



Agenda Report

24-628

Agenda Date: 7/2/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review Meeting Management Protocol Options and Rosenberg's Rules of Order and Provide Direction to Staff
(DEFERRED FROM JUNE 3, 2024)

BACKGROUND

The City Council has been using, informally, meeting management procedures set during its 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 meeting management protocols for review and discussion.

At the December 4, 2023 Governance and Ethics Committee Meeting, the Committee reviewed existing meeting management procedures used in practice. (Attachment 1) The Committee discussed factors such as time limits for the City Council to speak on an item and an additional secondary round of questions for the City Council, following the initial questions answered. During this discussion, the City's practice of using Robert's Rules of Order (Attachment 2) for parliamentary procedures was discussed. Because Robert's Rules can be overly formalistic and complex, it was suggested that Rosenberg's Rules of Order might be more useful as they are similar to Robert's Rules, but less complex and more oriented towards smaller legislative bodies, like City Councils and Committees. The Committee did not take any actions during the discussion and requested additional information about Rosenberg's Rules of Order (Attachment 3) to further analyze the options.

At the June 3, 2024 Governance and Ethics Committee meeting, during the agenda item for "Referral to Discuss Possible Revisions to the Placement of Public Presentations on the City Council Meeting agenda", the Committee discussed options and referred the item to be a part of the Meeting Management Protocols discussion.

This item was on the agenda for the June 3, 2024 Governance and Ethics Committee meeting. The Committee was unable to complete the agenda due to timing and deferred the item for future discussion.

DISCUSSION

At this Special Governance and Ethics Committee meeting, staff will present options for consideration with the use of Rosenberg's Rules of Order. The Governance and Ethics Committee may consider options to continue Robert's Rules of Order or discuss options for Rosenberg's Rules of Order for meeting management procedures for public meetings.

Rosenberg's Rules of Order is a simplified set of parliamentary rules used in several cities throughout California, including the cities of Belmont, Cupertino, Fremont, Los Altos, San Mateo, Santa Rosa. Many institutions have adopted Rosenberg's Rules in lieu of Robert's Rules because they have found them practical, logical, simple, easy to learn and user-friendly while retaining the basic tenets of order.

The application of Rosenberg's Rules will provide a clear and concise parliamentary process for the members of the body to operate under that can result in the holding of more efficient meetings. Similar to Robert's Rules, and consistent with the City's Charter, Rosenberg's maintains the concept of the Mayor/Chair as presiding officer having primary responsibility for managing the meeting in accordance with applicable rules. If a question arises, the Mayor/Chair, or a member of the legislative body can request clarification of the rules from the City Attorney. Through a process of appeal on points of order, a majority of the body reserves the right to overrule the Mayor/Chair.

As shown below, Table 1 illustrates some actions for Rosenberg's Rules of Order and how to state the action. The table includes a list of motions and points which are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

Table 1 - Rosenberg's Motions and Points of Order in Established Order of Precedence

Action	State	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, unable to hear speaker, uncomfortable surroundings, etc.	"Point of Privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration or defer discussion to future date.	"I move that we table it"	No	Yes	No	No	Majority
End Debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
A motion to limit debate could include a time limit.	"I move we limit debate on this agenda item to 15 minutes."	No	Yes	No	No	2/3
Postpone consideration of	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Introduce a basic motion	"I move that we..."	No	Yes	Yes	Yes	Majority

Amend a motion	"I move that this motion be amended by..." (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee/Staff	"I move that the question be referred to staff for more study"	No	Yes	Yes	Yes	Majority

As shown below in Table 2, the motions, points and proposals listed below have no established order of preference; any of these items may be introduced at any time except when meeting is considering one of the top three matters listed from Table 1 (Motion to Adjourn, Recess or Point of Privilege).

Table 2 - Rosenberg's Motions, Points and Proposals at Any Time

Action	State	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of Order"	Yes	No	No	No	Chair decides
Request information	"Point of Information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This is generally used for matter not on agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..." (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Appeal / Vote on Ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

Staff will present any material differences between Robert's Rules and Rosenberg's in its presentation on this item. Existing "local" rules for procedures that the City has adopted will also be presented.

Council Policy on Meeting Management Protocols

In addition to considering converting from Robert's Rules of Order to Rosenberg's, consistent with past City Council direction, staff also supports consideration of formalizing additional meeting management protocols into a formal Council Policy and Procedure. At the December meeting, the

Committee considered revising the current meeting procedure in a variety of 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 all) 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 a matter of general policy (as outlined in Option 1) or if the Chair/Board adopts a limit to discussion/questions on a particular agenda item.
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. Note: A related provision could also be considered to formalize the "best practice" that no motion would be made until after public input was received.
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 4).
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 input or advice.

The Governance and Ethics Committee shall discuss and make any recommendations to City Staff on a potential new Council Policy and Procedure for meeting management protocols that will be brought back to the Committee for review and approval before bringing forth to the full City Council for its consideration.

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 Manager’s Office and the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics 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

Provide Direction on a Council Policy for Meeting Management Protocols Recommendations by the Governance and Ethics Committee and Forward for Consideration and Approval by the City Council

Reviewed by: Elizabeth Klotz, Assistant City Manager, City Attorney’s Office

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

ATTACHMENTS

1. RTC 23-1264
2. Robert’s Rules of Order Cheat Sheet
3. Rosenberg’s Rules of Order
4. City Code of Ethics and Values Behavioral Standards for Councilmembers