



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 12, 2015

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Update Of The Council's Procedural Rules And Appointment Of An Ad Hoc Council Procedures Committee

RECOMMENDATION:

That Council appoint an Ad Hoc Council Procedures Committee and direct preparation of new Council Procedural Rules in conjunction with the City Attorney and City Clerk.

EXECUTIVE SUMMARY:

The Council's procedural rules are seriously outdated. An ad hoc Council Committee should update those procedures in conjunction with the City Attorney and City Clerk. The procedural rules include both Santa Barbara Municipal Code Chapter 2.04 and Council Resolution No. 09-097.

DISCUSSION:

The City Council currently conducts its meetings pursuant to procedural rules established by Resolution No. 09-097 and Chapter 2.04 of the Santa Barbara Municipal Code (see Attachments 1 and 2). These procedural rules, adopted pursuant to the authority granted under City Charter Section 509 and the Ralph M. Brown Act, Government Code sections 54950, *et seq.*, help manage Council meetings by establishing the "rules of the road" for the Council and public. Unfortunately, these procedural rules have not been widely disseminated via posting on the Internet or otherwise. Of even more concern than their poor distribution, the procedural rules have not kept pace with 21st Century notions of meeting management and procedural fairness (due process).

While the conduct resolution was updated in 2009, much of its basis in Chapter 2.04 dates back to the 1960's. For example, circa-1969 Santa Barbara Municipal Code Section 2.04.040 still relies upon Robert's Rules of Order, despite the well-known difficulties of applying Robert's Rules to single day meetings of small legislative bodies. Many jurisdictions have updated their procedures to follow more common-sense

systems, including Rosenberg's Rules of Order (Revised 2011) "Simple Rules of Parliamentary Procedure for the 21st Century" (Attachment 3). Rosenberg's rules are promoted and taught by the League of California Cities.

Neither the Council resolution nor the Municipal Code addresses the procedural fairness and due process requirements for quasi-judicial hearings conducted by the City Council or its boards and commissions. This omission is glaring and dangerous legally. We have surveyed numerous other cities around the state and virtually all of them have quasi-judicial procedures for the conduct of land use and other hearings in which property rights are involved. As a consequence of having no applicable written rules, the City Attorney's Office has had to advise Council, boards and commissions on an *ad hoc* basis. This advice is not routinely published for the benefit of those who may appear before Council. As a result, there is a gap between the public's knowledge and the relatively strict due process rules applicable to the Council's conduct (such as limits on *ex parte* contacts). We believe that establishing clear, written rules of procedures governing the conduct of quasi-judicial matters promotes the public interest by assuring greater government transparency and fairness. It will also help assure defensible City quasi-judicial decision making.

We believe the Council should take a leadership role in designing and disseminating new procedural rules via appointment of an ad hoc Council Procedures Committee. The Committee would work with the City Attorney and City Clerk over a 3 to 6 month period to develop modernized procedures and share them with the interested public. The process would conclude with municipal code amendments and adoption of a procedures resolution by the full Council.

ATTACHMENTS:

1. Resolution No. 09-097
2. Chapter 2.04 of the Santa Barbara Municipal Code
3. Rosenberg's Rules of Order

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

**CONDUCT
OF
CITY COUNCIL MEETINGS**



CITY OF SANTA BARBARA

Resolution No. 09-097

Adopted December 15, 2009

Effective January 12, 2010

RESOLUTION NO. 09-097

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA CONCERNING THE CONDUCT OF
CITY COUNCIL MEETINGS COMMENCING JANUARY 12,
2010, AND RESCINDING RESOLUTION NO. 05-073

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 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. on the Tuesday 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 generally 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 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 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:

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
Consent Calendar
Report from the Finance Committee
Report from the Ordinance Committee
Redevelopment Agency Reports
City Council Administrative and Attorney Reports
Mayor and Council Reports
Requests from the Public
Board and Commission Reports
Public Hearings
Council and Staff Communications
Councilmember Committee Assignment Reports
Closed Sessions
Work Sessions

Evening Session – 6: p.m.

Roll Call
Public Comment
Public Hearings
Mayor and Council Reports
Requests from the Public
City Council Administrative and Attorney 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 (12 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 of a motion of the City Council shall be deemed to have been preceded by a reading of each individual item by the Deputy City Clerk.

9. 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 believes it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

10. 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.

