any change in the date, time, or location of a committee meeting shall be made exclusively by the Chair or Co-Chairs of that committee. A standing committee meeting may be continued to another date, time, and/or location by the presiding Chair or Co-Chairs of that committee.

### **D. Open Meetings Act**

All meetings of the City Council shall conform to and be held in accordance with Oklahoma's Open Meeting Law.

## **II. ORDER OF BUSINESS**

Regular Meetings of the City Council are conducted according to the following general Agenda:

- \* Call to Order
- \* Roll Call
- 1. Receipt and Filing of Minutes
- 2. Appointments & Reappointments
- 3. Public Hearings
- 4. Mayor's Items  
    [Including: Mayor's report on community events, briefing on City activities, City efforts, and New Business]
- 5. Authorities, Boards, and Commissions Items
- 6. Ordinances: First Reading
- 7. Ordinances: Second Reading
- 8. Council Items
- 9. New Business
- 10. Hearing of Appeals
- 11. Hearing of Public Comments
- 12. Adjournment

*Note:* When possible, proclamations, recognitions and other announcements should be made immediately before regular council meetings.

## **III. AGENDAS**

### **A. Regular Council Meetings**

#### **1. Time for Posting and Delivery to Councilors**

The Agenda for all Wednesday Regular City Council Meetings is assembled and posted by 5:00 PM on the Friday preceding a Wednesday meeting by the Secretary of the Council and delivered, with all supporting material, to the Councilors no later than the close of business of the Friday preceding a regular Wednesday meeting. Delivery may be effected electronically, by personal service, or by US Postal Service. Addenda may be posted no later than the close of business on the Monday preceding a regular Wednesday meeting. Addenda shall be allowed only to correct staff error or add emergency items.

#### **2. Time for Requests to be Submitted to Secretary of the Council**

Matters to be placed on the Agenda for regularly scheduled Wednesday Meetings of the City Council must be submitted to the Secretary of the Council or Council Administrator, Office of the City Council, 4th Floor, City Hall at OTC, with all supporting materials, not later than 12:00 Noon the Thursday preceding a regular

Wednesday meeting. Except for legitimate, verifiable emergency situations, non-adherence to this policy will preclude inclusion on the next Wednesday's Agenda.

### 3. Method of Item Placement on City Council Regular Meeting Agenda

By request to the Secretary of the Council or the Council Administrator within the deadlines established above, the following individuals shall be permitted to place an item on a City Council Regular Meeting Agenda:

- a. Any Councilor.
- b. Mayor (*or City Attorney on behalf of the Mayor*) for administrative and budget items only.
- c. City Auditor for administrative and budget items only.
- d. An individual appealing an administrative decision provided that such request is filed in a timely manner by the appellant, duly recorded by the City Clerk (with date stamped) and submitted to the Secretary of the Council by the appellant.
- e. An individual's request to speak under "Hearing of Public Comments."

### **B. Standing Committee Meetings**

All standing committee meeting Agendas will be posted no later than 5:00 P.M. on the preceding Friday, or two (2) full working days prior to the committee meeting, whichever is earlier.

All new Agenda items and supporting material for standing committee meetings must be received by the Secretary of the Council, or Council Administrator, by 12:00 noon on the Thursday preceding the committee meeting.

## **IV. ADOPTION OF PROPOSED ORDINANCES**

### ***Governing Charter Principle:***

No ordinance shall be adopted until the subject thereof – and not necessarily the printed ordinance *per se* – has appeared on the Council Agenda for two (2) meetings (reference: *Tulsa City Charter*, Article II, Section 8).

## **A. First Reading**

Except as provided in Section B. (*below*), an ordinance must initially appear on an Agenda for consideration by the Council as a First Reading, provided that the subject of the ordinance has not previously appeared on an Agenda of a regular Council Meeting within the preceding ninety (90) calendar days. Any Councilor, or the Mayor (under the restrictions set forth in III.C.) may cause an ordinance to appear on the Agenda of a regular meeting of the Council by submitting a Request for Ordinance Action (Section IV. C, below), and a copy of the proposed ordinance along with appropriate supporting information to the Secretary of the Council or Council Administrator.

An ordinance may be debated, amended, referred for additional review to a Councilor, Council committee, Council Staff, or the Mayor's Office, and/or placed on a future Agenda for a Second Reading by *either* the Council Chair, *or* by motion and affirmative vote of a majority of a quorum of the Council. However, an ordinance shall not be adopted at its First Reading except by a waiver of *both* the Charter and these Council *Rules & Order of Business*; the former requires an affirmative 2/3 vote of the entire membership of the Council, while the latter requires an affirmative vote of a majority of a quorum.

## **B. Second Reading**

An ordinance shall appear on a future Agenda for a Second Reading by the Council, provided that the subject thereof has previously appeared on an Agenda of a regular Council Meeting within the preceding ninety (90) calendar days. Furthermore, it must be placed on an Agenda for a Second Reading by the Council Chair, or by motion and affirmative vote of a majority of a quorum of the Council, or by the Chair or Co-Chairs of the standing committee to which it was assigned for review. An ordinance can be adopted by the Council at its Second Reading by an affirmative vote of a majority of the entire membership of the Council.

If an ordinance fails to be approved by the required vote of the Council, that same ordinance may not be placed on a future Agenda for Council consideration for a period of 90 calendar days following Council action on said ordinance. A "Motion to Reconsider" is an allowable exception to this rule (*reference: Section IX*).

## C. Request for Action

### 1. Ordinances

All proposed ordinances submitted to the City Council for consideration must be accompanied by a completed "Request for Ordinance Action" form which embodies the following information:

- a. Purpose of Legislation
- b. Summary
- c. Cost: (a) Direct; (b) Indirect
- d. Source of Funds
  - (1) Budget Source – current fiscal year
  - (2) Budget Source – succeeding fiscal years (if applicable)

Information for each of the above elements shall be transmitted with the proposed ordinance along with proper attribution as to the information source (*i.e.*, the initials of the individual providing the appropriate information).

