

Council Meeting of
August 8, 2006

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

SUBJECT: Adoption of Council Rules of Order RESOLUTION

RECOMMENDATION

The City Manager and City Clerk recommend that City Council review and take action on the adoption of the City Council Rules of Order as revised.

BACKGROUND/ANALYSIS

The last major revision of the City Council Rules of Order was undertaken in 1987 when the Ralph M. Brown Act was passed. The Council adopted minor amendments in 1989, 1990, 2001 and 2002.

The current proposed revisions are for clarity, to remove old fashioned language, to make terms gender neutral, and to conform to changes in the Torrance Charter and to current practices in an electronic age. A "redline" copy of the changes is attached for City Council convenience.

The rationale of certain revisions is provided below:

In Section 1.1 TIME OF MEETINGS – This clarifies that closed sessions will commence at 5:30 p.m. and that regular business will commence no earlier than 7:00 p.m. unless Council has taken a specific action to adjourn to a different specific time or place. This does not preclude the Council from taking a closed session after the regular business has concluded.

In Section 2.4 AVAILABILITY OF AGENDA – All meetings are posted under glass on the Public Notice Board in front of City Hall by the City Clerk's office. This location is available to the public 24 hours a day. In addition the agendas are now posted electronically online where they are available at all times. The practice of providing agendas to the Main and branch libraries continues but is more of redundancy than it was in 1987.

In Section 2.4 (g) the intent of the motion on each agenda was to ensure that the agenda were posted 72 hours prior to a meeting. This procedure is a normal business practice and the City Clerk will need only report on the posting of the agenda and save the time of having a vote each meeting.

In Section 2.7 ORDER OF BUSINESS - A new Oral Communication Section has been inserted in the Agenda Order of Business at the request of Mayor Scotto to allow a limited public Oral Communication earlier in the meeting. Section 2.12 - SPEAKERS UNDER ORAL COMMUNICATIONS defines the procedures for speakers under Oral Communications and establishes a three minute protocol.

In Section 6.4 - ALLOTTED TIME – The length of time for the speaker has been set at three minutes (unless extended by the mayor to conform with Section 2.12.

Section 8.3 - ORDER OF SPEAKING UNDER ORAL COMMUNICATIONS has been added to allow councilmembers to rotate their Oral Communications.

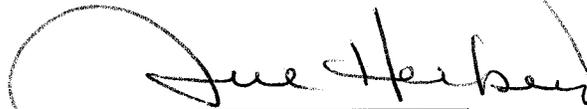
Article 9 - COMMITTEES is a cleanup of language with the addition of the Armed Forces Day Committee as a Special Standing Committee.

Section 10.2 - TERM OF APPOINTMENT In 2004 the voters approved a change in the election date from March to June of even years tied to the statewide primary election. The previous dates for the Mayor Pro Tempore were scheduled to coincide with an earlier election. These dates are suggested to coincide with the city's fiscal year and will also cover almost any fluctuations in election date changes for any future. The chart below shows the current Mayor Pro Tem Councilmember Nowatka serving from April 2006 to October 2006. There is a gap of coverage between October 10 and December 31, 2006. The City Clerk will take a minute motion to fill that gap as the City council directs.

Member	Date first elected	Serving from to	Election Year
Seniority 2	(2000)	4-10-2006 – 10-9-2006	
<GAP>		10-10-2006 – 12-31-2006	
Seniority 3	(2002)	1-01-2007 – 6-30-2007	
Seniority 4	(2006)	7-01-2007 – 12-31-2008	Election June 2008
Seniority 5	(2006)	1-01-2008 – 6-30-2008	
Seniority 6	2006)	7-01-2008 – 12-31-2009	
Seniority (new)	2008	1-01-2010 – 6-3-2010	Election June 2010
Seniority 1	2000	<i>last served 10-10-2005 – 4-9-2006 (see Section 10.2)</i>	

We are available to answer any questions.

