

RESOLUTION NO. 9 - 16

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DUBLIN**

**AMENDING AND RESTATING THE RULES FOR THE CONDUCT OF
MEETINGS OF THE CITY COUNCIL**

WHEREAS, from time to time the City Council amends and restates the Rules of Conduct of Meetings of the City Council, and the Rules were last restated by Resolution No. 154-13; and,

WHEREAS, the City Council wishes to amend and restate the Rules in order to specify the length of time for public comment, specify the manner of producing the agenda, and make other changes to ensure compliance with applicable law.

NOW, THEREFORE, BE IT RESOLVED that the Rules for the Conduct of Meetings of the City Council are amended to read as follows in their entirety:

1. REGULAR MEETINGS

a. **Time** Regular meetings of the City Council shall be held on the first and third Tuesday of each month at the hour of 7:00 p.m., except that Closed Session Items shall be held at 6:30 p.m. Whenever the day fixed for any regular meeting of the City Council falls upon a day designated as a holiday, such meeting will be held at the same hour on the next succeeding day not a holiday.

b. **Place** All regular meetings of the City Council shall be held at the Civic Center, as designated by Ordinance.

c. **Public** All meetings of the City Council shall be open to the public; provided, however, the City Council may hold closed sessions as provided by the laws of the State of California.

2. SPECIAL MEETINGS

A special meeting may be ordered at any time by the Mayor whenever in his/her opinion the public business may require it or upon the written request of any three members of the City Council. Whenever a special meeting shall be called, written notice of such meeting shall be delivered personally or by any other means by the City Clerk to each member of the City Council and to each local newspaper of general circulation and radio/television station requesting notice in writing. Such notice must be delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at such meetings by the City Council.

The agenda for special meetings shall contain the information set forth in Section 3.a. - f. below. At least twenty-four (24) hours before each special meeting, the City Clerk shall post a copy of the agenda, including the call and notice of the special meeting at the same location identified in Section 3 below.

3. AGENDA

The City Clerk shall, in consultation with the City Manager, arrange an agenda of matters according to the order of business and furnish each member of the City Council, the City Manager, City Attorney, and City Department Heads with a copy of the agenda packet prior to the City Council meeting at least 72 hours in advance of a regular meeting, and 24 hours in advance of a special meeting, as time for preparation will permit.

The agenda prepared by the City Clerk shall, at a minimum, include:

- a. The date of the meeting
- b. The time of the meeting
- c. The location of the meeting
- d. A brief general description of each item of business to be transacted or discussed at the meeting
- e. Specified period of time for members of the public to address the City Council on items of interest to the public that are within the jurisdiction of the City Council, including a statement that no person may speak longer than three (3) minutes, or such shorter period as may be established by the City Council based on number of speakers, and including language that the City Council can only briefly respond with questions, refer to Staff, or place on a future agenda.
- f. A specified section under which City Councilmembers and Staff may present informational only reports.

At least seventy-two (72) hours before each regular meeting, the City Clerk shall post a copy of the agenda in the Kiosk in front of the Civic Center located at 100 Civic Plaza, Dublin, California.

The City Clerk shall execute a declaration of posting which shall be filed in the Office of the City Clerk.

The City Clerk shall so mark or denote "Consent Calendar" items on the agenda to identify those items on the agenda which can reasonably be expected to generate no discussion by members of the City Council, City Staff or interested persons in the audience. The City Council shall consider all of the items on the Consent Calendar portion of the agenda at one time by a vote after a motion has been duly made and seconded. If any member of the City Council, City Staff or interested person in the audience requests that a consent item be removed from the list, such item shall be taken up for consideration and disposition in the order listed on the agenda.

4. PRESIDING OFFICER

The Mayor shall preside at all City Council meetings and perform such other duties consistent with his/her office as may be imposed by the City Council. The Mayor shall be entitled to vote, but shall possess no veto power. The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

The Mayor shall preserve strict order and decorum at all regular and special meetings of the City Council. The Mayor shall state every question coming before the City Council, call for the vote, announce the decision of the City Council on all subjects and decide all questions of order, subject however, to an appeal of the City Council, in which event a majority vote of the City Council shall govern and conclusively determine such question of order. The Mayor shall sign all Ordinances adopted by the City Council during his/her presence. In the event of the absence of the Mayor, the Mayor Pro Tempore shall sign Ordinances and Resolutions as then adopted.

5. CALL TO ORDER

The Mayor, or in his/her absence, the Mayor Pro Tempore, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the City Council to order. In the absence of the Mayor or Mayor Pro Tempore, the City Clerk shall call the City Council to order, whereupon a temporary chair shall be elected by the members of the City Council present. Upon the arrival of the Mayor or Mayor Pro Tempore, the temporary chair shall immediately relinquish the chair upon the conclusion of the business immediately before the City Council.

6. ATTENDANCE

Before proceeding with the business of the City Council, the City Clerk shall enter into the minutes, the names of the members present or absent. No formal roll call need be taken.

