

RESOLUTION NO. 61-13

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
ESTABLISHING RULES AND PROCEDURES PERTAINING TO THE MEETINGS OF
SAID CITY COUNCIL**

WHEREAS, pursuant to Section 5 of Article III of the Charter of the City of Richmond, the Council of the City of Richmond is authorized to establish rules to govern the proceedings of said Council; and

WHEREAS, the Council of the City of Richmond desires to establish the rules governing its proceedings; and

WHEREAS, the Council of the City of Richmond has formulated a set of rules to govern its proceedings; and

WHEREAS, the rules formulated by the Council of the City of Richmond are set forth in the document entitled "City of Richmond City Council Rules of Procedure and Order" which is attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED, that, pursuant to Section 5 of Article III of the Charter of the City of Richmond, the Council of the City of Richmond hereby adopts and establishes the rules pertaining to its meetings as are set forth in the attached document entitled "City of Richmond City Council Rules of Procedure and Order."

BE IT FURTHER RESOLVED, that Resolution Nos. 22-00, 48-04, 81-04, 27-06, 2-07 and all other resolutions pertaining to the rules governing the proceedings of the Council of the City of Richmond are hereby rescinded.

I hereby certify that the foregoing resolution of the Council of the City of Richmond, California was duly passed and adopted at a meeting thereof held June 18, 2013, by the following vote:

AYES: Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin.

NOES: Councilmember Bates and Vice Mayor Boozé.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 61-13**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 18, 2013.

:

CITY OF RICHMOND

City Council Rules

of

Procedure and Order

Adopted by **City Council Resolution No. 61-13**

Effective: June 18, 2013

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Richmond that the following rules of the City Council shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED, that the Council shall review its Rules of Procedure in March of each even numbered years.

Table of Contents

<u>SECTION</u>	<u>PAGE</u>
I. Officers' Responsibilities	4
II. Meetings	4
III. Conducting Meetings	5
IV. Order of Business	7
V. Agenda Preparation	10
VI. Procedural Matters	12

DEFINITIONS

Councilmembers: All elected members of the City Council including the mayor.

I. Officers' Responsibilities

A. Duties of Mayor At City Council Meetings

The mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The mayor shall state every question coming before the Council and announce the decision of the Council on all subjects, and decide all questions of order. The mayor has final say on all rules, subject to being overturned by a majority of the City Council.

B. Duties of Councilmembers at City Council Meetings

Promptly at the hour on the date of each regular and special meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition pursuant to Article III of the City Charter.

II. Meetings

A. Regular Meetings

- (1) Regular meetings of the Council of the City of Richmond shall be held on the first and third Tuesdays of the month provided that, if any Tuesday falls on a legal holiday, the meeting shall be held on the following Tuesday at the same hour. Any future regular or special meeting may be canceled by the mayor, at the mayor's discretion, or by the vote of a majority of the members of the City Council during a regular or special meeting.
- (2) Regular meetings held on the first and third Tuesdays of the month should be reserved for items requiring Council action.
- (3) The evening session of regular City Council meetings shall begin at 6:30 p.m or as otherwise posted.
- (4) Regular meetings of the City Council shall adjourn by 11:00 p.m. unless the time of adjournment is extended by the consent of a majority of the City Council. Any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be handled. If a meeting continues past 11:00 p.m., it shall end at 11:30 p.m. 11:30 shall be the firm end-time of the meeting, unless by a 2/3 vote the City Council suspends the rules and then votes affirmatively to extend past 11:30

B. Fourth Tuesday Meetings As Needed

The Council may hold regular meetings on the fourth Tuesday of the month as needed. Study sessions, presentations, proclamations, commendations, time-sensitive items, and items expected to take more than an hour will be scheduled at that meeting. If possible, agenda items anticipated to be lengthy should appear as the first item on the agenda. Study for Action sessions may result in a City Council motion that provides policy direction to staff.

