



COUNCIL MEETING PROCEDURES AND PROTOCOLS

PURPOSE

In General. These Council Meeting Procedures and Protocols (“Meeting Policies”) are designed to guide and facilitate the conduct of City Council meetings in a collegial, fair and effective manner that complies with the law. These Meeting Policies were developed using current City policies and practices, the principles and procedures set forth in Rosenberg’s Rules of Order, Revised 2011 (“Rosenberg’s”), and recommendations from City Councilmembers and City Staff.

Relationship to Rosenberg’s Rules of Order. In the event of any ambiguity or omission in these Meeting Policies the full text of Rosenberg’s may be referred to for guidance. In the event of any inconsistency between these Meeting Policies and Rosenberg’s, the terms of these Meeting Policies shall govern. A copy of Rosenberg’s is attached for reference.

Relationship to Other Laws. These Meeting Policies are not intended to limit the legal authority of the City Council to act on matters within its lawful jurisdiction. Accordingly, while the City Council should follow this policy, any failure to follow this policy shall not invalidate any otherwise lawful City Council action. These policies are also not intended to--and shall not--supersede any applicable meeting conduct or procedural requirements set forth in the City Charter and the Ralph M. Brown Act (“Brown Act”).

Applicability to Other City Boards, Commissions and Committees. The City Council intends for these Meeting Policies to be used not only by the City Council, but also for all City Boards, Commissions and Committees for the management of their public meetings. For that purpose, any references to the “Mayor” in this policy shall be considered references to the “Chair” for such bodies. Such bodies may adopt supplemental meeting rules and procedures provided that they are consistent with these Meeting Policies or otherwise required by law. Any proposed meeting policies by such bodies not consistent herewith or otherwise required by law must first be approved by the City Council.

POLICY

A. Mayor as Presiding Officer.

1. As provided in the City Charter, the Mayor (sometime referred to herein as the “Presiding Officer”) shall preside at meetings of the City Council and have the authority to preserve order, enforce the rules of the City Council, and determine the order of business



under the rules of the City Council. [Charter Sections 704 and 704.3(b) and (c)]

2. The responsibilities of the Presiding Officer shall include: (a) ensuring that debate and discussion of an agenda item focuses on the item and the policy in question; (b) managing public input consistent with applicable laws and policies in a fair and consistent manner that allows the efficient conduct of City business; (c) maintaining control of communication between Councilmembers and among Council, City staff and the public; (d) maintaining public and Council decorum; and (e) assuring compliance with these Meeting Policies, including making determinations on points of order. Such determinations shall be final unless overruled by a majority of the Council.
3. The Mayor shall endeavor to facilitate discussion among Councilmembers and, in general, should defer to other Councilmembers in the making of motions or seconds. That notwithstanding, the Mayor retains the right to fully participate in all Council debate, discussions and decision making.
4. If the Mayor is unavailable to preside at a Council meeting due to their absence or disability, the Vice Mayor shall assume presiding officer duties. [City Charter Section 705]

B. Process for Consideration of Agendized Items.

Council consideration of agendized items shall generally proceed as follows:

1. Mayor introduces the item.¹
2. Staff provides any comments, information, or reports, as appropriate.
3. Questions from Councilmembers of City staff².
4. Staff responses to questions.
5. Public testimony (in accordance with policies set forth below).³
6. Councilmembers engage in deliberations and then take action (in accordance with the procedures and protocols set forth below).

¹ If an item requires a public hearing, the Mayor will also open the public hearing.

² Note: This process will be managed by the Presiding Officer. Council comments at this point should be limited to questions only. Council opinions should be reserved for deliberations following input from the public.

³ If the item requires a public hearing, following public testimony, and prior to Council deliberations, the public testimony portion of the public hearing shall be closed.