Respectfully submitted,



Sue Herbers
City Clerk

Noted:


LeRoy Jackson
City Manager

ATTACHMENT:

- A Resolution
- B Redline Copy (limited distribution)

RESOLUTION NO. 2006- 61**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING RESOLUTION 87-7 AND AMENDMENTS AND RESTATING RULES OF ORDER FOR THE MEETINGS, GOVERNMENT AND CONDUCT OF BUSINESS OF THE CITY COUNCIL.**

WHEREAS, the City Council Rules of Order were rewritten and adopted in 1987 following the passage of the Ralph M. Brown Act; and

WHEREAS, the City Council Rules of Order have been amended from time to time by Resolution Nos. 89-45, 90-192, and 90-299; 2001-02 and 2002-28; and

WHEREAS, the City Council desires to clarify certain matters due to changes that have occurred over time;

NOW, THEREFORE, BE IT RESOLVED that the City Council adopt the City Council Rules of Order as restated and repeal Resolution 87-7 and all amendments to same.

CITY COUNCIL RULES**ARTICLE I — MEETINGS****SECTION 1.1 TIME OF MEETINGS**

- a) Unless otherwise directed by a majority of the entire membership of the City Council, the Council shall meet regularly each Tuesday of the month for a closed session commencing at the hour of 5:30 p.m. with regular business commencing no earlier than 7:00 p.m. When the day for any regular meeting of the Council falls on a holiday, Christmas Eve, New Year's Eve, or on a statewide or municipal election day, such meeting shall be cancelled or held on another day, as determined by the City Council.
- b) In those months where a fifth Tuesday occurs, the Council may meet at its discretion. If such a meeting is required, it shall be at the hour of 5:30 p.m. for a closed session with regular business commencing no earlier than 7:00 p.m. unless otherwise noticed.
- c) If the closed session is not completed by the hour of 7:00 p.m., it may be continued to the end of the regular Council meeting, or to such other time as the council may determine.

SECTION 1.2 PLACE OF MEETINGS

All regular meetings of the City Council shall be held in the Council Chambers of the City Hall, 3031 Torrance Boulevard or at any other place within the corporate limits of the City or in any other place as designated by the City Council in accordance with Section 714 of the City Charter.

SECTION 1.3 SPECIAL MEETINGS

Special meetings shall be called and held in accordance with Section 713 of the City Charter and the Ralph M. Brown Act. (Section 54950 et seq. of the State Government Code.)

SECTION 1.4 ADJOURNED MEETINGS

The City Council may adjourn any meeting to a time and place specified in the order of adjournment, in accordance with Sections 711 and 712 of the City Charter and the Ralph M. Brown Act.

SECTION 1.5 OPEN MEETINGS

All meetings of the City Council shall be open to the public; however, the City Council may hold closed (executive) sessions as provided in the Ralph M. Brown Act and as otherwise permitted by law.

SECTION 1.6 RECESSES

Once each two (2) hours, or as Council business permits, the council shall recess for not more than fifteen (15) minutes.

ARTICLE 2 — BUSINESS

SECTION 2.1. COMMUNICATIONS FROM THE PUBLIC

- a) All matters submitted by the public requesting action by the City Council shall be delivered to the City Clerk and transmitted by the City Clerk to the City Manager.
- b) The City Manager shall decide if any written matter requesting action by the City Council shall be submitted to the City Council. The City Manager shall respond to such written matters within thirty (30) days after receipt by the City Clerk, unless otherwise directed by the Council.

SECTION 2.2 COMPLAINTS.

- a.) Any complaint against the City Council, City management, or departmental operations which is intended to be acted upon by the City Council shall be submitted in writing to the City Manager for evaluation by the appropriate department head prior to submission to the City Council.
- b) Any complaint made to the City Council at a Council meeting, unless it can be answered satisfactorily at such meeting, shall be referred to the City Manager for processing and resubmitted to the Council as provided in subsection (b) of Section 2.1. If the complaint is made against the Mayor, a member of any City board or commission, a member of the City Council, the City Clerk, City Treasurer, City Manager or City Attorney personally, it shall be processed as directed by the City Council.

SECTION 2.3 AGENDA.

- a) All matters intended for action by the City Council, whether originating with the public or City officials, shall be submitted to the Council on an agenda submitted by the City Manager and prepared by the City Clerk in the form as determined by the Council.
- b) The agenda shall contain a description of other business of public interest to be transacted at the Council meeting sufficient to enable members of the general public to determine the general nature or subject matter of each agenda item so that they may seek further information on items of interest to them.
- c) Each agenda for regular meetings shall provide under oral communication an opportunity for members of the public to directly address the City Council on items of interest to the public that are within the jurisdiction of the City Council.
- d) No action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subsection (b) of Section 54954.2 of the California Government Code (emergency items of a critical nature and those where the need arose subsequent to the agenda being posted).
- e) The City Clerk may prepare a supplementary agenda for a regular meeting consisting of items on which Council action is permissible by the provisions of said subsection (b) of Section 54954.2. The supplementary agenda shall be placed and posted in the Main Library in the same manner as the regular agenda as soon as practicable after being issued.