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 California Open Meetings Statute.

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 and 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 agenda, 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 taken in that order.

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. 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 ½ 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 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. Proclamations and Letters of Recognition. Guidelines to be used for Proclamations and Letters of Recognition are the following:

- The request must pertain to a Santa Barbara event
- The request must be submitted in writing at least three weeks in advance of the Council meeting
- Only one proclamation or letter of recognition can be presented per Council meeting with the exception of the first Tuesday of the month due to employees receiving service awards
- The person making the request must be present at the Council meeting to receive the proclamation or letter of recognition
- The Mayor will determine if the proposed request meets the intent of this policy and retains the right to decide if it will be issued
- The Mayor retains the right to modify, edit, or otherwise amend the proposed proclamation or letter of recognition

21. 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.

22. Resolution No. 05-073 is hereby rescinded.

23. This Resolution shall be effective January 12, 2010.

RESOLUTION NO. 09-097

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on December 15, 2009, by the following roll call vote:

- AYES: Councilmembers Iya G. Falcone, Dale Francisco, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum
- NOES: None
- ABSENT: Councilmember Roger L. Horton
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on December 16, 2009.


Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on December 16, 2009.


Marty Blum
Mayor

Chapter 2.04

COUNCIL MEETINGS

Sections:

2.04.010	Regular Meeting Schedule.	2.04.070	Procedure.
2.04.020	Adjourned Meetings.	2.04.080	Ordinances, Resolutions and Contracts.
2.04.030	Special Meetings - Time - Mayor.	2.04.090	Charter Amendments - Preparation - Submission to Council.
2.04.040	Rules of Debate.		
2.04.050	Addressing the Council.		
2.04.060	Decorum.		

2.04.010 Regular Meeting Schedule.

Regular meetings of the City Council shall be held in the Council Chambers in the City Hall on each Tuesday of each week at a time set by resolution. (Ord. 4972, 1996; Ord. 3596 §1, 1973; Ord. 3368 §1, 1969; Ord. 3298 §1, 1968; Ord. 2755 §1, 1960; prior Code §2.1.)

2.04.020 Adjourned Meetings.

Any regular Council meeting may be adjourned to any day between the regular meetings commencing at such time as may be ordered, and such adjourned meetings shall be deemed as a continuance of the last preceding regular meeting. (Ord. 3899, 1977; prior Code §2.2.)

2.04.030 Special Meetings - Time - Mayor.

Special meetings may be held on any day, commencing at any hour and shall be called by the Mayor or four (4) members of the Council in the following manner:

When called by the Mayor or by four (4) members of the Council, the Mayor or four (4) members of the Council shall, by a written notice, require the City Clerk to issue under his hand and seal a written notice of the time of holding such meeting. Such notice must contain the subject to be discussed or acted upon at the special meeting. Such notices shall be personally served by the Police Department upon the Mayor, City Attorney, and each member of the Council, or left at the residence or place of business of such person not less than five (5) hours before such special meeting. (Ord. 3891 §1, 1977; Ord. 3248 §2, 1967; prior Code §2.3.)

2.04.040 Rules of Debate.

(a) Getting the floor. Every Councilmember desiring to speak shall first address the chair, gain recognition by the presiding officer, and shall confine himself to the question under debate, avoiding personalities and indecorous language.

(b) Questions to staff. Every Councilmember desiring to question the City staff shall, after recognition by the presiding officer, address his questions to the City Administrator, the City Clerk or the City Attorney, who shall be entitled to either answer the inquiry himself or to designate a member of his staff for that purpose.

(c) Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, unless a point of order or personal privilege is raised by another Councilmember, or unless the speaker chooses to yield to a question by Councilmember. If a Council-member, while speaking, is called to order, he shall cease speaking until the question of order is determined and, if determined to be in order, he may proceed. Members of the City staff after recognition by the presiding officer shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

(d) Point of personal privilege. The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned or where the welfare of the Council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor only if the presiding officer recognizes the privilege.

(e) Privilege of closing debate. The Councilmember moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate.

(f) Limitation of debate. No Councilmember shall be allowed to speak more than once upon any particular subject until every other Councilmember desiring to do so shall have spoken. There shall be no debate or further discussion of the subject matter following order for roll call by the presiding officer.