If a completed Request for Ordinance Action form does not accompany the proposed ordinance, the ordinance shall not be considered by the full City Council or any of its standing committees.

Additionally, any Councilor may request additional information regarding a proposed ordinance as may be considered appropriate or necessary by said Councilor.

### 2. Resolutions

All Requests for Action for Resolutions must clearly state the purpose of the resolution.

### 3. Donations

All requests for acceptance of a donation of goods or services must include all appropriate information. A request for donation of travel expenses must state who is traveling, the destination, the purpose of the travel, the dates of the travel, and, if an in-kind donation, the dollar value of the donation.

## D. Emergency Clauses

Absent an unforeseen change in facts or circumstances, the Council shall not pass an emergency clause on an ordinance or resolution, unless the administration or a department specifically requests it. **The request for an emergency clause must be clearly stated on the front page of the Request for Action.** Information detailing the need for the immediate preservation of the

public peace, health, welfare, or safety shall be included on or attached to the Request for Action.

## V. PUBLIC INPUT, PUBLIC HEARINGS AND PUBLIC COMMENTS

### A. Public Input

Public input is allowed on all items except items continued from a previous meeting where public input was received on the item, items listed under First Reading (unless the Council notifies the public it may act on the item), Public Comments (except for the individual who requested the item), or the Mayor's presentation of the Budget (since public input will be received at a future public hearing).

Individuals who wish to speak to the Council on an item that appears on the Council Agenda, whether speaking on their own behalf or on behalf of a group, must sign a request to speak form at the regular Council Meeting, providing Council Staff with their names and addresses, and indicating whether they support or oppose the item (as applicable), *prior* to the Council addressing that item.

### B. Public Comments

A citizen who wishes to speak before the Council on an item affecting the City of Tulsa may be permitted to speak under "Public Comments" at the Wednesday night 5:00 p.m. regular Council meeting, provided the following steps are taken: A topic for the "Public Comments" portion of the Agenda must be submitted to the Secretary of the Council either in writing, by fax, Email, or via the Council's website by the citizen wishing to speak thereon, along with all supporting materials, not later than 12:00 Noon the preceding Thursday. The topic should be brief, but specific enough to satisfy posting requirements under state law. The topic should be worded so an ordinary individual may understand what the topic is about (*i.e.* abbreviations, scientific words, etc. should be avoided). The language submitted by the citizen will be reviewed and, if necessary, revised to ensure compliance with Oklahoma Open Meeting Act. The number of citizens permitted to speak under Public Comments shall be limited to nine (9) per meeting with each having a maximum of five (5) minutes to speak. A single submission including more than nine (9) requests to speak shall be invalid. If more than nine (9) persons request to speak, the speakers allowed shall be the nine (9) persons whose submissions were received first by the Secretary of the City Council and the remainder, not exceeding nine (9), shall be permitted to speak under Public Comments at the next available regular Council meeting in the order received.

"Public Comments" is intended to provide the citizens with an opportunity to

address the Council on new issues affecting the City of Tulsa and is not intended to provide a forum for commercial, political, or similar topics. A citizen shall be limited to two (2) "Public Comments" items per meeting. A citizen may not re-submit a request on the same subject matter within 180 days from the preceding request.

The business portion of the Council's regular meeting shall be concluded immediately after the completion of "Hearing of Appeals." No action shall be taken on matters raised or discussed during "Public Comments" other than possibly placing such matters on a future regular meeting or standing committee meeting of the Council. The Council may have representatives of the City appear and speak on topics raised during "Public Comments."

### **C. Public Hearing Time Limitations and Procedures**

The Chair shall limit the time allowed for speakers in public hearings in accordance with the following:

#### **1. Individuals**

Individuals shall be limited to a total of five (5) minutes per meeting; their use of those five (5) minutes shall begin as soon as they have been called upon to speak. Speaking at a public hearing, shall not be counted against an individual's total of five (5) minutes. Speakers will be called in the order in which they signed up to speak, although they may first be sorted into supporting or opposing the item.

#### **2. Groups of 6 or more**

Groups of six (6) or more individuals advocating a similar position on a single item are collectively limited to a total of thirty (30) minutes per meeting. A single representative of a group in favor or opposed to a particular agenda item can use the entire thirty (30) minutes if five (5) individuals signed to speak prior to the representative yield their time to the representative. Speaking at a public hearing shall not be counted against a group's total of thirty minutes.

### 3. Zoning Change Requests

Zoning Change Requests shall follow the procedure in the order provided below.

- a. The Council will receive public input on Zoning Change Requests. Time limitations for public input will follow the rules outlined in V.C.1 and V.C.2.
- b. The applicant will receive up to 10 minutes of uninterrupted time to present the zoning application and/or respond to items raised during public input.
- c. Councilors will then ask questions of any party once recognized by the Council Chair.

### 4. Appeal of Administrative Action

- a. Filing the Appeal: To appeal an Administrative Action, the appeal process must be timely filed and permitted by the City Charter and/or ordinance. The appellant shall follow the process prescribed by ordinance for filing the appeal and utilize the appeal form provided in the City Clerk's office. If timely filed, the Secretary to the Council shall schedule the appeal, notify the interested parties, and issue appeal instructions as described in this section. If not timely filed, the Council Administrator shall notify the appellant in writing of the untimely appeals. Once an appeal is filed, communication to the Council regarding the substance of the appeal should only take place in the public meeting as outlined in the procedure below.
- b. Records and Supporting Documents: The City and appellant must submit all supporting documents no later than 12:00 pm (Noon) the Thursday proceeding the regular Wednesday meeting. The City shall include in their supporting documents all documents and records of the Administrative Hearing. Both parties shall provide by this time all documents to be presented to the City Council during the appeal.
- c. Standard of Review: In a hearing of an Appeal, the Council acts in a quasi-judicial capacity. During the hearing and in deliberations the Council should consider the final determination of the administrative process and the errors alleged by the appellant.
- d. Appeal Procedure:
  1. The Council Chair will announce the items to be considered and state the standard of review provided by the relevant ordinance.
  2. The City Administrative department will receive up to 10 minutes of uninterrupted time to present their case. Their case presentation at a



minimum shall include a summary of the Administrative Hearing outcomes.