7. QUORUM

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a lesser number than a quorum may adjourn from time to time. The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If all members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place. If the City Clerk does, the City Clerk shall cause written notice of the adjournment to be given in the same manner as provided for special meetings. A copy of the order or notice of adjournment shall be posted in the Civic Center Kiosk and other places designated by the City Council within twenty-four (24) hours after the time of adjournment. Whenever a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjournment meeting shall be held, it shall be held at the hour specified for regular meetings.

8. TELECONFERENCING

In rare cases and exceptional circumstances, the City Council permits teleconferencing by City Councilmembers at regular and special City Council meetings. Only one (1) Councilmember is permitted to attend via teleconference per meeting. The first Councilmember who notifies the City Clerk of his or her intention to do so will be permitted to attend by teleconference. Only audio teleconferencing is permitted. Video conference or any other form of non-telephonic communication are not approved forms of teleconferencing of City Council meetings.

9. ORDER OF BUSINESS

Promptly at the hour set on the day of each regular meeting, the members of the City Council, City Clerk (or Designee) and City Manager (or Designee) shall take their regular stations in the City Council Chambers and the business of the City Council shall be taken up for consideration and disposition in the following order except that, with the unanimous consent of the City Council, matters may be taken up out of order:

- Call to Order (Closed Session)
- Call to Order & Pledge of Allegiance to the Flag
- Report on Closed Session Action
- Oral Communications
- Consent Calendar
- Written Communications
- Public Hearings
- Unfinished Business
- New Business
- Other Business (City Council/Staff Informational Only Reports/Matters Too Late for the Agenda)
- Adjournment

10. MATTERS TOO LATE FOR THE AGENDA

a. No action or discussion shall take place on any item not appearing on the agenda for a regular meeting as posted, unless one of the three items below, occurs:

(1) The City Council determines by majority vote that an emergency situation exists, as defined in Government Code Section 54956.5; or

(2) The City Council determines by vote of two-thirds of the members present (i.e. four votes if five members are present and three votes if four members are present), or by a unanimous vote of the members of the City Council if only 3 members are present, that there is a need to take immediate action and that the need for action came to the City Council's attention after the agenda was posted; or

(3) The item was included in a posted agenda for a prior meeting held not more than five (5) calendar days prior to the meeting at which the item is acted upon and at the prior meeting the item was continued to the meeting at which the action is being taken.

b. When an item not on the agenda is raised by a member of the public, the City Council may briefly respond, may ask questions for clarification, provide a reference to Staff or other resources, or request Staff to report back at a subsequent meeting. Furthermore, a member of the City Council may request that the City Council, and the City Council may, direct staff to place a matter of business on a future agenda.

11. READING OF MINUTES

Unless the reading of the minutes of a City Council meeting is requested by a member of the City Council, such minutes may be approved without reading if the City Clerk has previously furnished each member with a copy thereof.

12. RULES OF DEBATE

a. Presiding Officer may debate The Mayor or such other member of the City Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members. He/she shall not be deprived of any of the rights and privileges of a City Councilmember by reason of his /her acting as the Presiding Officer.

b. Getting the floor Every member desiring to speak shall address the Mayor, and upon recognition by the Mayor, shall confine himself/herself to the question under debate.

c. Interruptions A member, once recognized, shall not be interrupted when speaking unless it be 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 is determined, and if in order, he/she shall be permitted to proceed.

d. Privilege of closing debate The City Councilmember moving the adoption of an Ordinance or Resolution shall have the privilege of closing the debate.

e. Motion to reconsider A motion to reconsider any action taken by the City Council may be made at any time. Such a motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the City Council from making or remaking the same or other motion at a subsequent meeting of the City Council.

f. Remarks of City Councilmember A City Councilmember may request, through the Mayor, the privilege of having an abstract of his /her statement on any subject under consideration by the City Council entered in the minutes. If the City Council consents thereto, such statement shall be entered in the minutes.

g. Synopsis of Debate The City Clerk may be directed by the Mayor, with the consent of the City Council, to enter in the minutes a synopsis of the discussion of any question coming regularly before the City Council.

h. Rules of Order Except as otherwise provided in this Resolution, the current edition of "Roberts Rules of Order" shall govern the conduct of the meetings of the City Council.

13. ADDRESSING THE CITY COUNCIL

Any person desiring to address the City Council at a meeting shall first secure the permission of the Mayor to do so; provided, however, that under the following headings of business, members of the public shall have the right to address the City Council upon obtaining recognition by the Mayor.

a. Written Communications Interested persons or their authorized representative may request to address the City Council by written communication on any matters concerning the City's business, or any matters over which the City Council has control. Such written communication shall be delivered to the City Clerk.

b. Public Comment on Agenda Items The City Council shall provide members of the public an opportunity to address the City Council before or during its consideration of the item. Although members of the public may submit comments in writing, the City Council is not required to read written comments into the record.

c. Oral Communications – Items Not on the Agenda The City Council shall provide members of the public an opportunity during the "Oral Communications" portion of the agenda to address the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council.

