

RESOLUTION NO. ~~05-073~~

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA CONCERNING THE CONDUCT OF CITY COUNCIL MEETINGS COMMENCING ~~AUGUST 3, 2005~~JUNE 10, 2008, AND RESCINDING RESOLUTION NO. ~~04-06405-073~~

WHEREAS, California Government Code Section 54950 et seq., the California Open Meetings Statute, governs the conduct of meetings of local legislative bodies; and

WHEREAS, in addition to complying with the provisions of the Government Code, the City Council establishes policies regarding the Council agenda and conduct of City Council meetings, including time limits on public hearings, order of business, and procedures for addressing the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

1. Agenda Preparation. Each item of business to be considered at a regular City Council meeting must appear on the agenda for that meeting, except as provided in paragraph 5 of this resolution. The agenda shall include a brief general description of each item of business to be transacted or discussed. The description should be calculated to reasonably inform the public as to the nature of the item. For example, a land use item should include the street address of the property involved and a description of the approvals being sought. ~~All written material~~The draft Council Agenda Report and associated documents pertaining to an item on the agenda of the City Council and which is to be distributed with the agenda shall be delivered to the City Administrator/City Clerk no later than ~~5:00 p.m.~~9:00 a.m. on the ~~Tuesday~~Monday of the week preceding the regular City Council meeting.
2. Agenda Publication. The Council Agenda Packet consisting of the agenda and Council Agenda Reports will be distributed to each Councilmember and those City officers and employees designated by the City Administrator/City Clerk by 3:00 p.m. on Thursday preceding the regular City Council meeting. By that hour, copies of the agenda and Council Agenda Reports shall be available to the press and public in the City Clerk's Office and on the City's Web Site. Any person may have a copy of an agenda mailed by the City Clerk's Office by providing a self-addressed, postage pre-paid envelope of sufficient size to accommodate the agenda.
3. Agenda Posting. The agenda for each regular City Council meeting shall be available and posted at the City Clerk's Office, City Hall Public Notice Board, and City's Web Site on the Thursday preceding the meeting. The City Clerk's Office shall report to the City Council the date and place of posting the agenda for that meeting, and the report shall be reflected in the agenda and minutes of the meeting. The Council Agenda Packet also will be available at the Central Library on the Thursday preceding the meeting.

4. Order of Business. City Council business at a regular meeting shall be conducted in the following order except as otherwise directed by the City Council or the City Administrator/City Clerk, who is authorized to exercise flexibility in establishing the order of agenda items to be considered at each City Council meeting:

AFTERNOON SESSION:

~~4:00~~12:30 p.m. - Finance Committee Meeting

12:30 p.m. - Ordinance Committee Meeting

2:00 p.m. - Regular Redevelopment Agency Meeting

2:00 p.m. - Regular City Council Meeting:

Pledge of Allegiance ~~to the Flag~~

Roll Call

Ceremonial Items

Changes to the Agenda

Public Comment

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~~Councilmember Committee Assignment Reports~~

Consent Calendar

Report from the Finance Committee

Report from the Ordinance Committee

Redevelopment Agency Reports

City Council Administrative and Attorney Reports

Requests from the Public

Mayor and Council Reports

Board and Commission Reports

Public Hearings

Council and Staff Communications

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~~Councilmember Committee Assignment Reports~~

Closed Sessions

Work Sessions

EVENING SESSION - 6:00 p.m.:

Roll Call

Public Comment

Public Hearings

Requests from the Public

City Council Administrative and Attorney Reports

Mayor and Council Reports

Board and Commission Reports

Work Sessions

Adjournment

5. Ex Agenda Item. Except as provided in this paragraph, no action shall be taken at a regular City Council meeting on any item which does not appear on the posted agenda. An item may be added to the agenda after the agenda has been published and posted upon a determination by a two-thirds vote of the City Council (or a unanimous vote if less than two-thirds of the City Council is present); the vote shall be on a motion stating that there is a need to take immediate action and the need for action came to the attention of the City after the agenda was published and posted. Any such motion shall be accompanied by distribution of a written statement, to be included in the record, stating the facts upon which it can be determined that the need to take action arose after the agenda was published and posted. If it is infeasible to present such a written statement of reasons, the City Clerk's Office shall include in the minutes of the meeting a statement of the reasons for the City Council's determination. In addition, action may be taken on an item not on the posted agenda under the circumstances stated in Government Code Sections 54954.2(b)(1) [emergency] and 54954.2(b)(3) [continued regular meetings].

6. Requests to Speak. Any person wishing to address the City Council should first complete and deliver to the City Administrator/City Clerk a "Request to Speak" form prior to the time that the item on the agenda is read by the Deputy City Clerk; ~~the form shall include a description of the subject the speaker wishes to address.~~ Written materials (~~10-11~~ copies) for the City Council must contain the person's name and should be submitted to the Deputy City Clerk for distribution. A speaker shall not be heard during the "Public Comment" portion of the meeting on a matter scheduled before the City Council that same day. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the jurisdiction of the City Council.