3. The Appellant will then receive up to 10 minutes of uninterrupted time to present their case. Their case presentation at a minimum shall include a statement of the errors made at the Administrative Hearing.
4. Councilors will then ask questions of either party once recognized by the Council Chair.
5. The City Council will not receive public input on Appeals of Administrative Action.

- e. Final Order: Following a decision by the City Council, a written order stating the outcome of the appeal shall be prepared by the Secretary to the Council, signed by the Council Chair, and distributed to all interested parties.

5. Response to Councilors' questions

Responses to questions from Councilors shall not be considered part of a person's or group's allowed time.

6. Termination of comments by Council Chair

The Council Chair may immediately terminate the comments of any individual speaker on an Agenda item for violation of these *Rules & Order of Business*. In addition, after a warning, the Council Chair, at the Chair's discretion, may preclude the individual speaker from addressing the Council on any other Agenda item at that meeting and/or at the next regular 5:00 PM Council meeting for violation of these rules. The Council Chair's decision may be reconsidered and overruled by a majority vote of the quorum.

## **D. Conduct**

Individuals and groups addressing the Council must limit their remarks to the specific Agenda topic on which they have signed to speak.

While individuals and groups should always demonstrate courtesy and respect, conduct which is not merely disrespectful, but which is disruptive to the peace and good order of the proceedings, will not be allowed and may subject the

violator to forfeit the opportunity to speak or attend the remainder of the meeting.

Prohibited disruptive conduct includes, but is not limited to, any of the following:

1. Speaking without being recognized by the Council Chair;
2. Directing comments to anyone other than the Council;
3. Continuing to speak after notice that the speaker's allotted time has expired;
4. Presenting comments or material not relevant to the item under discussion;
5. Failing to comply with the lawful instructions of the Council Chair; and/or
6. Engaging in disorderly, interruptive, delaying, or unreasonably boisterous conduct, such as, but not limited to, shouting, clapping, snapping, stomping, whistling, using obscene language or gestures, or other conduct which interrupts, delays, or disturbs the peace and good order of the proceedings.

Pursuant to 27 T.R.O. §312 and 21 O.S. §280, prohibited disruptive conduct also includes any conduct that is "violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others".

Any violation of these provisions, as determined by the Council Chair, shall result in a warning. Should there be any further violation, the Council Chair shall direct the individual or group to vacate the podium and forfeit the remainder of the time available to them, and/or expel the individual or group from the meeting. The Council Chair shall then direct City security or personnel to remove the individual(s). The Council Chair's expulsion of an individual or group from a meeting may be reconsidered and overruled by a majority vote of the quorum.

## **VI. CONFIRMATION OF MAYORAL APPOINTMENTS**

The City Council's policy governing the review and confirmation of Mayoral appointments and reappointments to all boards, authorities, commissions, and agencies created by City Charter, ordinance, agreement or pursuant to law shall be as follows:

### **A. New Appointments**

Upon submittal of a nominee, a copy of the nominee's resumé (to include the address of the appointee's current, primary residence), a statement of who the new appointee is replacing or succeeding, the appointment term, a list of potential conflicts of interest which would cause the nominee to recuse themselves on an issue, a signed acknowledgement of receiving a copy of the City of Tulsa's Ethics Ordinance, a signed agreement to abide by the City of

Tulsa's Ethics Ordinance, and any other pertinent information is to be submitted by the Mayor's Office to the Secretary of the Council who shall invite the nominee to appear at an appropriate standing committee meeting.

## **B. Reappointments**

Upon submittal of a nominee for reappointment, a copy of the nominee's updated resume or a statement detailing current employment and community involvement (both to include the address of the re-appointee's current, primary residence), attendance record over the previous appointment period, the reappointment term, the original date the nominee was first appointed, a list of potential conflicts of interest which would cause the nominee to recuse themselves on an issue, a signed acknowledgement of receiving a copy of the City of Tulsa's Ethics Ordinance, a signed agreement to abide by the City of Tulsa's Ethics Ordinance, and any other pertinent information is to be submitted by the Mayor's Office to the Secretary of the Council who shall invite the nominee to appear at an appropriate standing committee meeting.

## **C. Confirmation**

Appointments and reappointments shall be considered for approval by the Council at a regularly scheduled, 5:00 PM Wednesday meeting of the Council as soon as is practicable, as determined by the Secretary to the Council. A nominee for appointment or reappointment need not appear at this regular City Council meeting, unless requested by a Councilor or Councilors.

# **VII. OFFICERS**

## **A. Term**

The Council will elect a Chair and Vice-Chair at its first meeting on or after the first Monday in December of each year. The Chair and Vice-Chair shall serve until immediately *prior* to the first Council meeting on or after the first Monday in December each year.

## **B. Method of Election**

At least two (2) weeks prior to the first meeting on or after the first Monday in December of each year, any Councilor(s) wanting to be considered for the position of Vice-Chair shall file with the Council Secretary a signed document with their name, council district and stating that they wish to be considered for the position of Vice-Chair. Within one (1) business day of receipt of such notice, the Council Secretary shall notify the Council of the Councilor's desire to be considered for the position of Vice-Chair.

At the first meeting on or after the first Monday in December of each year, the Council Administrator, or Council Attorney, shall preside over said meeting until such time as a new Council Chair shall be elected. Nominations may be made by any Councilor and received by the Council Administrator, or Council Attorney. Upon the closing of nominations, a roll call vote shall be conducted by Council Administrator, or Council Attorney, who shall record the results. Should no nominee receive a majority vote of the entire Council, the Council Administrator, or Council Attorney, will repeat the roll call vote until a Chair is elected by a majority. A Councilor just having completed a full term as Chair shall not be eligible for election to a consecutive term as Chair.