C. Closed Sessions

A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act. Council actions shall be governed by the Brown Act. Public comment shall be received in open session prior to a closed session.

D. Special Meetings

Special meetings may be called at any time by the Mayor or by a majority of the City

Council in accordance with Government Code Section 54956. The call and notice of such special meeting shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting by the City Council.

E. City Council Recess Periods

The City Council recess period shall begin after the first Tuesday in August, and reconvene the first Tuesday following the week of Labor Day.

During any recess period, the City Manager is authorized to take such ministerial actions for matters of operational urgency including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety, as would normally be taken by the City Council during the period of recess, except for those duties specifically reserved to the Council by the Charter. This authority extends throughout the period of recess established by the City Council.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting, following the period of recess, of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

III. Conducting Meetings

A. Rosenberg Rules of Order

Rosenberg's Rules of Order, as published by the League of California Cities, shall be the parliamentary rules of order for City Council meetings except for the exceptions described in Section VI, B Procedural Matters 5-7.

B. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within three minutes of a quorum call, the mayor may call for a recess of up to 30 minutes in order to establish a quorum or he/she may adjourn the meeting.

C. Decorum by Council members

While the Council is in session, the members must preserve order and decorum. A Councilmember shall not, by conversation or other actions, delay, interrupt the proceedings or the peace of the Council nor disturb any member while speaking, nor refuse to obey the orders of the Council, or the presiding officer, except as otherwise herein provided. Councilmembers shall use discretion and leave the Chamber to discuss items before the City Council with members of the audience.

Councilmembers are prohibited from using a cell phone or pager during a meeting, except for urgent matters, to avoid disruption and also to avoid a perception of a Brown Act violation.

All Councilmembers shall maintain a professional decorum during business meetings of the City Council. All members should adhere to the City of Richmond's Code of Ethics.

D. Manner of Addressing the City Council - Time Limit

(1) Anyone who desires to address the City Council on items appearing on the agenda must complete and file a pink speaker's card with the city clerk prior to the City Council's consideration of the item. Once the city clerk has announced the item and discussion has commenced, no person shall be permitted to speak on the item other

than those persons who have submitted their names to the city clerk. Speakers will be called when the item is announced for discussion. Each speaker will be allowed two (2) minutes to address the City Council on items listed on the agenda.

- (2) Unless otherwise permitted by a majority of the City Council, once the discussion of the agenda item has commenced, no person shall be permitted to speak on the item other than those persons who have submitted their names to the City Clerk. Unless otherwise waived by a majority of the City Council any person addressing the City Council on any item on the agenda shall be limited to a maximum of two (2) minutes.
- (3) The city clerk shall call the speakers in groups of seven to sit directly behind the speakers podium. The person shall approach the microphone, state his/her name and city of residence in an audible tone of voice for the records. All remarks shall be addressed to the City Council as a body and not to any member thereof.

E. Decorum by Public

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent. Any message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.

F. Enforcement of Decorum

Any law enforcement officer on duty or whose service is commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

G. Brown Act Requirements for Council Action

The Council shall not take action on any item that has not been published on the agenda of the meeting and posted in accordance with Chapter 4 of the Brown Act. Any item not on the agenda shall not be considered unless the item can be considered by the City Council pursuant to Government Code Section 54954.2(b), The Ralph M. Brown Act (Attached as Section B, Government Code Section 54950-54963, in the Index of this Policy).

H. Requests for Technical Assistance and/or Reports

During Council consideration of an item any member can request staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service. All such responses to these requests become a matter of Public Record.

A Councilmember may request research on any item being considered. Any Councilmember may ask staff to provide information when such a request would only require a reasonable amount of time to accomplish, as determined by the City Manager. A request for information being considered that requires an extensive amount of staff time must be approved by the majority of the Councilmembers. Staff shall not spend any time or money pursuing initiatives that are contrary to existing public policy without first requesting and receiving direction from a majority of the City Council.