SECTION 2.4 AVAILABILITY OF AGENDA.

- a. On or before noon of the Saturday preceding a regular meeting of the City Council, the City Clerk shall post a copy of the agenda on the Public Notice Board on the exterior of City Hall at 3031 Torrance Boulevard and shall cause a copy of the agenda with supporting material to be delivered to each Member of the City Council.
- b) The City Clerk shall cause a copy of the agenda (including supporting material) to be delivered to the Main Library where it shall be available for public inspection at all times that the Main Library is open to the public.
- c) In the case of a special meeting of the City Council, the City Clerk shall post a copy of the call and notice of the meeting on the Public Notice Board at least 24 hours prior to the special meeting and otherwise comply with the provisions of Section 54956 of the Government Code.
- d) As soon as practicable following the opening of business on the Monday preceding a regular meeting of the City Council (or if Monday is a holiday, on the following Tuesday), the City Clerk shall place a copy of the agenda with supporting material in the office of the City Clerk and in each Branch City Library for inspection by the public.
- e) On or before 5:00 p.m. on the Friday preceding a regular meeting of the City Council, or as soon thereafter as practicable, the City Clerk shall deliver a copy of the agenda with supporting material to the City Manager and City Attorney, and shall make available to or mail a copy thereof to each newspaper and radio station so requesting. In the event of a special meeting or adjourned regular meeting of the City Council, the City Clerk

shall perform such tasks as soon as practicable after the agenda is delivered to members of the Council.

- f) The City Clerk shall provide agendas and supporting materials to interested persons and groups in accordance with rules to be determined from time to time by resolution of the City Council.
- g) The City Clerk, or the Clerk's designee who actually posted the agenda, shall sign an affidavit of the time and place that the agenda was posted as required above. The City Clerk will report the posting of such affidavit to the City Council at the following Council meeting. Affidavits will be kept in the office of the City Clerk for public reference according to the Records Retention Schedule.

SECTION 2.5 ACTION ONLY ON AGENDA ITEM -- EXCEPTIONS

- a) Except as provided in subsection b) below, no action or discussion shall be taken by the City Council on any item not appearing on the posted agenda, except that members of the City Council may briefly respond to statements made or questions posed by, persons exercising their public testimony rights under Govt Code Section 54954.3. In addition, on their own initiative, or in response to questions posed by the public, members of the City Council may ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the Council at a subsequent meeting concerning any matter. Furthermore, the City Council, may take action to direct staff to place a matter of business on a future agenda.
- b) The City Council may take action on any item not appearing on the agenda upon a determination by a two-thirds vote or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted.

SECTION 2.6 THE MAYOR AS PRESIDING OFFICER.

The Mayor shall take the chair at the hour appointed for the meeting and shall call the City Council to order. In the absence of the Mayor, the Mayor Pro Tempore shall be the presiding officer of the Council. Upon the arrival of the Mayor, the Mayor Pro Tempore shall relinquish the chair when the business immediately before the Council is concluded.

SECTION 2.7 ORDER OF BUSINESS.

At the time set for the commencement of the meeting, the members of the Council, the City Clerk, the City Attorney and the City Manager, and such department heads as designated by the City Manager shall take their regular stations in the Council Chamber and the business of the Council shall be taken up for consideration and disposition in the following order, except as may otherwise be ordered by the Council:

- Call to order by Mayor
- Roll call of members by City Clerk
- Flag salute
- Invocation
- Report of City Clerk on posting of agenda.
- Motion to waive further readings
- Withdrawn or deferred items

- Notice of Council Committee meetings and other Announcements
- Report of Council Committees
- Community Matters
- Oral Communications #1 (Limited to 30 minutes)
- Approval of minutes of previous meetings
- Agenda items
- Oral Communications #2
- Adjournment

SECTION 2.8 ROLL CALL.

Before proceeding with the business of the Council, the City Clerk shall call the roll of the members. The names of those present shall be entered in the minutes.