C. Public Comment on Agendized and Non-Agendized Items.

1. In General. Consistent with the requirements of the Brown Act, members of the public will be given an opportunity to speak on each agendized item and during the public comment section of the meeting for non-agendized items. This includes closed session items and consent calendar items. Members of the public should direct their questions and comments to the City Council as a body; comments should not be addressed to any one member, to City staff or to the audience.
2. Time Limits. Consistent with City Council Policy 029 for agendized items, speakers will be provided two (2) minutes to make their remarks, and for non-agendized items three (3) minutes. People in attendance or on-line may elect to cede their time to another speaker. This should be coordinated in advance through the City Clerk. No speaker may commence their remarks and cede the balance of their time. The maximum amount of time aggregated in this manner shall be eight (8) minutes for agendized items, and twelve (12) minutes for non-agendized items. In circumstances where there are a large number of speakers, numerous items on the agenda yet to be heard, or items that are anticipated to be lengthy, in the interest of making sure everyone has an opportunity to speak, the Mayor may reduce the amount of time allocated to each speaker. Any such reduction shall be applied consistently to all speakers for that item.
3. One Opportunity to Speak. Once a member of the public has spoken on an agenda item, except under special circumstances (at the discretion of the Mayor), or where rebuttal testimony is expressly authorized or required (either under the City Code or applicable due process laws), that speaker shall not be afforded additional time to speak on such item.
4. Disruptive or Unruly Behavior Not Allowed. While the public may speak their opinions on City business, the presiding officer is authorized and required to maintain order and decorum consistent with applicable laws and any adopted City behavioral standards.
5. Special Rules for "Public Presentations" for Non-Agendized Items. Any public testimony relating to items not on the agenda must be presented during the time for such testimony designated on the agenda (currently entitled "Public Presentations"). Councilmembers may not deliberate or act on any matter raised during Public Presentations, although brief questions may be



posed to the speaker for clarification. Although the matter may not be acted upon, by consensus or formal vote, the matter may be referred to City staff for follow up. Depending upon the number of speakers, the remaining amount of City business to be conducted on the agenda, and other factors, the Mayor shall have the discretion to limit the total amount of time afforded speakers during the initial round of Public Presentations and to trail a second round of Public Presentations speakers until the end of the Council meeting.

D. Council Discussions and Deliberations.

1. In General. Discussion and deliberations among Councilmembers are integral to the decision-making process. These rules are designed to facilitate that process in a fair and effective manner, and to assure every member a reasonable and equal opportunity to be heard.
2. Procedures
 - a. Commencement of Deliberations. Council deliberations shall commence after the completion of public testimony. A motion for proposed action on an item is not required for Councilmember deliberations to commence. The Councilmember seeking to commence deliberations, or to make a statement regarding the item, shall first obtain recognition from the Mayor. Additional Councilmember questions of City staff (or any applicant) may also be posed at this time.
 - b. Taking Turns: If one or more Councilmembers has already spoken, all other Councilmembers wishing to speak should first be recognized and given an opportunity to speak before returning to those that have already spoken. To encourage the full participation of all members of the Council, no member or members should monopolize the discussion of the matter under consideration.
 - c. Discussions Limited to Pending Matter. Councilmembers should use their speaking time to discuss the pending matter; any extended discussions which depart from the agenda item before the Council shall be considered out of order.
 - d. Through the Mayor. Councilmembers should address



comments to the Mayor (as the Presiding Officer), not directly to other members to assist with maintaining order and civility.

3. Protocols:

- a. Discussions Should be On Topic and Focused. All discussion should be relevant to the issue before the City Council. Councilmembers should avoid diversions to unrelated topics and strive to move the discussion along. Arguments, for or against a matter, should be stated as concisely as possible. The Mayor will preside over these matters and may intervene to minimize repeated and off-topic remarks.
- b. No Personal Attacks. A motion, its nature, or consequences, may be debated vigorously. However, it is never permissible to attack the motives, character, or personality of a fellow Councilmember or staff, either directly or by innuendo. It is the duty of the Mayor to instantly rule out of order any Councilmember who engages in personal attacks.
- c. Duty to Maintain an Open Mind. It is the responsibility of each Councilmember to maintain an open mind on all issues during discussion and deliberation.
- d. Avoid Repetition. It is not necessary for all City Councilmembers to speak or give their viewpoints if another Councilmember has already addressed their concerns.
- e. Interruptions. Councilmembers shall not interrupt or otherwise disturb another Councilmember while they are speaking.

4. Mayor's Duties During Discussion. The Mayor has the responsibility of managing and expediting Council discussion and deliberations. It is the duty of the Mayor to manage compliance with all applicable procedures and protocols, keep the subject clearly before the members, discourage any extended discussion not relevant to the subject, and restate the question whenever necessary.



E. Motions, Seconds and Action

In General. No motion should be taken until after public comment is received. All motions, except nominations, require a second. The two primary categories of motions are “main motions” and “secondary motions.” A description and the procedures for these are set forth below.