7. Public Comment. At the beginning of the 2:00 p.m. session of each regular City Council meeting, the City Council shall allow any member of the public to address them. Should City Council business continue into the evening session at 6:00 p.m., the City Council shall allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comment shall be 15 minutes, and no individual speaker may speak for more than 1 minute.

8. Consent Calendar. The Consent Calendar shall be comprised of items which, in the City Administrator/City Clerk's judgment, will not require discussion. A Consent Calendar item shall be open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion of the City Council. Items on the Consent Calendar will not be read unless the Deputy City Clerk is so directed by the Mayor; and the ~~adoption-approval~~ of a motion of the City Council to accept the Consent Calendar shall be deemed to have been preceded by a reading of each individual item by the Deputy City Clerk.

9. Requests From The Public. A member of the public may request that an item be placed on the City Council's agenda only by providing the City Administrator/City Clerk with a written request for such consideration. The written request must, at a minimum, contain all of the following:

A. A substantive outline or summary of the information that will be presented to the City Council;

B. A concise statement of the specific action the City Council will be asked to take on the item; and

C. A statement of the reasons why the requesting party believes it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

Upon receipt of such an agenda item request, the City Administrator/City Clerk shall forward a complete copy of the request to all Councilmembers, City Attorney, and to any other City staff the City Administrator/City Clerk deems appropriate. Thereafter, such an agenda item request shall be placed on a City Council agenda only upon a written request from at least two Councilmembers to the City Administrator/City Clerk.

A member of the public who makes an oral request during a City Council meeting that an item be placed on a future agenda shall be advised that, for such a request to be processed further, the request must be made in writing in accordance with the requirements of this resolution.

10. Mayor and Council Reports. Any two Councilmembers may request that an item be placed on a City Council agenda by submitting a written request to the City Administrator/City Clerk. The written request must, at a minimum, contain all of the following:

A. A substantive outline or summary of the information that will be presented to the City Council;

B. A concise statement of the specific action the City Council will be asked to take on the item; and

C. A statement of the reasons why the requesting ~~party~~Councilmembers believes it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

11. Public Hearings. A public hearing on a specific agenda item shall be set for a specified time, and each written or published notice regarding that hearing shall announce its date and time.

A person who wishes to address the City Council at a public hearing should first complete a "Request to Speak" form and deliver it to the City Administrator/City Clerk prior to the time that the item on the agenda is read by the Deputy City Clerk. The Mayor may allot the available time to those persons who have filed a Request to Speak; and the determination of the Mayor may be overruled by a majority vote of the City Council.

12. Closed Sessions. The following policy and procedure shall govern the holding of closed sessions by the City Council:

A. Each closed session of the City Council shall be held in accordance with provisions of applicable law and this resolution.

B. The subject to be discussed at each closed session shall be disclosed to Councilmembers in accordance with the provisions of the California Ralph M. Brown Open Meetings Statute Act.

C. The closed session shall not be held if the Mayor determines that the closed session is inappropriate, unless that determination is overruled by a majority vote of the City Council.

D. The Mayor shall preside at meetings of the City Council in closed session and shall terminate a closed session if the discussion departs from the announced subject.

E. A Councilmember may, on point of order, call for a vote to terminate a closed session at any time during the meeting.

F. Statements made and documents distributed or discussed in closed session are privileged from disclosure. No disclosure of any statement made in closed session or document protected from disclosure will be made by any Councilmember or by City staff, except as disclosure is authorized or required by applicable law.

G. If it is alleged that a Councilmember or City staff has violated the provisions of subparagraph F of this section 12:

(1) The Mayor, a Councilmember, or the City Administrator/City Clerk may request a formal hearing be set at which the City Council shall hear the allegations, take sworn testimony, and review such information and evidence as may be presented.

(2) The hearing shall be conducted by the Mayor, or, in the Mayor's absence, by the Mayor Pro-Tempore; except that if the Mayor or the Mayor Pro-Tempore shall be the individual charged, he/she shall not conduct the hearing. If both are charged, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Ordinance Committee; and if the Chair of the Ordinance Committee is unable to conduct the hearing, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Finance Committee. The City Attorney shall serve as the hearing officer and shall advise City Council on all procedural matters and may direct questions to any witness.

(3) At the conclusion of the hearing, the City Council, by majority vote, shall make a finding as to whether or not any individual has violated subparagraph F of this section 12.

(4) If the City Council finds that a violation has occurred, the City Council shall direct the City Attorney to draw up the appropriate document for transmittal to the District Attorney or Grand Jury of Santa Barbara County requesting the bringing of an accusation for willful misconduct in office under Section 3060 of the Government Code of the State of California. In addition, the City Council may direct the City Attorney to undertake an appropriate civil action against the person accused, including, but not limited to, an action for breach of fiduciary duty.