SECTION 2.9. REDEVELOPMENT AGENCY BUSINESS

Unless otherwise directed by the City Council, or as soon as Council business can be disposed of, the City Council shall take a recess without leaving their seats and meet as the Redevelopment Agency of the City. As soon as the meeting of the Redevelopment Agency adjourns, the City Council shall reconvene as the City Council.

SECTION 2.10 READING OF MINUTES.

Unless a member requests a reading of the minutes of a City Council meeting, such minutes may be approved without reading by majority vote if the City Clerk has previously furnished each member with a copy thereof. The signature of the Mayor, attested by the City Clerk shall authenticate their approval.

SECTION 2.11 READING OF ORDINANCES AND RESOLUTIONS.

The reading of all ordinances and resolutions on the agenda, following the assignment of a number and the reading of the title, may be waived by the passage of a blanket motion by the unanimous vote of the members present, but any ordinance or resolution shall be read in regular order on request of any member.

SECTION 2.12 SPEAKERS UNDER ORAL COMMUNICATIONS

- a. Speakers under Oral Communications shall be limited to three (3) minutes each unless otherwise permitted by the Mayor.
- b. Under Oral Communications #1 (after Community Matters) a period of up to 30 minutes will be set aside for up to ten speakers. If more than ten speakers have requested to be heard those additional speakers will be considered in the order received under Oral Communications #2.
- c. Speakers under Oral Communications #1 may not speak on any matter scheduled to be considered by Council as part of the meeting agenda.
- d. Those who wish to speak under Oral Communications #1 must reserve a spot on the Speaker Request List available at the podium, prior to the start of the meeting. Speakers will be taken in the order in which they appear on the Speaker Request List.

- e. Under Oral Communications #2 those not heard under Oral Communications #1 will be given priority by the Mayor to speak.
- f. Any other speakers under Oral Communications #2 need not register prior to the meeting but are asked to complete an optional speaker card to ensure correct spellings for the record.

ARTICLE 3 — MOTIONS

SECTION 3.1 MAKING OF MOTIONS

When any subject is opened for consideration by the City Council, whether before or after debate thereon, a motion shall be made by a member and seconded by a member. Where a motion is made and seconded, the Mayor may rule the motion out of order if in violation of the rules of order. The mover, with the consent of the second, may withdraw or amend the motion at any time before a decision or amendment.

SECTION 3.2. AMENDMENT

Any motion may be amended with the consent of the maker and second.

SECTION 3.3 SECONDING MOTIONS.

The following motions do not require a second: Questions of order, division of the question, and nominations.

SECTION 3.4 SUBSTITUTE MOTIONS.

A substitute motion may be made to take the place of any motion on the floor. When a substitute motion has been made and seconded, it shall be voted on ahead of the main motion. Only one substitute motion may be on the floor at any time.

SECTION 3.5 IMPROPER MOTIONS

No dilatory, absurd or frivolous motion shall be considered. The Mayor shall decide which motions are improper, subject to the right to appeal to the City Council.

SECTION 3.6 MOTION TO RECONSIDER.

- a) A motion to reconsider any action taken by the Council may only be made by one of the council members who voted with the prevailing side or who was absent when the motion was voted on.
- b) Tie votes are considered failed motions and may be reconsidered. Any council member may move to reconsider any action taken by the Council that resulted in a tie vote.
- c) A motion to reconsider any action taken by the Council may only be made once at the meeting at which the matter was first considered, and once within the succeeding fourteen days.
- d) Any council member may second a motion to reconsider.

SECTION 3.7 CONSENT CALENDAR

When several items of Council business have been combined into a single agenda item, identified as a Consent Calendar, and a member of the public requests that any of the several items be considered separately, the Council may, and if a member of the council makes such a request, shall hear and consider the item or items separately, thereby permitting public comment.

ARTICLE 4 VOTING

SECTION 4.1 DISPOSITION BY MAYOR

Except where a vote is otherwise required, the Mayor may order the disposition of matters coming before the City Council; provided, however, that if a member objects, a vote shall be taken. Where a motion is made and seconded, unless a vote is required by law or desired by any member, the Mayor may order the disposition of the matter in accordance with the motion. Such decision of the Mayor shall be deemed to be the action of the Council.

