

# Appendix A



# **TOWN OF ATHERTON**

## **CITY COUNCIL**

## **RULES OF PROCEDURE**

APPROVED MARCH 19, 2014

***Revised November 15, 2023***

## **RULES OF PROCEDURE**

### **1. Authority**

As provided by California Government Code Section 36813, the City Council establishes these Rules of Procedure for the conduct of meetings. The following Rules shall be in effect upon their adoption by the City Council and until such time as they are amended or new rules adopted in the manner provided by these Rules. It is the intent of these Rules to prevent inappropriate disruption, disturbance, or other disorderly conduct of Council meetings and to provide guidelines for conduct of members and procedures to be followed at such meetings.

### **2. General Rules**

2.1 Rules of Order Except in cases of conflict with these Rules, Rosenberg's Rules of Order shall be used as a guide to govern the proceedings of this Council.

2.1 Quorum Three members of the Council shall constitute a quorum necessary to transact business. In the event a quorum is not in attendance, those attending will be named in the minutes, and they shall adjourn the meeting to a later set time. If no one is present, the Clerk shall adjourn the meeting to a later date and post notice of that fact pursuant to Government Code Section 36811.

2.2 Compelling Attendance Members must notify the Presiding Officer for the issuance of an "excused absence" when they are unable to attend, which shall be granted. The member may notify the City Manager or City Clerk if the Presiding Officer is not available and the City Manager or City Clerk will notify the Presiding Officer of the request; or it will be noted in the minutes as an unexcused absence. In the event of perpetual absence by members, the Council may adjourn from day to day to compel attendance under the penalties prescribed by law. The seat of a member with two or more consecutive unexcused absences from regular council meetings shall be vacated pursuant to Government Code Section 36513(b).

2.8 City Staff The City Manager, City Attorney, and City Clerk shall attend all meetings of the Council unless excused, and in the event of an absence, a designee shall substitute.

The City Manager may make recommendations and shall have the right to take part in all discussions of the Council, but shall have no vote.

The City Attorney, upon request of the City Council or authorized representatives, shall give opinions, either written or oral, on questions of law and shall act as the Council's parliamentarian.

The City Clerk shall record, prepare and maintain the official record of the Council and perform other related duties as prescribed by the Council and/or City Manager.

Department Heads/Employees, as required by the City Manager or requested by the Council, shall attend Council meetings.

### **3. Mayor - Duties**

3.1 Mayor The Mayor is elected by members of the Council for a one-year period. No member shall serve as Mayor for consecutive terms. The City Council shall meet at least annually to choose one of its members as Mayor.

3.2 Vice Mayor The Vice Mayor shall be selected annually by a Council majority vote. No member shall serve as Vice-Mayor for consecutive terms.

3.3 Presiding Officer The Mayor, if present, shall preside. In the Mayor's absence, the Vice Mayor shall preside. In the absence of both, the Councilmembers present shall elect a temporary Presiding Officer.

3.4 Call to Order The Presiding Officer shall call the meeting to order at the hour appointed.

3.5 Preservation of Order The Presiding Officer shall preserve strict order and decorum, shall prevent verbal attacks on Councilmembers, staff, and/or citizens, and confine debate to the item under discussion.

3.6 Point of Order The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the entire Council. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?"

3.7 Motion to be Stated The Presiding Officer shall state all motions submitted for a vote and announce the result. A roll call vote shall be taken upon ordinances, and at the request of any member on any vote.

3.8 Mayor Proclamations Mayor Proclamations will be issued at the discretion of the Mayor for various purposes including:

- Recognizing individuals and organizations whose contributions and achievements have community-wide significance;
- Calling public attention to a significant community event, service or program;
- Highlighting a special period of observance, celebration, or recognition for community, regional, state, or national occasions.

Mayor Proclamations do not need formal Council action or approval and individual Councilmembers can request through the Mayor that proclamations be issued. All public requests for proclamations should be directed to the City Manager or Mayor for review. It will be at the discretion of the Mayor to determine whether it is appropriate to present the proclamation at a Council meeting.

Proclamations will be issued to recognize legitimate and significant community achievements, contributions, and occasions. These forms of recognition are not intended for partisan, commercial or narrow individual purposes which are inconsistent with the overall policies of the City Council.

#### **4. Order/Preparation of Agenda**

##### Order of Business

##### Call to Order

1. Pledge of Allegiance
2. Roll Call
3. Presentations
4. Public Comments
5. Closed Session Report
6. City Managers Report

##### Consent Items

##### Public Hearing Items

##### Regular Agenda Items

##### Council Reports/Comments

##### Future Agenda Items

##### Public Comments

##### Adjournment

4.1 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure below. Insofar as possible, the agenda shall be delivered to the Mayor, Councilmembers, and Library by 5:00 p.m. on the Friday preceding the Wednesday meeting. Council materials as much as possible shall be available for public review at the Library, and at the City Administrative Office beginning on the Friday afternoon, before the regular Wednesday Council meeting.