The duties of the Chair include presiding at the meetings of the Council and performing such other duties as provided in the Amended Charter, by ordinance, or by the Council's *Rules & Order of Business*.

**C. Vice-Chair – Term, Method of Election and Duties**

Following the election of a Chair, the Council will elect a Vice Chair to serve concurrently with the Chair. Only Councilors who have filed a document with the Council Secretary stating their wish to be considered for the position of Vice-Chair shall be eligible for nomination as Vice-Chair. Otherwise, the nomination and election process shall be the same as was utilized for selection of the Chair. In the absence or disability of the Chair, the Vice Chair will perform the duties of the Chair.

**D. Replacement of and Representation by Chair and Vice-Chair**

The Chair and Vice Chair serve at the pleasure of the entire membership of the Council and may only be removed by an affirmative vote of a majority of the entire Council.

The Chair and/or Vice Chair may represent the entire Council on a matter of policy only when specifically authorized by action of the Council.

**VIII. COMMITTEES: FORMATION, MEMBERSHIP AND METHOD OF REFERRAL**

The Council Chair, or the Council by motion and affirmative vote of a majority of a quorum of the Council, may at any regular meeting, establish and appoint members to and name a Chair or Co-Chairs of standing committees, task forces and other duly created advisory committees or subcommittees for the purpose of organizing the work of the Council.

If Co-Chairs of a standing committee or task force are appointed, a Co-Chair shall serve as the presiding committee or task force Chair for one month, ending at the conclusion of

the last meeting of the committee or task force for the month. At the conclusion of a Co-Chair's term as presiding Chair, the next Co-Chair shall assume the responsibilities of presiding Chair, unless that Co-Chair defers the responsibilities to a Co-Chair of his/her choosing. The order of rotation for presiding Chair shall be determined informally by the committee Co-Chairmen; if a rotation is not determined within two weeks after the committee Co-Chairmen are appointed by the Council Chair, then the Council Chair, or the Council by motion and affirmative vote of a majority of a quorum of the Council at a regular meeting of the City Council, shall determine the rotation.

As part of the discussion at regular Council meetings, matters for consideration by standing committees or task forces are to be referred by either (a) the Council Chair, or (b) the Council via motion and affirmative vote of a majority of a Council quorum.

All City Councilors are members of all Council standing committees and task forces. Only City Councilors are official, recognized members of a Council standing committee or task force. Each such entity will have a formally designated and recognized Chair or Co-Chairs who must be City Councilors. The Council may create advisory committees, either by the Chair or Council by motion and affirmative vote of a majority of a Council quorum; an advisory committee may include citizen members. The Chair or Co-Chairs of an advisory committee need not be a City Councilor.

All Council committees, task forces and other duly created advisory committees and subcommittees must post their meetings and any related official gatherings. All postings and meetings must follow the guidelines set forth in Oklahoma's Open Meeting Law even though such committees are purely fact-finding, informational, and recommendatory in nature and therefore, are considered to be exempt from Oklahoma's Open Meeting Law.

All Council committees, task forces and other duly created advisory committees and subcommittees must, in accordance with their posted Agenda: (1) have summary minutes kept by a person so designated which shall be an official record of the proceedings showing all significant matters discussed; (2) note all recommendations advocated and matters considered by the Councilors in attendance; and (3), file summary minutes with the Secretary of the Council.

## **IX. MANNER OF ACTING**

### **A. Motion**

Any member may make a motion. Council action must be in accordance with Article II, Section 6.2 of the Amended Charter.

### **B. Reconsideration**

After the vote on any ordinance, resolution or motion, any Councilor who voted on the prevailing side may move to reconsider the previous action, provided that it is done at the meeting the original vote was taken or at the very next

regularly scheduled, 5:00 PM Wednesday meeting of the Council. If seconded, a Motion to Reconsider may be approved by a simple majority of those present.

### **C. Councilor Ground Rules**

Regarding official Council Meetings, a Councilor is expected to abide by the following *without exception*. Councilor ground rules are to be monitored and enforced by each and every Councilor. Any violation of a Ground Rule during a Council Meeting demands the immediate attention of the Council.

1. It is the Chair's responsibility to intercede if issues or proceedings get out of hand.
2. Councilors must inform the Secretary of the Council (orally, in writing, or electronically) when they are leaving a regular Council Meeting should their departure occur prior to adjournment.
3. If a proposed Agenda item affects a particular Council District, the Councilor of that District will be contacted first to see if he/she wishes to sponsor the item.

### **D. Councilor Norms**

At Council Meetings, every Councilor will try to abide by the following guidelines; repeated violations of these guidelines should result in Council action.

1. Councilors and guest speakers will be recognized by their proper formal names. Upon initial acknowledgment, appropriate titles will be used; afterwards, the terms "Mr., Mrs., Miss, or "Ms." may be substituted.
2. Councilor comments must be limited to issues only. There are to be no personal attacks.
3. The Chair recognizes a Councilor to speak.
4. To interrupt another Councilor who has the floor, a Councilor must successfully request the speaker to yield.
5. Councilors must be aware of when they are speaking for themselves and refrain from speaking for other Councilors or the Council as a whole, unless specifically authorized to do so.
6. Councilors must avoid the conscious circumvention of established procedures and protocol. They must follow the adopted rules of the Council.

7. Councilors should be in their seats to vote. When necessary, the Chair will give a Councilor time to get back to his or her seat in order to vote.

## **X. TRAVEL, MILEAGE REIMBURSEMENT & PARKING POLICY**

Any Councilor traveling outside the city on official business on a paid trip paid for by the City of Tulsa shall submit (or cause to have submitted) pertinent information as listed on the City's "Travel Authorization/Advance and Expense Voucher" to a standing committee for its information and review (via a "Councilor Travel Information Form") at its next regularly scheduled committee meeting.

Should the total projected cost of the trip or the projected cumulative annual travel expenses for the Councilor be less than \$500, no further action is required. However, if the total cost of the trip or the projected cumulative annual travel expenses for the Councilor is projected to be \$500 or greater, then pertinent information shall be forwarded to the full Council for consideration and authorization by a majority vote of a quorum of the Council at a regularly scheduled, 5:00 PM, City Council meeting.