13. Work Sessions. A work session is ordinarily for the purpose of (i) briefing Councilmembers on a subject; and (ii) an informal discussion between City Council, City staff, City boards/commissions, or other agency representative(s). The City Council shall make no decisions at a work session, other than to give direction to staff for follow-up work. If there is no evening session, a work session may be set for an estimated time in the morning, such as 11 a.m. All Councilmembers will be polled for availability before a morning session is scheduled.

14. Estimated Time. The estimated time system is established to: (i) minimize the amount of time that large groups would wait for City Council items; (ii) recognize that estimating the duration of City Council items is imprecise and that an "estimated time" should not create an unrealistic expectation that the time for taking an item is certain; and (iii) avoid creating gaps in the City Council meeting flow. The estimated time system is established with the following guidelines:

A. An individual or group may request an estimated time for items with high public interest. High public interest means that a large group is planning to attend the meeting.

B. The intent of an estimated time would be to accommodate groups, not a specific individual scheduling request.

C. When an estimated time is established, the City Council item would be scheduled for the estimated time or later, e. g., 2:30 p.m. or later.

D. If multiple ~~estimated time~~ items are scheduled on ~~the same an~~ agenda for the same estimated time, the items would be taken in the order they appear on the agenda; for example, two items ~~would be~~ scheduled for 2:30 p.m. or later ~~and would be~~ taken in ~~that the~~ order they appear on the agenda.

E. Estimated time requests must be submitted to the City Administrator/City Clerk, who makes the final decision on whether to grant an estimated time request.

15. Action Items. The following procedure shall be followed (except where the City Council is considering an appeal from the decision of a City board or commission):

- A. The item shall be presented by its proponent (Councilmember, staff, Commission member, public, etc.).
- B. City Council questions to proponent.
- C. City staff report and City Council questions to City staff.
- D. Public input from persons who wish to speak.
- E. City Council debate.
- F. Decision.

16. Time Limits.

A. Action Items. No item on the agenda shall be discussed by the City Council for more than 15 minutes, except as provided in subparagraph B of this ~~paragraph~~section. No agenda item will be introduced for consideration after 9:00 p.m. These rules may be suspended by directive of the Mayor or majority vote of the City Council.

B. Appeals to City Council. No appeal to City Council from any decision of a City board or commission shall exceed a total of 2 1/2 hours.

(1) Presentations, comments and deliberations by the parties and City Council shall be limited as follows:

- a) Presentation by City staff shall not exceed 20 minutes in length.
- b) Presentation by appellant (including petitioners and applicants who are appellants) shall not exceed 30 minutes in length.
- c) Presentation by an applicant who is not an appellant shall not exceed 30 minutes in length.



- d) Presentation by City staff in response to issues raised by City Council, appellant and applicant shall not exceed 10 minutes in length.
- e) Comments from any other persons shall not exceed a total of 30 minutes, and shall be conducted pursuant to paragraph section 11.
- f) City Council deliberations, including questions to and responses from City staff or any other party, shall not exceed a total of 30 minutes.
- g) The order and time limits may be modified by action of the Mayor or majority vote of the City Council.

(2) The total amount of time allocated for a presentation shall include time used to respond to or to comment upon issues or facts raised by a subsequent speaker ("rebuttal"). An applicant, an appellant, or City staff may request leave of the Mayor to reserve all or a portion of their time for rebuttal.

The total amount of time allocated for a presentation shall not include responses to questions posed by City Council during City Council deliberations.

(3) This resolution sets the maximum time allocated to each person or persons. Whenever feasible, presentations, comments and deliberations shall be shorter than the allocated time.

(4) Any person or persons whose presentation exceeds these time limits shall be ruled out of order and shall lose the floor, unless the time limit is extended by a majority vote of the City Council.

17. Succession to the Mayor. During the absence or disability of the Mayor and the Mayor Pro Tempore, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Ordinance Committee. During the absence or disability of the Mayor, Mayor Pro-Tempore, and Chair of the Ordinance Committee, the duties of the Mayor shall be performed by the Councilmember serving as Chair of the Finance Committee.

18. General Rules of Debate. Each motion is to be clearly framed and stated. Each amendment to a motion shall be by separate motion.

19. Robert's Rules. In accordance with Section 2.04.040(h) of the Municipal Code, except as provided by the City Charter, ordinance, applicable provisions of state law, this resolution, or other rules adopted by the City Council, the procedures of the City Council shall be governed by Robert's Rules of Order, as revised. The City Attorney shall serve as Parliamentarian. The procedure set forth in Robert's Rules and Municipal Code Section 2.04.070(g) shall govern reconsideration or rescission of action taken by the City Council, unless 90 days have elapsed since City Council action, after which



time the item may again be placed on the City Council agenda.

20. Provisions Directory. The provisions of this resolution are directory, not mandatory. Except as otherwise provided by statute or local ordinance, no action of the City Council shall be held invalid due to any failure to observe the provisions of this resolution, nor shall any person have a claim or cause of action against the City or any of its officers or employees on account of any such failure.

21. Resolution No. ~~04-064-05-073~~ is hereby rescinded.

22. This Resolution shall be effective ~~August 3, 2005~~ June 10, 2008.