14. MANNER OF ADDRESSING CITY COUNCIL

City Council meetings are business meetings, and persons addressing the City Council are expected to conduct themselves accordingly. Each person addressing the City Council shall stand at the podium and should give, in an audible tone of voice for the record, his/her name and his/her address, although providing one's name and address is not required. Persons desiring to address the City Council shall submit a speaker slip, the purpose of which is to allow the Mayor to manage the meeting and the City Clerk to produce the minutes, although the person need not provide his or her name in order to speak. The City Council expects that remarks will be addressed to the City Council as a body and not to individuals or the public. No person, other than the City Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without the permission of the Mayor. No question shall be asked of a City Councilmember except through the Mayor.

On each agenda item, each member of the public shall be given a specified amount of time to address the City Council during the public comment period, and the time limits shall be reasonably and uniformly applied to all speakers, so far as is possible, with the exception of formal applicants for approvals from the City who will be allotted additional time. Unless determined otherwise by a majority vote of the City Council, the time limits shall be as follows based on the number of speaker slips submitted to the City Clerk prior to the commencement of the public comment period.

- 1-9 speaker slips – 3 minutes
- 10-14 speaker slips – 2 minutes
- 15+ speaker slips – 1 minute

15. VOTING

a. Members of the City Council shall vote by a "voice vote" on all Ordinances, Resolutions and other matters, unless a roll call vote is required by law or is requested by a City Councilmember. Silence shall be recorded as an affirmative vote. The Mayor shall announce the result of the vote. As required by Government Code section 54953(c)(2), the City Clerk shall record in the minutes the vote or abstention of each City Councilmember present for the action.

b. The vote on any matter being considered by the City Council may be delayed by the Mayor until all members of the City Council present for a meeting, and not excused as herein provided, are present at the City Council dais.

c. A member of the City Council who has a conflict of interest regarding any matter being considered by the City Council shall declare the conflict and excuse himself/herself from participating in the City Council's deliberations and decisions regarding that matter.

16. ORDER AND DECORUM

a. By City Councilmembers While the City 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 City Council nor disturb any member while speaking or refuse to obey the orders of the City Council or Mayor, except as otherwise herein provided.

b. By Persons Any person making remarks or engaging in conduct which actually disrupts, disturbs, or impedes the proceedings or the peace of the City Council or disturbs any member while speaking or refuses to obey the orders of the City Council or the Mayor shall be forthwith, by the Mayor, barred from further audience before the City Council, unless permission to continue is granted by a majority vote of the City Council. In order to maintain the appropriate level of civility in the City Council's business meetings, persons are expected to refrain from making personal, impertinent, or slanderous remarks and from becoming boisterous.

c. Enforcement of Order and Decorum A law enforcement officer shall be designated as Sergeant-at-Arms of the City Council meetings when requested by the Mayor. He/she shall carry out all orders and instructions given at the City Council meeting. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove and bar such person from the City Council meeting who violates the order and decorum of the meeting. Violation of the order and decorum of a City Council meeting is a misdemeanor.

d. Smoking Smoking is prohibited at all times in all City-owned facilities.

17. PROHIBITION ON POLITICAL ACTIVITIES

Members of the City Council shall not engage in political activities related to local, state, or federal elections during Council meetings. For the purposes of this section, the term "political activity" shall mean an activity directed toward the success or failure of a political party, a candidate for elected office, a ballot measure, or a political group. Nothing in this section shall prevent the City Council from considering whether or not to support or oppose a ballot measure or state or federal legislation.

18. SPECIAL COMMITTEES/TASK FORCES

All special committees/task forces shall be appointed by the Mayor, subject to approval of the City Council.

19. CITY COUNCILMEMBER VACANCIES

When a vacancy occurs on the City Council, in the office of City Councilmember or Mayor, and the City Council determines to consider filling the vacancy by appointment, the City Council will make such appointment only at a meeting at which all remaining City Councilmembers (including the Mayor) are present. This rule shall not preclude the City Council from calling a special election to fill the vacancy or from adopting an ordinance to fill the vacancy pursuant to Government Code Section 36512 at a meeting at which one of the remaining City Councilmembers (including the Mayor) is absent.

20. PROTESTS

Any City Councilmember shall have the right to have the reasons for his/her dissent from, or protest against, any action of the City Council entered in the minutes.

21. ADJOURNMENT

A motion to adjourn shall always be in order and decided without debate.

22. RULES AVAILABLE FOR PUBLIC REVIEW

A copy of these Rules shall be available at all meetings of the City Council for review by the public.

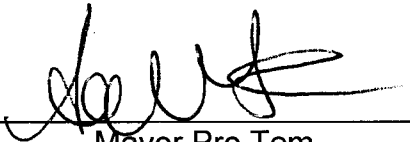
PASSED, APPROVED AND ADOPTED this 19th day of January, 2016, by the following vote:

AYES: Councilmember Biddle, Gupta, Hart, and Wehrenberg

NOES: None

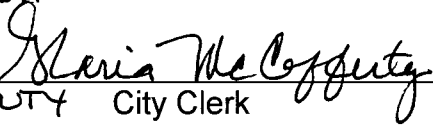
ABSENT: Mayor Haubert

ABSTAIN: None



Mayor Pro Tem

ATTEST:



DEPUTY City Clerk