Separate from the above travel expenses, a Councilor is eligible for reimbursement of actual mileage incurred in the operation of his/her personal vehicle for official City Council business at the official, adopted City rate. However, only trips outside the city limits of the City of Tulsa qualify for reimbursement. If any Councilor exceeds a cumulative total of \$500 per fiscal year for mileage reimbursement, such requests will be forwarded to a standing committee for its information and review, then to the full Council for consideration and authorization by a majority vote of a quorum of the Council at a regularly scheduled, 5:00 PM City Council meeting.

All Councilors are expected to report back to the Council, orally, or in writing, on their trips so that any education, insight or experience gained can be shared with all interested Councilors.

The City Council shall be completely responsible for and provide all parking for Councilors and Council Staff, including OTC monthly and on-street metered permits.

## **XI. ANNUAL BUDGET DEVELOPMENT & REVIEW PROCESS**

Article II, Sections 7.1 - 7.3 of the Tulsa City Charter outline the City Council's responsibilities regarding the review, amendment and adoption of a budget for the City of Tulsa. As a prelude to this process and for the purpose of providing general guidelines to the Administration and City departments, the City Council shall meet to discuss the budget; the distinct and sole purpose of these meetings shall be the development of a compendium of needs and opportunities for the upcoming fiscal year based on the updated Quality of Life model as well as the collective judgment and perceptions of the City Councilors. This compendium shall be formally adopted by the Council and made



available to the Administration in January of each year, or otherwise as soon as possible, marking the commencement of the City's budget development process.

## **XII. PRINTING & MATERIALS TRANSMITTAL POLICY**

A Councilor has the right to have material printed for public purpose without review or approval of its content by the City Council. A mock-up or draft copy of all printed material may, at the discretion of the Council Administrator, be forwarded to a standing Council committee for notification purposes only prior to distribution.

A Councilor has the right to have materials transmitted to constituents for public purpose without review or approval by the Council. A mock-up or draft copy of all large transmissions (defined as 500 or more pieces/contacts) may, at the discretion of the Council Administrator, be forwarded to a standing Council committee for notification purposes only prior to any large materials transmission, if public funds are used.

Any time a Councilor produces print or electronic communications in which his/her personal opinion or policy position is represented (*e.g.*, newsletter, flyers, district web site), a disclaimer shall be included which essentially notes that the opinion or policy position expressed, either directly or indirectly, does not necessarily represent the view or position of the Tulsa City Council or the City of Tulsa.

## **XIII. COUNCIL CODE OF ETHICS**

Members of the City Council, as elected representatives of the citizens of Tulsa, dedicate themselves to the highest ideals of service, honor, professionalism, truth and integrity in all their public and personal relationships and respect the trust and confidence given them by the public and members of city, county, state and federal governments. Councilors pledge to be reasonable, responsible, positive, receptive and courteous in all their dealings, to devote their time, skills and energies to their elected office, and abide by all reasonable standards regarding conflict of interest and ethics as established by federal, state and local laws including the City of Tulsa's "Code of Ethics" as adopted by ordinance.

## **XIV. FOOD AND BEVERAGE POLICY – COUNCIL EVENTS & ACTIVITIES**

Council business-related meals and refreshments are allowable expenses provided that such is incurred for, and directly related to, the conduct of City Council business or Council Office staff activities. Expenses for meals and refreshments shall not exceed \$20 per person or exceed \$1,000 per event unless specifically authorized in writing by the Council Administrator and approved by the Council Chair. Documentation for City Council business-related meals and refreshments shall include the date of the event, the purpose of the event, the cost for meals and refreshments for the event, and the number of people attending the event.



## **XV. COUNCIL CONTRIBUTIONS DONATIONS POLICY**

### **A. Statement of Policy**

It is the policy of the Tulsa City Council to comply with all provisions of the Constitution of the State of Oklahoma, Oklahoma Statutes, Tulsa Amended Charter and the Tulsa Revised Ordinances relating to the solicitation, receipt and acceptance of donations, contributions and gifts to the City.

### **B. Definitions**

For the purposes of this policy, each of the following words and phrases shall have the meanings given herein.

1. City shall mean the City of Tulsa, Oklahoma.
2. Tulsa City Council employee shall mean those classified City employees, who are appointed by the Council under and pursuant to the provisions of the Amended Charter of the City of Tulsa, Oklahoma.
3. Property shall mean anything of value of any kind, type, and/or character, whether real, personal, or mixed.

### **C. Approval Required Prior to Any Solicitation**

The approval of the Tulsa City Council shall be required prior to any City Councilor or any City Council employee (except for City of Tulsa's annual charitable giving campaigns) soliciting gifts, donations, endorsements, or contributions for non-City of Tulsa programs, functions, departments, or events while utilizing the name of the City of Tulsa or the Tulsa City Council.

### **D. Acceptance of Gifts, Donations and Contributions to the City**

The acceptance of all gifts, donations and contributions to the City of Tulsa, whether conditional or unconditional, of any property shall be authorized and approved by the Tulsa City Council, the governing body of the City, in its discretion in accordance with Oklahoma law.

### **E. Gifts, Donations and Contributions - Property of the City**

All gifts, donations and contributions are the property of the City and shall be accounted for, budgeted and administered consistent with state law, the ordinances and regulations governing City property, and the intent specified by the donor or contributor if said intent was approved by the Tulsa City Council at the time of formal acceptance of the gift, donation or contribution.

## **F. Deposit of Funds**

All gifts, donations, contributions and proceeds from fund-raising activities in the form of cash or negotiable instruments, authorized by the Tulsa City Council in accordance with Sections C and/or D above, shall be accounted for and deposited consistent with state law and the ordinances and regulations governing the administration of City funds.