Main Motion Procedures

(1) Get the Floor. A Councilmember should seek permission of the presiding officer before making a motion.

(2) State the Motion. A motion is made by a Councilmember (the "maker") stating his or her proposal. Longer proposals can be written and read into the record.

(3) Second Required. Any other Councilmember (including the Presiding Officer) who supports the proposal (or who simply wishes it to be considered) may "second" the motion without first being recognized.

(4) Lack of a Second. If there is no second stated, the Presiding Officer should ask whether there is a second. If no Councilmember seconds the motion the motion will be considered to have “failed” for lack of second and will not be acted upon.

(5) Maker’s Right to Withdraw Motion. Prior to or during debate and discussion of a motion the maker of the motion may seek recognition from the Presiding Officer to interrupt discussions and withdraw their motion from the floor. The motion is immediately deemed withdrawn, although the Presiding Officer may ask the person who seconded the motion if they wish themselves to make the motion; any other Councilmember once properly recognized may also make the motion.

(6) Discussion of Seconded Motions. In general, the maker of a motion that has been seconded should be the first Councilmember recognized to speak on the motion. The seconder should be the second Councilmember recognized to speak on the motion. Generally, Councilmembers should speak only once with respect to a seconded motion, but there is no formal limit on the number of times a Councilmember may speak. If the Presiding Officer or Council permits any Councilmember to speak more than once on a motion, all Council members shall receive the same



privilege. (See Council Discussion and Deliberations Procedures and Protocols, above)

7) “Friendly” Amendments. Any Councilmember may propose a “friendly” amendment to a pending motion, whether such motion has been seconded or not. If the maker of the motion (and the second, if the motion has been seconded), agrees to the amendment, no formal vote shall be required by the Council for such “friendly amendment” to be substituted for the original motion.

8) Motions to Amend. Once a motion has been seconded any Councilmember may move to amend the motion. A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way. If seconded, the motion to amend takes precedence over the main motion. An action on a motion to amend a motion relates only to whether to accept the proposed amendment, not on the substance of the underlying motion itself. If the motion to amend passes, the next action in order would be to act on the original motion as amended.

9) Substitute Motions. Once a motion has been seconded any Councilmember may move to make a substitute motion. Unlike a motion to amend, the substitute motion seeks to replace the main motion with something materially different. If seconded, the motion to substitute a motion takes precedence over the main motion. The initial action on a substitute motion relates only on whether to accept the proposed substitution, not on the substance of the underlying motion itself. If the motion to substitute passes, the next action in order would be to act on the substitute motion.

10) Presentation of Motion by City Clerk. Prior to any vote, the Clerk, with assistance from the City Attorney as necessary, shall present the motion under consideration so that Council members, the public and staff have a clear understanding of what they are voting on. If the proposed action is staff’s recommendation, reference can be made to staff’s presentation or the recommendation presented on the meeting agenda. If they motion includes modifications to, or is otherwise different from, staff’s recommendation, the City Clerk shall transcribe the proposed action on the voting screen and/or read the motion, as practical and appropriate.

11) Action. After discussion is complete the Council will vote on the motion under consideration. A simple majority vote of the



Council (four votes) will be sufficient to adopt a motion unless otherwise required by law or this policy. (For example: City Charter Section 1305 requires “five votes” to approve a budget amendment involving an appropriation of funds; Under this Policy a motion “Calling for the Question” requires a two-thirds vote (five votes for a seven member body like the City Council).

12) Multiple Motions. There can be up to three motions on the floor at the same time. When there are two or three motions on the floor, the vote should proceed first on the last motion that is made. (See Rosenberg’s p. 5 on the process for managing multiple motions. Such process is incorporated herein by reference.)

13) Failed Motions; Reconsideration. If a motion fails to receive the number of votes required, that motion fails. If further action is needed or desired, the Council may continue to deliberate and make another motion or motions until action is taken. Once the Council has approved a motion, no further discussion shall be made unless a motion is made for reconsideration under **City Council Policy 042**.

Secondary Motion Procedures

The Council recognizes that the following “secondary” motions may be considered while a main motion is pending. These motions shall have precedence in the order listed below. This means that a secondary motion that is higher on the list will be considered ahead of a pending secondary motion that is lower on the list:

The purpose of the allowed secondary motions is summarized in the following text.

1) Fix the time at which to adjourn. This motion sets a future time for adjournment of the meeting. (For example, “I move that this meeting should be adjourned at midnight.”) It requires a second, is amendable and is debatable but only as to the time at which the meeting is to be adjourned.

