

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

..Title

Review Meeting Management Procedures

..Report

BACKGROUND

At the August 17, 2021 mid-year check-in on City Council Priorities session, the City Council developed procedures for meeting management. The session facilitator introduced a segment on meeting management procedures and norms, including a review of Robert's Rules of Order. The Council determined that it was in the best interest of the City to promote Council meeting efficiency by adopting a set of meeting procedures governing the process by which Council would conduct its discussion of agenda items.

At this session, the City Attorney's Office was to return to Council with a resolution on the meeting management procedure. The City Council also agreed to use this process for a period of approximately six months, and to revisit the topic at the 2022 Council Priority Setting session. Due to staff departures and transitions, the draft resolution (Attachment 1) did not return to a Council meeting and the item was not heard at the 2022 Council Priority Setting session held on February 8, 2022.

As a result, the City Council has been using these procedures in practice since the 2021 Priority Setting Session. During the March 13, 2023 Governance and Ethics Committee meeting, the Committee approved, as part of the workplan, to bring forth the current meeting management protocols for review and discussion.

At this December 4, 2023 meeting, the Governance and Ethics Committee shall review and discuss the current meeting management procedures, subject to any further amendments it may agree to, and recommend to the full Council for consideration and approval of a resolution formalizing the procedure.

DISCUSSION

As noted above, since the establishment of the meeting management procedures, the City has continued to use the established procedures as set forth below when discussing agenda items. At the August 17, 2021, City Council Priority Session check-in session, a motion was passed by the City Council to utilize the following procedure for a period of approximately six months, which has extended to the present day.

Current Procedure

Each item on a Council and/or Authorities agenda shall be heard and discussed in accordance with the following procedure:

1. City staff provides a report on the item, if warranted;

2. Each Councilmember shall have the opportunity to ask their questions;
3. City staff shall, to the extent possible, provide a response to all Councilmember questions;
4. The public shall have the opportunity to provide public comment on the item;
5. At the Mayor's request, City staff shall, to the extent possible, provide responses to the comments or questions from the public;
6. A Councilmember shall then make a motion and the motion should be seconded by another Councilmember;
7. Each Councilmember who wishes to speak to the motion (during the deliberation portion of the meeting) shall then have the opportunity to make statements regarding the motion; and
8. A vote shall then be taken.

Options to Consider

Option 1:

The Committee may consider continuing the use of the current procedure in place and direct staff to formalize the procedures with a formal Resolution for Meeting Management and bring forth to the City Council for approval.

Option 2:

The Committee may consider revising the current procedure in one or more ways. Below are some areas for possible further consideration by the Committee. Some of these rules are consistent with current Council practices, but have not been formalized.

1. **Establishing Time Limits and/or Limits on the Number of Times each Councilmember speaks on Items:** This could help focus remarks and ensure all have an equal opportunity to speak.
 - On the other hand, specific time limits and/or limits on the number of times a member is allowed to speak may negatively impact Council deliberations and information/idea sharing on important policy matters. Continuing to rely on the powers of the meeting's Chair to guide the City Council's discussions in a timely manner is an effective strategy that is used in many (if not most) jurisdictions.
2. **Consent for Extended Comments:** Councilmembers seeking to make extended comments may request consent from the Chair or the Council to allow extended speaking time. This can be utilized if the City Council elects to set time limits (as outlined in Option 1) or without time limits and requested if the Chair seeks to limit discussion/questions.
3. **Add a Provision for Discussions Prior to the Making of a Motion:** Council could consider the formal addition of a Council "discussions" step prior to the making of a motion. This is generally consistent with existing practices and can, particularly for more significant matters, facilitate the making of constructive motions that take into account the collective thoughts of the Council. As per

standards, the Presiding Officer would manage this process with all Councilmembers given an opportunity to speak.

4. **Addressing the Chair:** Councilmembers should address comments to the Chair (as the Presiding Officer), not directly to other members to assist with maintaining order and civility.
5. **Minimize Repeating Points:** Councilmembers should avoid extended restatements of points already made by others to keep discussions efficient. The Chair will preside over these matters and may minimize repeated remarks.
6. **Respectful Language:** Maintain a professional and respectful tone during discussions and avoid personal attacks or disrespectful language based on the City Code of Ethics and Values Behavioral Standards for Councilmembers (Attachment 2).
7. **Focus on Agenda Items:** Comments should relate directly to the agenda items being discussed and off-topic discussions may be redirected by the Chair.
8. **No Interruptions:** Allow each member to speak without interruption.
9. **Enforcement:** As the Chair of the meeting, the Presiding Officer may raise points of order to address violations of meeting rules, with a right for an appeal from the majority of the Council. Questions regarding applicable rules or questions of interpretation may be presented to the City Attorney for advice.