## **G. Violation of Policy**

A violation of this policy by a City Councilor shall constitute a violation of Council rules and may be punishable under the provisions of Section 4 entitled "Rules", Article II of the Tulsa Amended Charter.

## **XVI. WAIVER OF COUNCIL RULES**

Except for Section XIII, Council Code of Ethics, the Council may, by an affirmative vote of a quorum of the Council, temporarily waive any Council rule or portion thereof, provided, that all actions of the Council shall, regardless of any waiver, be consistent with the Amended Charter, Ordinance and Oklahoma law.

## **XVII. WAIVER OF CHARTER PROVISION**

The Council may, by a two-thirds (2/3) vote of its entire membership, temporarily waive that portion of Article II, Section 8 of the Charter requiring that "No ordinance shall be adopted until the subject thereof has been on the Agenda of the Council for two (2) meetings." *The waiver of this Charter provision is a serious action that must not be taken lightly.* Such an action should always be preceded by a deliberate and full consideration by the Council.

## **XVIII. ROBERT'S RULES OF ORDER**

Any matter not covered by these rules shall be governed by *Robert's Rules of Order (Revised Edition)*, provided such actions shall be consistent with the Amended Charter, City Ordinance or other Oklahoma law, which shall prevail.

## **XIX. ADMINISTRATIVE RECORDS CUSTODIAN & RECORDS RETENTION POLICY**

### **A. Oklahoma Open Records Act**

The Tulsa City Council shall comply with the Oklahoma Open Records Act. All records of the City Council shall be open for inspection, copying, and/or mechanical reproduction during regular business hours. All copying and/or

mechanical reproduction shall be done by Council Staff. Applicable reproduction charges shall be approved by the Council and made available by the records custodian or his/her designee.

## **B. Records Custodian**

The official records custodian for the City Council shall be the Council Administrator or his/her designee. No document, record, video recording, or audio recording shall be removed from the Council Office without the written permission of the records custodian or his/her designee.

## **C. Open Records Requests**

Excluding documents or records specifically prepared for public distribution, all requests for City Council public records, including e-mails, shall be made in writing and signed by the requestor. All record requests must describe, in as much detail as possible, the records that are the subject of the request to a sufficient degree that the record custodian can reasonably ascertain the identity of the record(s) for inspection including, as appropriate, the subject matter, recipients/senders, and dates, submitted in advance of copying and/or mechanical reproduction. The records custodian shall respond to all requests in a reasonable, responsive timeframe.

## **D. Records Retention Schedule**

The City Council shall maintain official records according to the following schedule:

1. Official, written minutes of regular and special meetings - permanently.
2. Video recordings of regular meetings – a minimum of two (2) years.
3. Agenda back-up for regular and special meetings – a minimum of two (2) years.
4. Unofficial minutes of standing committee meetings – a minimum of two (2) years.
5. Audio recordings of standing committee meetings – a minimum of two (2) years.
6. Correspondence received and/or generated (electronically maintained, as part of the Council Office’s correspondence database) – a minimum of two (2) years.

7. All information stored on the City Council's database system shall be electronically copied, at least once a month, and stored off-site.

#### **E. Notice of Charges for Reproduction**

1. Photocopies - \$0.20 per page.
2. Computer generated records/reports - \$0.25 per page, plus any incurred costs. The amount of this charge will vary depending upon the nature and scope of the document request. A quote will be provided prior to the initiation of any work.
3. Document search fee \$10.00 per hour – a quote will be provided upon request and prior to the initiation of any work.
4. Compact Disk (CD) or DVD, per copy/per disk created – \$8.00 (full or partial).
5. For all other requests for reproduction not noted above - a quote will be provided upon request.
6. If the above specified reproduction charges conflict with reproduction charges posted elsewhere in the City of Tulsa organization, the lesser of the two shall prevail.

#### **XX. MOMENT OF SILENT PRAYER OR PERSONAL REFLECTION**

The Council may open its Wednesday 5:00 p.m. Council Meeting with a moment of silent prayer or personal reflection. The moment of silent prayer or personal reflection is an opportunity for meeting attendees, in the exercise of their individual choices, to reflect, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede other attendees in the exercise of their individual choices..

#### **XXI. PUBLIC RECOGNITION PROTOCOL**

City Council public recognition is intended to promote the City of Tulsa to its citizens and visitors while also honoring and recognizing Tulsa residents and guests, or entities working in or for the benefit of Tulsa. Public recognition is appropriate for a variety of different purposes, including but not limited to significant anniversaries and milestones; exemplary military service; acts of public service, civic engagement, economic development, public education and awareness, and volunteerism that benefit the City of Tulsa and promote goodwill; and other similar public purposes.

City Council recognition must serve a public purpose and can never have, as its primary objective, the benefit of a private interest or person. Likewise, recognition must benefit the community as a whole and directly relate to the functions of municipal government. City

Council recognitions are not intended for matters of political controversy; ideological or religious beliefs or individual convictions; events or organizations with no direct relationship to the City of Tulsa; and campaigns (political or otherwise) or events contrary to City policies, or those that could promote hatred, violence, or racism.

Recognitions are strictly honorary, and they are issued as a courtesy. In addition, they are not legally binding and do not constitute an endorsement by the City of Tulsa, the Tulsa City Council or individual Tulsa City Councilors.

The Public Recognition Working Group (“PRWG”), consisting of 3 councilors, shall be appointed by December 31 of each year by the new chairperson to review these protocols. If protocol amendments are necessary, or City Council budget considerations are required, then the PRWG shall make a report to the full Council no later than January 31.

Council staff will facilitate the creation, design, branding, and procurement of tokens of public recognition that meet the objectives of this policy. Requests for new items, may be submitted to the PRWG who will make a recommendation on the feasibility of each request. Following is an itemized listing of tokens of public recognition and processes that can be utilized for public recognition purposes by the Council and/or Councilors, where applicable.