(g) Remarks of Councilmember and synopsis of debate. A Councilmember may request through the presiding officer the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(h) Except as provided by the City Charter, by ordinance, by other rules adopted by the Council or by applicable provisions of State law, the procedures of the Council shall be governed by Robert's Rules of Order, revised, Seventy-Fifth Anniversary Edition.

(i) Failure to observe rules of order. Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law. (Ord. 3363 §1, 1969.)

2.04.050 Addressing the Council.

(a) Manner of addressing the Council. Each person desiring to address the Council shall step up to the microphone in front of the rail, state his name and address for the record, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons. All remarks shall be addressed to the Council as a whole and not to any member thereof. No question shall be asked a Councilmember or a member of the City staff without the permission of the presiding officer.

(b) Limitation of discussion. In order to expedite matters and to avoid repetitious presentations, it shall be proper for the presiding officer to limit the number of persons addressing the Council on a given subject, and to also establish reasonable time limits for presentations.

(c) After motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission to do so from the presiding officer. (Ord. 3363 §2, 1969.)

2.04.060 Decorum.

(a) Councilmembers. While the Council is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the presiding officer. Members of the Council shall not leave their seats during a meeting without first obtaining the permission of the presiding officer.

(b) Persons addressing the Council. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the presiding officer and, if such conduct continues, may at the discretion of the presiding officer be ordered barred from further audience before the Council or excluded from the Chambers for the duration of that meeting.

(c) Members of the audience. Any person in the audience who engages in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the presiding officer, shall be, upon instructions from the presiding officer, removed from the Council Chambers by the sergeant-at-arms.

(d) Enforcement of decorum. The Chief of Police, or such member or members of the Police Department as he may designate, shall be sergeant-at-arms of the City Council and shall carry out all orders given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings. Any Councilmember may move to require the presiding officer to enforce the rules and the affirmative vote of a majority of the Council shall require him to do so.

(e) Authorized persons within rail. No person except City officials, their representatives and news media representatives, shall be permitted within the rail in front of the Council Chambers, without the express consent of the Council. (Ord. 3363 §3, 1969.)

2.04.070 Procedure.

(a) Motions; second not required. A motion by any member of the Council, including the presiding officer, may be considered or discussed by the Council without receiving a second.

(b) Voting procedure. Any vote of the Council, including a roll call vote, may be registered by the members by answering "Yes" for an affirmative vote or "No" for a negative vote upon his name being called by the City Clerk.

(c) Disqualification for conflict of interest. Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the presiding officer state the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of such disqualification may, at the request of the Councilmember affected, be decided by the other Councilmembers. A Councilmember who is disqualified by reason of a conflict of interest in any matter shall not remain in his seat during the debate and vote on such matter. A Councilmember stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

(d) Failure to vote. Every Councilmember should vote unless disqualified by reason of a conflict of interest. A Councilmember who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon.

(e) Tie vote. Tie votes shall be lost motions.

(f) Changing vote. A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.

(g) Reconsideration. A motion to reconsider any action taken by the Council may be made only at the meeting such action was taken or at the next regular meeting of the Council. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion may be made only by one (1) of the Councilmembers who voted with the prevailing side. Nothing herein shall be construed to prevent any Councilmember from making or remaking the same or any other motion at a subsequent meeting of the Council. (Ord. 3363 §4, 1969.)

2.04.080 Ordinances, Resolutions and Contracts.

(a) All ordinances shall be prepared for presentation to the City Council pursuant to the provisions of this chapter. All ordinances shall be prepared by the City Attorney.

(b) All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Administrator, subject to any time limit imposed by this Code.

(c) At the time of introduction or adoption of an ordinance or a resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present. Such consent may be expressed by a statement by the presiding officer to the effect that if there is no objection, the further reading of the ordinance or resolution shall be waived. All emergency ordinances must be read in full. (Ord. 3533 §1, 1972; Ord. 3363 §5, 1969.)

2.04.090 Charter Amendments - Preparation - Submission to Council.

The Mayor or any member of the City Council may request the City Attorney to prepare a Charter amendment for submission to the vote of the electors. Such Charter amendment, when prepared by the City Attorney, shall be reviewed by the person or persons requesting the same, and shall thereupon be circulated to all members of the City Council, and shall not be introduced as a measure earlier than two (2) weeks following its submission to the City Council. (Ord. 3476 §1, 1971.)



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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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

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 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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