City staff has the same obligation to respond to Councilmembers' requests for information as requests from the public pursuant to Chapter 2.40 of the Richmond Municipal Code (RMC).

I. Recordings of Meetings

All meetings of the City Council (except closed sessions) shall be open to the media and may be recorded by tape, radio, television, or photography by a member of the public, provided such recordings do not interfere with the orderly conduct of the meetings and do not (because of noise, illumination, or obstruction of view) constitute a persistent disruption of the proceedings.

IV. ORDER OF BUSINESS

A. Pledge of Allegiance to the Flag

At the beginning of each the meeting, the Pledge of Allegiance will be recited by the City Council and the audience.

B. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair at the conclusion of the business presently before the Council. In the absence of the two officers specified in this section, the Councilmember present with the longest consecutive period of Council service shall preside.

C. Roll Call

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the members of the City Council and the names of those present and absent shall be entered in the minutes.

D. Scheduling of Items

As a courtesy to the public, to the extent possible, the City Council agenda will include estimated times for agenda items to be heard for items that are of considerable public interest. If a time certain appears on the Council agenda, in no event will the agenda item be heard or discussed before its estimated time. The business of the City Council at its regular meetings on the first and third Tuesdays of the month shall be taken up for consideration and disposition in the order set forth below and as published by the City Clerk, except that with the concurrence of a majority of the City Council matters may be taken up out of order:

- a. Roll Call
- b. Statement of Conflict Of Interest
- c. Agenda Review
- d. Presentation, Proclamations and Commendations (if required for timeliness)
Presentations, proclamations and commendations shall be limited to three (3) items per meeting and a maximum of five (5) minutes for each item, unless otherwise permitted by the Mayor. Unless items are deemed to be time sensitive by the Mayor, presentations proclamations and commendations should be limited to the City Council meeting on the fourth Tuesday.
- e. Report from City Attorney for final decision made, and non-confidential discussions held, during Closed session
- f. Open Forum for Public Comments

- g. Consent Calendar (including approval of minutes)
- h. Public Hearings
- i. Resolutions
- j. Ordinances
- k. Council as a Whole
- l. Reports of Officers: Standing Committee Reports, Reports from Mayor/Council members/Staff, and Referrals to Staff
- m. Adjournment

E. Open Forum for Public Comments

Individuals who would like to address the City Council on matters not listed on the agenda may do so under Open Forum. All speakers must complete and file a pink speaker's card with the City Clerk prior to the commencement of Open Forum. The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

Speakers are asked to give their names and the city of their residence prior to making their public comments. To expedite the public comment period, the City Clerk will announce the name of the speakers in groups of seven and state the procedure for speakers.

The Mayor or Meeting Chair may refer a subject to staff or other resources for factual information or for action, if appropriate.

F. Reading of Minutes

Unless the reading of the minutes of the City Council meeting is requested by a majority of the City Council, such minutes may be approved without reading if the City Clerk has previously furnished each member of the City Council with a copy thereof. Minutes of previous City Council meetings shall be distributed to the Councilmembers and posted on the City's website 72 hours prior to the next City Council meeting.

G. Consent Calendar

The Mayor, any member of the City Council, the City Manager, the City Attorney or the City Clerk may recommend that items appearing on the agenda be placed on the consent calendar for action by the City Council. All items placed on the consent calendar shall appear together on the agenda with the recommendation as to the action to be taken by the City Council with respect to such item. All items placed on the consent calendar that have been approved by a Standing Committee shall appear together on the agenda with the recommendation and the vote of the Standing Committee. Upon the motion of any member of the City Council, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received the action recommended.

H. Removal of Item From Consent

Any member of the City Council can object to the placement of any item on the consent calendar, or if any City staff or any member of the public wishes to address the City Council on any item on the consent calendar, the item shall be removed from the consent calendar and shall be heard and acted upon at its regular place on the agenda. A member of the audience requesting to remove an item from the consent calendar must complete and file a speaker's card with the City Clerk prior to the City

Council's consideration of Agenda Review. An item removed from the Consent Calendar may be placed anywhere on the agenda following the City Council's agenda review.