#### **A. Miscellaneous Promotional Items**

Promotional items are items such as pencils, pens, pins, and stickers that the Council can collectively use to promote the City of Tulsa and the Tulsa City Council with individuals, especially when addressing larger gatherings. Promotion of the City and Council can vary based on the event, but generally are used for citizen education, increased utilization of city programs, and increased citizen engagement. Typically, these items will be logoed with the names and/or seals of City of Tulsa and/or Tulsa City Council and have information that those who receive the items can use to learn more about the City of Tulsa or the City Council. Typically, these items would be distributed during large gatherings like parades and town halls, or they could be used for scout troops and youth organizations.

##### **Process:**

Council staff will complete an annual inventory to ensure that these miscellaneous promotional items are available for City Council-sponsored events, including Council meetings. Individual Councilors can request miscellaneous promotional items for various events from the Council Administrator or their designee from the available inventoried supply.

#### **B. Certificates of Recognition and/or Achievement**

Certificates of Recognition and/or Achievement, which are inclusive of any other similar type of recognition, are honorary documents issued by a City Councilor or the City Council that may be used to honor special events or individuals. These may include but are not

limited to conferences; conventions; seminars; professional celebrations; retirements; family reunions; community celebrations; award ceremonies; college graduations; significant birthdays; anniversaries and other achievements.

**Process:**

Certificates of Recognition and/or Achievement are not automatically renewed and are limited to one (1) recipient per event, per calendar year. Certificates can be requested by City Councilors or outside entities. If requested from an outside entity, the Tulsa City Council and its staff reserves the right to modify or deny any request for a ceremonial document. Outside requests must ultimately be sponsored by a City Councilor. An organization may request only one certificate annually. Requests by entities or individual Councilors should be made no less than 30 days in advance of the date in which the document is needed.

**C. Proclamations**

Proclamations are ceremonial documents issued by the entire membership of the City Council that recognize, celebrate, and honor extraordinary achievements. They may include but are not limited to the residents of the City of Tulsa, certain organizations' occasions of importance and significance; days that are noteworthy or historically significant; years of City service; and special events.

**Process:**

Proclamations are not automatically renewed and are limited to one (1) recipient per event, per calendar year. Tulsa City Council and its staff reserves the right to modify or deny any request for a ceremonial document. Proclamations can be requested by a Councilor or an outside entity. An organization may request only one proclamation annually. Ultimately, outside requests must be sponsored by a City Councilor. More than one cause can be proclaimed simultaneously. An organization does not have exclusive rights to the day, week or month of their proclamation. Requests should be made no less than 30 days in advance of the date in which the document is needed.

**D. Challenge Coins**

A challenge coin is a small ceramic or metallic coin or medallion, typically bearing an emblem or mark of the City Council on one side and the City of Tulsa on the other. Traditionally, coins have been given by the military or units of government to enhance morale, promote the general welfare, recognize a special achievement or contribution to society, or to honor special visitors and guests.

Ceramic challenge coins, which are relatively modestly priced, were originally intended to be available to be given by the Council to encourage youth engagement and honor members of youth service organizations who attend City Council meetings when supporting a portion of the meeting (*e.g.*: performing the pledge of allegiance) or as a requirement in

earning a service badge. Going forward, ceramic coins may be excellent tokens of appreciation to present to individuals who have earned an opportunity to be publicly recognized for outstanding achievement or as tokens of goodwill to individuals who are part of larger groups, such as those who are visiting the City of Tulsa in a special capacity or in a cultural or Sister Cities exchange or visit.

Metallic challenge coins, which are much more costly than ceramic coins and have a limited inventory, are intended to be presented to Tulsa residents for exemplary acts of service or achievement, and for distinguished guests, celebrities, and visitors to our City.

**Process:**

Annually, Councilors will be assigned individual allocations of both types of challenge coins to be distributed according to the standards outlined in this section and these protocols. These coins will be kept under the care of the Council Administrator, or their designee, until requested by a Councilor. Initially, each Councilor will receive an allocation of up to 35 metal coins and up to 50 ceramic coins. Residual, unused coins shall be returned to the Council Administrator or their designee by each December 31 so the PRWG can efficiently budget and plan for the forthcoming year. Future availability of each coin type will be based on the annual, adopted Council budget, current inventory, and Council needs and desires at that time. An inventory of ceramic coins will be kept by Council staff for distribution by the chair and/or other Councilors at regular City Council meetings, if warranted, and will not count toward any individual Councilor's allocation.

**E. Council Keys to the City**

The Key to the City is a beloved symbol of civic recognition and gratitude and is the highest honor that can be bestowed by the City Council to individuals whose service to the public and common good rises to the highest level of achievement. Keys to the City symbolize the freedom of the recipient, and the desire of the Council for the recipient, to always be allowed to enter and leave as a trusted friend of the City of Tulsa and its citizens. Keys will be presented in a manner that is consistent with the City's overall vision, mission and goals.

Keys to the City are intended to honor:

- A Tulsa resident who has made extraordinary civic contributions to the City of Tulsa or extraordinary accomplishments in the military; or
- A person who has performed an extraordinary act of heroism; or
- A prominent government or military dignitary while visiting Tulsa.

Keys to the City may not be awarded to current employees or current contract employees of the City of Tulsa.

**Process:**

To request a Council Key, an individual Councilor shall submit the request to the PRWG who shall determine if the request meets the objectives outlined above. If the request meets the objectives, then the Administrator or their designee can release a key to the individual Councilor. Council Staff shall prepare a certificate to accompany each key. If consent is granted, the nominating Councilors should make every attempt to present the Key with great care and with the highest of honors and standards to its recipient. Keys shall be kept and overseen exclusively by the Council Administrator. A listing of Keys awarded shall be kept by the Council Administrator and displayed in a conspicuous place in the City Council office.