SECTION 4.2. RECORDING VOTES.

When a vote on any matter is called for, the City Clerk shall call the roll, and each member who is present shall be recorded as voting YES, unless when the member's name is called the answer is NO and except as provided in Section 4.3. On a tie vote, the motion is lost. The vote shall be taken in alphabetical order with the Mayor voting last. The Mayor shall announce the result of the vote and then announce the next order of business.

SECTION 4.3 ABSTAINING FROM VOTING.

When a roll call vote is being taken on a motion and a member declines to vote because of a disqualifying interest or for any other reason, the member's vote shall not be counted in determining the passage of the motion and such member shall be recorded as having abstained from voting.

SECTION 4.4 EXPLANATION OF VOTE

A member is allowed to briefly explain a vote before, during or after a vote.

SECTION 4.5 CHANGE OF VOTE.

A member shall be allowed to change a vote only until the next item of business is announced by the Mayor. This rule may be suspended by a vote of two-thirds of the members present or upon compliance with the provisions of Section 3.6 (motion to reconsider).

SECTION 4.6 ROLL CALL VOTE.

Any member may demand that a roll call vote be taken on a motion.

SECTION 4.7 DIVISION OF A QUESTION

On the demand of any member before the question is put, a question shall be divided if it includes propositions so distinct in substance that one being taken away, a substantive proposition shall remain.

SECTION 4.8 MAJORITY VOTE

All motions will be carried by a majority vote unless otherwise required by law. A majority of the members present, if a quorum, is a majority for the passage of motions.

NOTE:

- a) Section 715 of the City Charter provides that a majority of the Council (four members) constitutes a quorum for the transaction of business.
- b) Section 724 of the City Charter requires that all resolutions or orders for the payment of money be adopted by an affirmative vote of at least four members.
- c) Section 724 of the City Charter requires that all ordinances be passed by the vote of at least four members.
- d) Section 726 of the City Charter requires that all urgency ordinances be passed by a five-sevenths vote.
- e) Section 1300 of the City Charter requires that all amendments, deletions or replacements of the Civil Service ordinances be adopted by a five-sevenths vote.
- f) Section 2.5(b) of these Rules requires a two-thirds vote (or in some cases a unanimous vote) for the Council to take action on items not listed on the agenda, but where the need to take action arose subsequent to the agenda being posted (per Section 54954.2, California Government Code).

ARTICLE 5 — DEBATE

SECTION 5.1 DEBATABLE MOTIONS

- a) When a matter is before the City Council, the Mayor may call for debate or comment before or after a motion has been made and seconded.
- b) All motions to adopt ordinances, resolutions, reports, communications and all amendments proposed to them, and all other motions, except as otherwise provided herein, may be debated or commented upon before action is taken on them, unless the Council by a two-thirds vote of the members present decides to dispose of them without debate.
- c) The following motions are undebatable: Limit, close or extend debate, the previous question, object to consideration of a question.

SECTION 5.2 RULES OF DEBATE.

- a) Every member shall have the right to speak at least once on each item.
- b) Every member desiring to speak shall address the Mayor and, upon recognition by the Mayor, may speak.
- c) The speaker shall confine comments to the question under debate, avoiding all personalities and indecorous language.

- d) A member, once recognized, shall not be interrupted when speaking unless called to order, in which case the member shall cease speaking until the question of order is determined.
- e) A member may not make a second speech on the same question as long as any member who has not spoken desires the floor.

SECTION 5.3 LIMITING AND EXTENDING DEBATE

Subject to the provisions of subsection (a) of Section 5.2., debate and comment may be limited or extended upon the passage of a motion by a vote of the City Council. A motion to limit or extend debate is undebatable.

SECTION 5.4 THE PREVIOUS QUESTION.

Subject to the provisions of subsection (a) of Section 5.2, debate and comment may be closed and the City Council brought at once to a vote on the pending question by a vote on a motion for the previous question. The motion for the previous question is undebatable.

ARTICLE 6 — PUBLIC COMMENT

SECTION 6.1 RIGHT TO COMMENT.

- a) The public shall be given an opportunity to speak on each item of business that appears on the agenda of the City Council for Council action in open meeting, subject, however, to the other provisions of these Rules of Order.
- b) Under the agenda item designation of Oral Communications, any member of the public may address the City Council on items of interest to the public that are within the subject matter jurisdiction of the Council; provided however, that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by the California Government Code.