The agenda shall be prepared in accordance with the preparation procedures as directed by the City Manager with the following guidelines. One of the following methods may be applied for placing an item on a Council agenda:

- **City Manager:** The City Manager may add an item for Council consideration at a future meeting or may receive requests for agenda items from the public, staff, a committee member or a Council Member. The City Manager shall determine whether to add the request to an upcoming Council agenda. As a matter of practice, the City Manager may review the request with the Mayor prior to placing it on the agenda.

- **Staff and Committees:** There may be a need for agenda items which arise when a Town Committee or Commission passes a motion for Council consideration. These items may be added to the Council agenda by the City Manager no later than the second meeting following the request.
- **Colleagues' Memorandum:** If at least two councilmembers prepare a colleagues' memo, the City Clerk shall place the item on the Council agenda under the Future Agenda Items Section. A colleague's memo is a written request, no more than two pages in length, presenting an item to be added to the following Agenda. The item shall be added to the next Agenda or a specific designated Agenda by a majority vote of the Council.

4.2 Public Comments During Public Comments at a regular meeting, any person may address the Council, provided that the item (1) is of interest to the public and is within the subject matter jurisdiction of the Council and (2) is not otherwise on the agenda. Public Comments at special meetings shall be confined to the items for consideration on the agenda.

4.3 Consent Agenda Items listed under the Consent Agenda are those items staff believes will not require Council discussion and are routine in content. Also listed under the Consent Agenda are resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action. Items may be removed by any Councilmember for separate discussion for clarification and/or upon request by any member of the public who wishes to speak on that item.

4.4 Actions Limited to Posted Agenda The City Council shall not take action on any item not appearing on the posted agenda except as permitted by Government Code Section 54954.2 of the Brown Act.

## **5. Citizens' Rights**

### **5.1 Addressing the Council**

(1) Any person may address the Council on the following portions of the agenda:

- Public Comments, as provided in Section 4.2.
- Public hearings, as provided in Sections 7 and following.
- When invited by the Mayor, prior to or during the hearing of all other portions of the agenda prior to the vote, if any, being taken.

(2) The following shall apply:

Each person addressing the Council shall step to the podium and may give their name and address for the record. The Council may require use of Speaker Cards.

It shall not be required that any person gives their name and address, but if they do not, they will not receive any follow-up response from staff or the City Council.

- A time limit may be imposed by the Council on each speaker depending on the subject matter.
- All remarks or questions shall be directed to the Mayor and Council as a body and not to any particular member.
- No person, other than members of the Council and the person having the floor shall be permitted to enter into the discussion.

5.2 Personal and Slanderous Remarks The Mayor (and other presiding members of other Town bodies) shall discourage demonstrations before them, such as applauding or "booing". Upon instructions by the presiding member, a Sergeant-at-Arms may be appointed for the purpose of removing any person who, in the presiding member's judgment, has violated the rules of conduct and has disrupted, disturbed, or impeded the orderly conduct of the meeting. ~~The Town does not tolerate hate speech, threats, or behaviors or speech that disrupt the meeting. For purposes of this section, disruptive behavior as behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," including but not limited to, behavior that, (1) violates one of the governing body's regulations addressing the conduct of open meetings, or (2) a reasonable observer would perceive as a threat to use force by that member of the public. The presiding officer, assisted by staff will provide a warning to meeting participant in violation of this rule. If the member does not immediately cease the violating conduct, they may be removed from the meeting.~~

## 6. Ordinances, Resolutions and Contracts

6.1 Document Approval All ordinances, resolutions, and contracts shall, before being placed on the agenda, be approved as to form and legality by the City Attorney. Additionally, all these documents shall be reviewed by the City Manager.

6.2 Ordinance Introduction/Adoption Except as to urgency ordinances, unless a member requests a full reading, a proposed ordinance will be introduced by the reading of the title only. Ordinances introduced by first reading shall not be adopted within five days of the introduction or at other than regular Council meetings unless the ordinance carries an urgency clause, in which case introduction and adoption may occur at the same meeting.

6.3 Majority Vote Required An affirmative vote of at least a majority of the total membership of the Council shall be necessary to adopt an ordinance, resolution, or any order to pay money. Urgency (emergency) ordinances must be adopted by the affirmative vote of at least four members of the Council. Motions and any other matters may be adopted by a majority of those present, assuming there is a quorum.

6.4 Ordinance Preservation Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, and post according to law. The ordinance shall be filed and preserved in the City Clerk's office.

## **7. Procedures Regarding Public Hearings**

Introduction Mayor announces subject of the public hearing.

### **7.1 Staff and Written Material Presentation**

- Written material not in the agenda packet, if any, (e.g. protests, etc.) are noted for the record and received and filed.
- Staff report, if any, is presented by staff member.
- Staff responds to Councilmember questions.
- Mayor declares the public hearing open/ opens public comment.