## AMENDMENT DATES

### ***APPROVED 28<sup>th</sup> day of June, 1990***

*AMENDED 18<sup>th</sup> day of December 1990*  
*AMENDED 15<sup>th</sup> day of January 1991*  
*AMENDED 7<sup>th</sup> day of May 1991*  
*AMENDED 17<sup>th</sup> day of October 1991*  
*AMENDED 15<sup>th</sup> day of October 1992*  
*AMENDED 9<sup>th</sup> day of December 1993*  
*AMENDED 25<sup>th</sup> day of August 1994*  
*AMENDED 2<sup>nd</sup> day of February 1995*  
*AMENDED 27<sup>th</sup> day of July 1995*  
*AMENDED 29<sup>th</sup> day of February 1996*  
*AMENDED 28<sup>th</sup> day of March 1996*  
*AMENDED 11<sup>th</sup> day of July 1996*  
*AMENDED 8<sup>th</sup> day of May 1997*  
*AMENDED 21<sup>st</sup> day of August 1997*  
*AMENDED 26<sup>th</sup> day of March 1998*  
*AMENDED 1<sup>st</sup> day of April 1999*  
*AMENDED 24<sup>th</sup> day of February 2000*  
*AMENDED 30<sup>th</sup> day of November 2000*  
*AMENDED 8<sup>th</sup> day of February 2001*  
*AMENDED 21<sup>st</sup> day of February 2002*  
*AMENDED 11<sup>th</sup> day of April 2002*  
*AMENDED 14<sup>th</sup> day of November 2002*  
*AMENDED 19<sup>th</sup> day of December 2002*  
*AMENDED 14<sup>th</sup> day of August 2003*  
*AMENDED 6<sup>th</sup> day of May 2004*  
*AMENDED 20<sup>th</sup> day of May 2004*  
*AMENDED 28<sup>th</sup> day of July 2005*  
*AMENDED 18<sup>th</sup> day of October 2007*  
*AMENDED 24<sup>th</sup> day of January 2008*  
*AMENDED 11<sup>th</sup> day of December 2008*  
*AMENDED 29<sup>th</sup> day of April 2010*  
*AMENDED 26<sup>th</sup> day of January 2012*  
*AMENDED 8<sup>th</sup> day of March 2012*  
*AMENDED 24<sup>th</sup> day of October 2013*  
*AMENDED 6<sup>th</sup> day of February 2014*  
*AMENDED 13<sup>th</sup> day of May 2015*  
*AMENDED 5<sup>th</sup> day of December 2016*  
*AMENDED 7<sup>th</sup> day of June 2017*  
*AMENDED 24<sup>th</sup> day of January 2018*  
*AMENDED 12<sup>th</sup> day of December 2018*  
*AMENDED 25<sup>th</sup> day of March 2020*

*AMENDED 27<sup>th</sup> day of January 2021*  
*AMENDED 27<sup>th</sup> day of May 2021*  
*AMENDED 11<sup>th</sup> day of August 2021*  
*AMENDED 16<sup>th</sup> day of November 2022*  
*AMENDED 16<sup>th</sup> day of November 2022*  
*AMENDED 14<sup>th</sup> day of December 2022*  
*AMENDED 13<sup>th</sup> day of September 2023*  
*AMENDED 18<sup>th</sup> day of September 2024*  
*AMENDED 15<sup>th</sup> day of January 2025*

## **SUMMARY OF A SAMPLING OF OTHER OKLAHOMA CITIES' RULES ON PUBLIC COMMENT**

### Tulsa:

- Citizens may speak on agenda items by signing up at the meeting.
  - Must give name, address, and indicate if they are for or against the item.
- Speaking on any items not on the agenda requires a request to be submitted the previous week. This must be approved and no one is guaranteed to be able to speak.
- Only topics related to the business of the City of Tulsa may be addressed to the Council by the public.
- Citizens given 5 minutes total to speak for the entire meeting (excepting public hearings)
- No public input allowed at committee meetings
- No indication if public comment is restricted to citizens of Tulsa

### OKC:

- Citizens may speak on agenda items by signing up at the meeting.
  - Must give name, address, and reason for comments.
- Citizens may speak on items not included on the agenda at the end of the meeting.
- Only topics related to the business of the City of OKC may be addressed to the Council by the public.
- Other requests to be heard require a form to be filed in advance and must be approved. There is no guarantee of being able to speak.
- Citizens given 3 minutes total to speak for the entire meeting (excepting public hearings)
- No indication if public comment is restricted to citizens of OKC

### Broken Arrow:

- Citizens may speak on agenda items by signing up at the meeting.
  - Must give name, address, and indicate if they are for or against the item.
- Citizens may speak on items not included on the agenda at the end of the meeting.
- Other requests to be heard require a form to be filed in advance and must be approved. There is no guarantee of being able to speak.
- Only topics related to the business of the City of Broken Arrow may be addressed to the Council by the public.
- Citizens given 3 minutes to speak on each item.
- No indication if public comment is restricted to citizens of Broken Arrow

### Owasso:

- No routine item for citizen input on agenda.
- Website indicates that citizens wishing to address the Council must ask for an agenda item the week before the meeting. This does not guarantee the ability to be heard.
- No other info is readily available on Owasso's website

Dewey:

- Dewey lists one item on its agenda titled “Citizens’ Input and Unscheduled Personal Appearances”. It is the final item on the agenda prior to Council and Staff Comments.
  - A note that accompanies this item states: “Dewey citizens wishing to address the City Council regarding items not on the posted agenda will be limited to 3 minutes. The City Council will not take action on the issue presented unless it is already on the agenda at this time, but will schedule the matter for an upcoming agenda if appropriate. The matter will be referred to the City Manager for action if appropriate.”
- Plain reading would indicate that only Citizens of Dewey may speak, and they are limited to 3 minutes.

Nowata:

- Website contains little information about public comment.
- The only reference about public participation states, “Call Nowata City Hall, (918) 273-3538, to discuss agenda availability and the topic you'd like to discuss with the City Commissioners and your fellow citizens.”
  - It is unclear what their rules are, but they do note “your fellow citizens” which may indicate only citizens of Nowata are eligible.

Pawhuska:

- Website contains no information about public comment.
- Agenda has no public input items included.

Mannford:

- No public comment permitted.

Sand Springs:

- No information about citizen participation on their website.
- No specific agenda items for citizen participation.