SECTION 6.2 ADDRESSING THE COUNCIL.

- a) No person shall address the City Council without first securing the permission of the Mayor; provided, however, that permission shall not be refused except for good cause.
- b) The City Clerk shall first swear speakers as may be required or when so directed by the Mayor.
- c) After a hearing is closed or the Council makes a substantive motion, no person shall address the Council without first securing permission from the Mayor.

SECTION 6.3 MANNER OF ADDRESSING COUNCIL

All remarks shall be addressed to the Council as a body, and not to any member thereof. No person other than a member of the Council and the person having the floor shall be permitted to enter into the discussion without the permission of the Mayor. No question shall be asked of a member of the Council except with the consent of, and through, the Mayor.

SECTION 6.4 ALLOTTED TIME

As a guideline, three (3) minutes shall be the maximum time that is allotted to each speaker, except a member of the Council, unless the Mayor shall extend the time. Unless

otherwise ordered by the City Council, the Mayor may limit the number of speakers where, in his or her opinion, the facts or arguments advocated are cumulative in nature. Unless otherwise ordered by the City Council, the mayor may limit the aggregate time of hearing or discussion.

SECTION 6.5 RELEVANCY

Speakers shall confine their remarks to those that are relevant to the subject of the hearing. Attacks against the character or motives of any person shall be out of order. The Mayor, subject to appeal to the Council, shall be the judge of relevancy and whether character or motives are being impugned.

SECTION 6.6 INTERRUPTIONS

With the consent of the Mayor, Council members may interrupt a speaker at any time to ask questions or make comments in order to clarify the discussion.

SECTION 6.7 DECORUM

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith barred from further audience before the Council, unless permission to continue is granted by the Mayor.

SECTION 6.8 ENFORCEMENT OF DECORUM

The Police Chief, or such member or members of the police department as may be designated, shall be sergeant-at-arms of the Council meetings. They shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meetings. Upon instruction of the Mayor, it shall be the duty of the sergeant-at-arms to eject or place under arrest any person who violates the order and decorum of the meeting.

SECTION 6.9 DISORDERLY CONDUCT

In the event that any meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Council may order the meeting room cleared and continue in session in accordance with the provisions of Government Code Section 54957.9 and any amendments thereto.

ARTICLE 7 — HEARINGS

SECTION 7.1 SCOPE OF RULES

- a) The rules set forth in this Article shall govern all zoning hearings before the City Council. Such hearings shall include, but not be limited to, hearings for changes of zone, variances, conditional use permits, adoptions or changes in master plans, street vacations and appeals from decisions of the Planning Commission for which hearings are required.
- b) Unless otherwise directed by the City Council or otherwise provided by law, the rules set forth in this Article shall also govern other hearings before the Council.

SECTION 7.2 STAFF REPORT

The recommendations of the Planning Commission or other Commission or Board, together with any staff report and recommendation, shall be filed with the City Clerk for public

inspection prior to the hearing, shall be a matter of public record, and shall be included in the record of the hearing.

SECTION 7.3 CALLING FOR HEARING

- a) When the hearing is reached on the agenda, the Mayor shall announce that it is the time and place for holding the hearing, briefly identify the location of the subject property and describe the subject matter of the hearing.
- b) A matter set for hearing may be withdrawn, continued or referred to a committee or commission by the Council at any time before, during or after a hearing.

SECTION 7.4 STAFF PRESENTATION

At the request of the City Council, the City Manager or members of his staff or other employees of the City shall make an oral report to the Council at the commencement of the hearing explaining or supplementing the written staff report.

SECTION 7.5 ORDER OF APPEARANCE

Following the staff presentation, unless otherwise directed by the City Council, the order of appearance shall be as follows:

- 1) The proponent and persons in favor of granting the proponent's request;
- 2) Persons opposed thereto;
- 3) With permission of the Mayor, the proponent in answer to the opponents.

SECTION 7.6 CROSS EXAMINATION

Subject to the provisions of Section 7.7, with permission of the mayor, the proponent, the property owner, neighboring property owners or other persons having an interest in the proceedings may cross-examine through the Mayor any person who has testified in the proceedings.