I. Public Hearings

The order of proceeding where there is a public hearing (non-appeal items) item before the City Council shall be as follows:

- (1) Staff Report
- (2) Questions from the Council
- (3) Open Public Hearing
- (4) Public Speakers, alternating from a speaker in favor and a speaker opposing
- (5) Close Public Hearing
- (6) Clarification questions to staff
- (7) City Council discussion and vote (discussion may include questions by Council)

Where the public hearing involves an appeal of an item to the City Council, the order of proceeding shall be as follows:

- (1) Staff Report
- (2) Questions from the Council
- (3) Open Public Hearing
- (4) Appellant's statement *
- (5) Principal opponent's statement *
- (6) Public Speakers, alternating from a speaker in favor and a speaker opposing*
- (7) Appellant's rebuttal (two minutes)
- (8) Opponent's rebuttal (two minutes)
- (9) Close Public Hearing
- (10) Clarification questions to staff or technical questions to applicants.
- (11) City Council discussion and vote (discussion may include questions by Council)

* Note: The appellant and the principal opponent addressing the City Council shall be limited to a maximum of eight (8) minutes each and all other persons addressing the City Council shall be limited to a maximum of three (3) minutes. The City Council by an affirmative vote of a majority of its members may make appropriate adjustments in the amount of time given to make presentations during public hearings depending upon the unique circumstances of a given public hearing.

*Note: Public speakers, alternating from a speaker in favor of the appeal to a speaker opposed to the appeal, to a speaker taking no position. Speakers shall have three minutes to address the City Council.

J. Reports of Officers

Members of the City Council and City staff shall limit their reports to matters concerning attendance at a meeting, conference, event or activity, reminder of upcoming events, meetings or other activities, or update on previously reported information. Service complaints or requests for services by the City Council shall not be reported but shall be directed to the City Manager prior to or following the City Council meeting for appropriate action.

K. Items Not Completed

Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular business meeting or study session meeting (respectively), or by a majority (quorum) vote of the Council to an adjourned regular meeting. Items carried over from a previous meeting will be placed at the beginning of the same category of the agenda.

V. Agenda Preparation

For purposes of this section, the terms listed herein shall be defined as follows:

A. Definitions

1. Agenda Item means an item placed on the agenda for a vote of the Council by a Councilmember, the City Manager, City Attorney, and City Clerk.

Agenda items shall have an agenda request form and staff report, including the following:

- (a) The name of the legislative body that will take action on the item;
- (b) A Statement of the Issue that adequately informs the public of the subject matter and general nature of the item or report and action requested;
- (c) Staff Recommendation signed by the City Manager;
- (d) Fiscal Impacts of the recommendation;
- (e) A description of the current situation and its effects;
- (f) Background information as needed;
- (g) Explanation for the recommendation;
- (h) Person or persons to contact for further information, with telephone number;
- (i) If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, the staff report will describe the attachments included. The staff report and its attachments will be distributed in the Council packet to the City Council and a copy will be available for public review in the City Clerk's Office.

2. "Agenda" means the compilation of the descriptive titles of agenda items

with the required action stated submitted to the City Clerk.

3. “Packet” means the agenda and all the staff reports.

B. Submission of Agenda Items

The placement of any item on any regular or special meeting agenda shall be limited to the following: (1) the Mayor or any member of the City Council; (2) the City Manager; (3) the City Attorney; and (4) the City Clerk. To place an item on the agenda, a member of the City Council must submit the item to the City Manager no later than 12 noon on Wednesday, one week prior to the Tuesday regular meeting. The Council will endeavor to submit agenda items that require staff work earlier than the deadline stated above.

Items placed on the agenda by the City Council shall remain on the agenda and will not be removed without the approval of the Councilmember requesting the item be placed on the agenda.

The Mayor and City Manager shall meet to review the draft agenda as compiled by the City Clerk and set the final agenda.