### **7.2 Public Comment**

- Mayor instructs members of the audience: (a) speak from the podium; (b) they may give their name and address (optional) before speaking; (c) a time limit for each speaker may be designated; and (d) that repetition should be avoided.
- The applicant/representative will normally speak first.
- Questions by speakers will be noted prior to Council deliberation.
- Mayor declares the public hearing closed.

### **7.3 Council Deliberations**

- After the Mayor has determined that no other member of the audience wishes to speak, the matter is returned to the City Council for deliberation.
- The Council may ask questions of speakers for clarification.
- The Council makes a motion and debates.

### **7.4 Council Action**

- Council at this time may re-open and continue the public hearing.
  - (a) This should be done if any additional information is requested (e.g. a staff report).
  - (b) Continuing a public hearing to a specific date does not require additional notice.
- Council may:
  - (a) Vote on the item;
  - (b) Offer amendments or substitute motions and re-open the hearing allowing additional public comment if needed;
  - (c) Continue the matter to a later date for a decision. (Note:

no additional reports or testimony may be received after the hearing has been closed).

## **8. City Council Committees**

8.1 Establishment (Appointment of Council Members Thereto). At the regular meeting in January, the Mayor shall appoint Council members to serve on various committees for a one year term. Committees shall be created and members appointed thereto in accordance with rules and regulations set out by the City Council by the Resolution Governing Committees and Commissions as amended.

8.2 Appointment of Council Members to City Council Committees Appointment of non-voting members to City Council Committees shall proceed as provided by the terms and provisions of separate resolution and as amended. Committees shall be created and members appointed thereto in accordance with rules and regulations set out by the City Council by the Resolution Governing Committees and Commissions as amended. Councilmembers shall serve as liaisons to such committees but shall have no vote.

8.3. Ad Hoc Committees The Mayor may appoint ad hoc committees of less than a quorum of the City Council as deemed appropriate and necessary. Such committees shall have a defined task and be of limited duration. Such committees are exempt from provisions of the Brown Act.

## **9. Suspension and Amendment of These Rules**

9.1 Suspension Any provision of these rules not already governed by the Atherton Municipal Code may be temporarily suspended by a majority vote by the Council.

9.2 Amendment These rules may be amended by additions or deletions or new rules adopted by a majority vote of the Council.

## **10. Miscellaneous Rules**

10.1 Roll Call Votes Upon demand by any Councilmember, made before the vote is called for, a roll call vote shall be taken on the motion before the Council. The Mayor's name shall be called last with other members' names called at random by the City Clerk. Members shall not give explanations for their vote during roll call.

10.2 Silence During a voice vote, silence by any member denotes an affirmative vote.

10.3 Continuance of an Item



Continuance by a Councilmember: Any Councilmember may, with the consent of the Council, continue an item not subject to a deadline to an agreed upon meeting. If the Councilmember will not be in attendance at the meeting, the Councilmember's request to continue an item should be personally conveyed to the Mayor or City Manager prior to the meeting.

Continuances Requested by Someone Not a Councilmember: Anyone may request a continuance of an item by the Council. A request for a continuance may be granted by vote of the Council only if it finds that (1) the need for the continuance was beyond the control of the person requesting it, (2) the need for the continuance arose after (a) the date of the notice of public hearing was published if the item is subject to a public hearing, or (b) the time the Council agenda was posted for items not subject to a public hearing, and (3) continuing the matter will not unduly impact any person interested in the decision.

10.4 Personal Privilege The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of the Councilmember is in question, or where the welfare of the Council is concerned. The Councilmember may not interrupt the speaker, however, until recognized by the Mayor

10.5 Dissenting Opinion Any member shall have the right to enter into public record reasons for dissent or disagreement against any action carried by the majority.

10.6 Motion to Reconsider A motion to reconsider any action taken by the Council may be made in accordance with the following:

1. The motion must be made by a member who voted in the majority, although it may be seconded by any Councilmember.
2. The motion must be made prior to the adjournment of the meeting at which the original action was taken or at the next meeting.
3. The motion is debatable and has precedence over a pending motion.

10.7 Representations of Town and/or City Council policy. Councilmembers shall not represent themselves as speaking on behalf of the Town and/or the City Council without prior approval of the City Council. The statements of previously approved City Council policy may be reiterated or recalled without additional City Council approval.

## **11. Rules of Debate**

11.1 Mayor as Presiding Officer The Mayor may move, second, and debate from the Chair, and shall not be deprived of any rights and privileges of a Councilmember.

11.2 Appeals Any ruling of the Mayor may be appealed to the entire City Council at the request of a Councilmember. The Mayor shall call for a roll call vote to determine if the ruling is upheld.

11.3 Rules of Parliamentary Procedure *Rosenberg's Rules of Order* shall govern parliamentary procedure. The City Attorney shall serve as parliamentarian.

APPROVED AS TO FORM:

/s/ William B. Conners, City Attorney