Option 3:

In addition, the Committee may consider directing staff to consider the options to replace the current Robert's Rules of Order with Rosenberg's Rules of Order. Rosenberg's Rules of Order is a simplified set of parliamentary rules used in several cities throughout California. Many institutions have adopted Rosenberg's Rules in lieu of Robert's Rules, by finding them practical, logical, simple, easy to learn and user-friendly, while retaining the basic tenets of order.

If the Committee is interested in this option, the staff will prepare to present a comparison of Robert's Rules of Order vs. Rosenberg's Rules of Order at a future Governance and Ethics Committee meeting.

Benchmarking:

As background, below are excerpts from procedures being utilized by neighboring cities in relation to meeting management.

City	Procedure
Cupertino	City Council meetings are governed by Rosenberg's Rules of Order. Council Questions and Deliberations: Councilmembers may obtain the floor by seeking recognition from the Mayor. Following

	<p>presentations on an agenda item, Councilmembers are given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. The Mayor may allow additional time for deliberations where appropriate. This rule shall displace any conflicting rule in the City' s adopted rules of procedure.</p> <p>Opportunity for Equal Participation: The policy encourages the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.</p>
Milpitas	<p>City Council meetings are governed by Robert's Rules of Order. The presiding officer conducts the meetings of the City Council to:</p> <p>...</p> <p>d. In presiding over matters where the public has provided testimony and/or raised questions, the presiding officer should:</p> <ul style="list-style-type: none"> (i) Restate every question coming before the Council. (ii) Direct questions or comments requiring a response to staff for a response. (iii) Ensure that staff and members and the public direct their comments to the presiding officer. (iv) If necessary, help keep Councilmember questions relevant to the matter being considered by the Council. (v) If necessary, consider calling for a brief recess if orderly conduct of the meeting is being disrupted. (vi) Announce the decision of the Council on all subjects. <p>Ensure that each member of the Council is provided an opportunity to completely express their views on items of business, the Mayor should: See that Councilmembers ask to be recognized by the Mayor before speaking and ensure that each Councilmember is given the opportunity to fully express their views</p>
Palo Alto	<p>City Council meetings are governed by Robert's Rules of Order. Council Member Speaking Time Limits: The presiding officer shall give each Councilmember up to five (5) minutes to speak in each round of discussion during discussions on Council items where discussion takes place. The Council shall be guided by the speaking times set by the presiding officer and shall conclude comments at the direction of the</p>

	<p>presiding officer. The presiding officer shall endeavor to treat all members equitably. Discussion on motions: The maker shall be the first Councilmember recognized to speak on the motion if it receives a second. The seconder shall be the second Councilmember to speak on the motion. Generally, Councilmembers will speak only once with respect to a motion. If the presiding officer or Council permits any Councilmember to speak more than once on a motion, all Councilmembers shall receive the same privilege.</p>
San Bruno	<p>City Council meetings are governed by Robert's Rules of Order. To encourage full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question or agenda item. If a councilmember has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor may recognize the member who has already spoken or make a motion on the item. The Mayor has the responsibility of controlling and expediting any debate or item. It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.</p>
San Jose	<p>City Council meetings are governed by Robert's Rules of Order. Members of the Council who wish to ask questions of the speakers or of each other, or who wish to discuss the agenda item during the course of the discussion on the agenda item, may do so, but only after being recognized by the Chair. The Chair may set time limits as he/she finds reasonable under the circumstances. When a motion is made and seconded, it may be debated by the Council. Members of the Council may speak in debate of a motion only when addressing the Chair and being recognized by the Chair. Whenever the subject of the motion has been discussed and considered, no further discussion or debate may take place except that members of the Council may explain their vote or propose supplemental motions.</p>
Santa Rosa	<p>City Council meetings are governed by Rosenberg's Rules of Order. Councilmembers wishing to speak during Council meetings shall raise their hand and gain recognition by the Presiding Officer. Councilmembers shall confine himself/herself to the question under debate. Every Councilmember desiring to question the City staff shall, after recognition by the Presiding Officer, address his/her questions to the presenter of an agenda item, the City Manager or to the City Attorney. The City Manager or City Attorney shall be entitled either to answer the inquiry himself/herself, or to designate a member of his/her staff for that purpose.</p>

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Attorney and City Manager’s Offices.

PUBLIC CONTACT

Public contact was made by posting the Committee agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

..Recommendation

Review Meeting Management Procedures and Information Provided in Report and
Provide Feedback for any further Amendments

..Staff

Reviewed by: Maria Le, Assistant to City Manager

Approved by: Glen Googins, City Attorney and Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Draft Proposed Resolution from August 17, 2021 Priority Setting Check-in Session
2. City Code of Ethics and Values Behavioral Standards for Councilmembers