SECTION 7.7 NEW MATTER

Except in zoning hearings as defined in Section 7.1, if the hearing is an appeal from a decision of the License Review Board, the Administrative Hearing Board, the Civil Service Commission in disciplinary proceedings or from the decision of any other commission, board or officer which has made a record of its proceedings and findings in support of its decision, the decision of the City Council shall be based on the record before such commission, board or officer. Except with permission of the City Council for good cause shown, no new oral or written testimony or other evidence or material may be presented to the City Council.

SECTION 7.8 ACTION BY THE COUNCIL

- a) At the close of testimony and comment from the public (if permitted by Section 7.7), the Council may close the hearing, continue the hearing, refer the matter to a committee or commission, or take other action it deems reasonable.
- b) After the hearing is closed, the Council may debate and decide the issue before it.

SECTION 7.9 RECORD OF HEARING

The City Clerk shall make a permanent written record of the hearing, which shall include the motions made by the members, the vote thereon and a digest of the testimony and comments given at the hearing.

ARTICLE 8 — POINTS OF ORDER

SECTION 8.1 GENERALLY

Any member may raise a point of order (procedure). The Mayor shall decide all questions of order; provided, however, that any two members shall have the right to appeal his decision, in which case the question shall be decided by a majority of the members present. The Mayor or any other member may request advice of the City Attorney thereon.

SECTION 8.2 SUSPENSION OF RULES

Any provision of this Chapter, except the provisions of Section 1.1, Articles 9 and Sections 10.2 and 10.3 of Article 10, may be suspended by a two-thirds vote of the members present.

SECTION 8.3 ORDER OF SPEAKING UNDER ORAL COMMUNICATIONS

Councilmembers shall speak under Oral Communications by alphabetical rotation each meeting with the Mayor speaking last. The City Clerk will monitor/maintain the order for each meeting and place the continuing order on each agenda for the benefit of the members and the public.

ARTICLE 9 — COMMITTEES

SECTION 9.1 STANDING COMMITTEES

The standing committees of the City Council shall be as follows: (1) Citizen Development and Enrichment, (2) Community Planning and Design, (3) Employee Relations, (4) Finance and Governmental Operations, (5) Public Safety, and (6) Transportation.

SECTION 9.2 SELECTION OF COMMITTEE CHAIRMEN

Each member, other than the Mayor, shall be the Chairman of a standing committee. The members shall choose their memberships in the following order:

- 1) Each member, in order of seniority, shall select one committee on which said member shall serve as chair.
- 2) Each member, in reverse order of seniority, shall select a second committee on which to serve.
- 3) Each member, in order of seniority, shall select a third committee on which to serve.

SECTION 9.3 AD HOC COMMITTEES

The Mayor may form ad hoc committees at his or her pleasure or at the pleasure of the Council. The Mayor shall designate the Chairman of each ad hoc committee, unless otherwise ordered by the Council.

SECTION 9.4 SPECIAL STANDING COMMITTEES

The Armed Forces Committee is a Special Standing Committee with members to be appointed by the Mayor.

SECTION 9.5 COMMITTEE MEETINGS

- a. Each committee shall hold a meeting upon the call of either its chairman or two members of the committee.
- b. All Committee meetings shall be publicly announced at the City Council meeting prior to the Committee meeting.
- c. All Committee meetings must be posted 72 hours prior to the meeting to comply with the Ralph M. Brown Act.

ARTICLE 10 — MAYOR PRO TEMPORE**SECTION 10.1 SELECTION**

Each member, other than the Mayor, shall serve a term of appointment as Mayor Pro Tempore in order of seniority. No member shall so serve for a second term until every other member has served one term.

SECTION 10.2 TERM OF APPOINTMENT

The term of appointment of the Mayor Pro Tempore shall be six (6) months commencing on January 1 or July 1 after the first meeting of the City Council after each City Council reorganization and every six (6) months thereafter.

SECTION 10.3 SENIORITY

The length of service in office shall determine seniority of members for the purposes of Articles 9 and 10. Where two or more members are first elected or appointed at the same time, precedence shall be allocated based on the total number of votes that a member received at such election or appointment, the member receiving the greatest number of votes having the most seniority.

INTRODUCED, APPROVED AND ADOPTED this 8th day of August 2006.

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

Mayor Frank Scotto
ATTEST:

by _____
Ronald T. Pohl, Assistant City Attorney

Sue Herbers
City Clerk