2) Adjourn. This motion ends the meeting. It can include a future date/time for reconvening the meeting but need not. If no date/time is specified, the meeting shall be adjourned to the next regularly scheduled meeting. A motion to adjourn requires a second and is not debatable except to set the date/time to which the meeting is adjourned, if applicable. A motion to adjourn shall



be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when a call for the question has been ordered; or (d) while a vote is being taken. After all items on the agenda have been considered, the Mayor may adjourn the meeting on her own initiative with consensus of the Council.

3) Take a recess. This motion interrupts the meeting temporarily. It is amendable but is not debatable.

4) Raise a question of personal privilege. This motion allows a Councilmember to address the Council on a question of personal privilege and shall be limited to cases in which the Councilmember's integrity, character or motives are questioned or when the welfare of the Council is concerned. The maker of the motion may interrupt another speaker if the Presiding Officer recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.

5) Motion to continue. This motion is used to interrupt business for more urgent business, or to defer action on a matter to a later date at the request of an applicant, City staff, or a Councilmember in order to obtain additional information or for some other stated purpose. The later date for consideration may be specified, but need not be. A motion to continue an item requires a second, is not amendable and is not debatable except, in each case, with respect to any new information that is being requested and any time/date proposed for the matter to be taken up again. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the subject is continued, the matter shall be re-agendized for future consideration on the terms specified or, if no terms are specified in staff's discretion.

6) Motion to table. A motion to table an item shall be governed by the same rules applicable to a motion to continue, above. A motion to table, in effect, constitutes an affirmative decision to take no action on item at the time. The motion may, but need not, include terms for when the item will be brought back for future consideration.

7) Calling the question. This motion "calls the question" by closing debate on the pending motion. A motion to "call for the question" requires a second, is not debatable and is not



amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If motion to call for the question fails, debate is reopened; if a motion to call for the question passes, then a vote on the pending motion is required. A motion to call for the question requires a two-thirds vote of those Council members present and voting. If the Presiding Officer "calls for the question" the motion on the table shall be voted on unless a motion to "extend the debate" is made and approved as provided below.

8) Limit or extend debate. This motion limits or extends the time for the Council or any Councilmember to debate a motion. It requires a second, is amendable and is not debatable. The motion requires a two-thirds vote of those Council members present and voting.

9) Refer to a City agency, body, committee, board, commission or officer. This motion sends a subject to another City agency, body, committee, board, commission or officer for further study and report back to Council, at which time the subject would be fully debated and acted upon. It requires a second, is amendable, and is debatable only as to the propriety of referring. Unless the referral relates to a matter already on the agenda, the substance of the subject being referred shall not be discussed at the time the motion to refer is made.

F. Decorum. At all times during the Council meeting, the City Council shall maintain a professional and respectful tone during discussions and avoid personal attacks or disrespectful language. Reference should be made to the City Code of Ethics and Values Behavioral Standards for Councilmembers for additional standards for behavior and decorum.

G. Enforcement of Rules and Appeals. As the Presiding Officer of the meeting, the Mayor may raise points of order to address violations of meeting rules and make determinations regarding the application of rules and protocols. Such determinations, including where the Mayor is acting in their discretion, deserve deference, but are subject to the right of appeal. An appeal shall be initiated first by inquiry of a Council member, and if not resolved, by formal motion. The motion must be seconded and is subject to debate. If approved by a majority vote of those members present and voting, the ruling of the presiding officer is reversed. Questions regarding applicable rules or questions of interpretation may be presented to the City Attorney for input or advice. The interpretations and the



application of rules to meetings shall be based on (1) the legal requirements of the Brown Act, and other applicable laws (e.g., free speech and, due process requirements, federal and state procedural requirements for certain types of actions, and City's own procedural requirements); (2) applicable rules and procedures set forth in Rosenberg's, (3) past City patterns and practices of conduct, and (4) "best practices" derived from other sources, including generally accepted practices of conduct among City Councils throughout the state.

H. Other Relevant Policies.

The following City Council Policies also provide rules relative to the conduct of City Council meetings: 029 – Time Limits for Speakers at Council; 030 - Adding an Item on the Agenda; and 042 – Reconsideration of Council Action; and City of Santa Clara Program in Ethics & Values, Behavioral Standards for Councilmembers.

Reference:

Council Policy Approved <DATE>