C. Committee Review of Certain Items

If it is determined either after or prior to Council consideration of an issue, that the issue requires an in-depth review, a detailed analysis, further debate, discussion or other consideration, this agenda item may be referred to a City Council standing committee or to the full City Council as a study session. Following the committee meeting or study session, the recommendations regarding the items may be placed on a regular or special meeting agenda for consideration by the City Council or placed on a future committee meeting agenda for additional discussion. In order for the full City Council to be engaged in policy issues, an item may not be retained by the committee for more than two (2) months without concurrence of a majority of the City Council. Committees should eventually refer all items to the Council for consideration whether or not a Committee recommendation has been reached.

D. Scheduling Public Hearings Mandated by State, Federal, or Local Statute

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or Local statute mandates the City Council hold a public hearing.

E. Packet Preparation and Posting

1. Preparation of the Packet

The City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding duplicated agenda items. No item shall be considered if not included in the packet, with the exception of a correction or supplement to an item already included in the packet or an item deemed an urgency by the City Attorney because of the following circumstances:

- a. The subject meets the criteria of “Emergency.”
- b. There is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.

2. Distribution and Posting of Agenda

The City Clerk shall post each agenda of the City Council regular meeting at least 72 hours in advance of the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting on the official bulletin board in the lobby of City Hall, at the website, on KCRT (City channel station), at the

Richmond Main Library, and at a location that is available to the public 24 hours a day. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.

The City Clerk shall also post agendas of all City Council and Standing Committee meetings on the City's website.

Copies shall also be available free of charge in the lobby of City Hall.

F. Distribution of the Packet

1. 72 hours prior to said meeting, the City Clerk shall distribute the packet to each member of the City Council. The agenda packet will also be made available to members of the press and public upon request.
2. Matters listed on the printed agenda but for which supporting documentation is not received by the City Council prior to said meeting as part of the agenda packet, shall not be discussed or acted upon. In cases where the good of the City outweighs the lack of time for citizen review or Councilmember evaluation of an item, the Council by a vote of a quorum of the members may waive this rule.

VI. Procedural Matters

A. Motions to Be Stated By Chair

When a motion is made, it shall be stated by the Chairperson or the City Clerk before debate or discussion.

B. Motions Not Open To Debate

Rosenberg's Rules of Order states that when the following motions are made, the Chair must call for an immediate vote without debate:

1. Motion to Adjourn
2. Motion to Recess
3. Motion to fix adjournment
4. Motion to table
5. Motion to limit debate a.k.a "Call the question" requires a majority vote.
6. Motion to close nominations requires a majority vote
7. Motion to object to consideration; this prevents debate on an item and requires a majority vote

C. Rules of Debate

- (1) **Presiding Officer May Debate.** The presiding officer may debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of his/her acting as the presiding officer.
- 2) **Getting the Floor - Improper References to be Avoided.** Every member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate.
- 3) **Interruptions.** A member, once recognized, shall not be interrupted when speaking unless it is to call him/her to order, or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until

the question of order be determined, and, if in order, he/she shall be permitted to proceed.

- 4) **Privilege of Closing Debate.** The Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.
- 5) **Suspension of the Rules** (as per Rosenberg's Rules) requires a 2/3 vote of the Council.
- 6) **Repeal or Amendment of Action Requiring a Vote of a Quorum, Two-Thirds, or Greater of Council.** Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of a quorum, two-thirds or more of the Council in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

D. Motion to Table

A motion to table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent a majority of the members present.

E. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than a Councilmember shall address the Council without first securing the permission of the Mayor or Meeting Chair to do so.

F. Continuance of Items

At the Mayor's sole discretion, the Mayor may continue any item placed on a regular meeting agenda for a period of up to two weeks. The Council may override an action taken by the Mayor to continue an item by the affirmative vote of a majority of the Council (Article III-A, Section 1 (e), Charter of the City of Richmond).