



**CITY OF VALLEJO  
AD-HOC CITIZENS PUBLIC SAFETY ADVISORY COMMITTEE**

**WEDNESDAY, APRIL 11, 2012  
6:00 p.m.**

**AGENDA**

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**CITY COUNCIL CHAMBERS, 2<sup>ND</sup> FLOOR  
555 SANTA CLARA STREET, VALLEJO**

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This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Committee without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Those wishing to address the Committee on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the Committee may address the Committee during the "COMMUNITY FORUM" portion of the AGENDA.

**Notice of Availability of Public Records:** All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Committee will be available for public inspection at the City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Committee. Such documents may also be available on the City of Vallejo website at <http://www.ci.vallejo.ca.us> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562.

*Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990) and the federal rules and regulations adopted in implementation thereof.*

**1. CALL TO ORDER**

**2. INTRODUCTIONS**

**3. COMMUNITY FORUM**

*Anyone wishing to address the Committee on any matter not listed on the agenda but within the jurisdiction of the Committee to resolve, may speak after stating his/her name and address for the record.*

**4. OLD BUSINESS**

**5. NEW BUSINESS**

**A. PRESENTATION ON BROWN ACT**

**B. DISCUSSION OF PURPOSE AS ESTABLISHED IN RESOLUTION 12-050 N.C.**

- C. REPORT FROM THE CITY COUNCIL PUBLIC SAFETY COMMITTEE
  - D. NOMINATION AND ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON
  - E. ESTABLISH COMMITTEE MEETING DATES/TIMES
  - F. DISCUSSION OF DRAFT MEETING AGENDA TOPICS
  - G. PRESENTATION ON CITY COUNCIL RULES OF ORDER AND PROCEDURES
- 6. ADJOURNMENT**

**RESOLUTION NO. 12-050 N.C.**

**ESTABLISHING THE PURPOSE OF THE CITY COUNCIL PUBLIC SAFETY COMMITTEE  
AND ESTABLISHING THE CREATION, STRUCTURE AND ROLE  
OF AN AD-HOC CITIZENS PUBLIC SAFETY ADVISORY COMMITTEE**

**BE IT RESOLVED** by the Council of the City of Vallejo as follows:

**WHEREAS**, on December 20, 2011 the City Council adopted Resolution No. 11-173 N.C. establishing a City Council Public Safety Committee ("Committee") consisting of two member; and

**WHEAREAS**, on January 31, 2012 the City Council adopted Resolution No. 12-023 N.C. which in part increased the size of the Committee to three members and defined the specific objectives of the Committee and established the creation, structure and role of an Ad-hoc Citizens Public Safety Advisory Committee; and

**WHEREAS**, on February 28, 2012 the City Council adopted Resolution No. 12-037 N.C. which specifically reduced the membership of the City Council Public Safety Committee from three councilmembers to two councilmembers, defined the specific objectives of the City Council Public Safety Committee, and created an Ad-Hoc Citizens Public Safety Advisory Committee to provide input to the City Council Public Safety Committee; and

**WHEREAS**, on March 27, 2012, Councilmembers Brown, Gomes and Sampayan, having voted in the majority on Resolution 12-023 N.C. requested that the City Council reconsider this Resolution to clarify the role, as to participation and voting, of the City Manager's appointments of one member from the Police Department and one member from the Fire Department to the Ad-hoc Public Safety Advisory Committee; and

**WHEREAS**, on March 27, 2012, the City Council by motion approved Councilmembers Brown, Gomes and Sampayan's request and further indicated their desire to revise the report obligations of the Ad-hoc Public Safety Advisory Committee and to adopt a new resolution that is a revision and restatement of Resolution 12-037 N.C., as amended, in a single resolution.

**NOW, THEREFORE BE IT RESOLVED** that the City Council hereby defines the purpose and responsibilities of the City Council Public Safety Committee as follows:

1. Receive referrals and make recommendations to the City Council regarding public safety issues within the City Council's discretion.
2. Receive public input regarding enhancement of public safety in the community from an Ad-Hoc Citizens Public Safety Advisory Committee.
3. Review opportunities for public safety cost savings, revenue opportunities and enhanced technology to create a safer community.
4. Review ongoing enhancements of public safety underway in the police and fire departments (e.g. Implementation of Assessment Report items).

**BE IT FURTHER RESOLVED**, that the City Council Public Safety Committee shall consist of two (2) members.

**BE IT FURTHER RESOLVED**, that an Ad-Hoc Citizens Public Safety Advisory Committee ("Committee") is hereby created and the Committee is charged to provide input to the City Council Public Safety Committee in the following subject areas:

- A. A review of best practices in other cities of Citizens Police Commissions, including approaches, powers, limitations and the impact of various models of citizen review.
- B. A review of best practices in other cities of police and fire departments in terms of efficient operations, revenue generation, reducing calls for service, crime suppression, increasing police presence, and enhancing technology to reduce crime and create a safer community.
- C. A review of current and future trends in public safety compensation methodology; and

**BE IT FURTHER RESOLVED** the City Council establishes the following criteria for the Committee's organization and time frame for the completion of its work assignment:

- 1) Committee Organization
  - a) The Committee shall consist of seven voting members and two non-voting members and shall elect its own chairperson and vice chairperson. The City Manager and City Attorney are hereby directed to support the Committee in its organization and in considering, formulating and making findings and recommendations.
  - b) Members of the Committee must be registered voters of the City of Vallejo as of January 31, 2012, except the two members appointed by the City Manager, and it is desirable that they possess prior experience in finance, budgeting, human relations, or public safety. Appointments to the Committee shall be made from those applicants obtained through the normal process used for selection of members of City boards and commissions. City Councilmembers shall select one person each to serve on the Committee who shall be voting members of the Committee. The City Manager shall appoint one member from the Police Department and one member from the Fire Department who shall serve as non-voting members to the Committee.  
  
Members of the Committee shall be removed and replaced by the City Council pursuant to Chapter 2.26 of the Vallejo Municipal Code. If a member is removed, the Councilmember who nominated the removed member shall nominate a new member for consideration and appointment by the City Council.
  - c) The Committee is directly responsible and reports to the City Council Public Safety Committee.

- d) The Committee shall meet for the purpose of organization within 15 days after the appointments have been made. Further meetings of the Committee shall be held on the call of the Chairperson or a majority of the Committee. A majority of the voting members of the Committee shall constitute a quorum. The Committee shall operate and conduct its proceedings consistent with the rules of order and procedure of the City Council (Chapter 2.02 of the Vallejo Municipal Code) ("Rules"), as determined applicable by the City Attorney, and may adopt such other rules for its operations and proceedings as it deems desirable that are not in conflict with the Rules, and may include the creation of subcommittees of Committee members.
- e) The Committee shall make its recommendations to the City Council Public Safety Committee in a report upon completion of their review of each of the Committee's subject areas as stated on Page 2 of this Resolution, and shall file all its reports with the City Council no later than October 15, 2012, with a return date for action items on suggestions no later than 60 days after the date the report(s) is filed. The Committee's report(s) shall be filed with the City Council and the City Clerk and posted on the City's website as part of the agenda packet.
- f) The term of the Committee will be from the date of appointment until dissolution. Upon acceptance or rejection of the proposed recommendations by the City Council Public Safety Committee, through either its final single report or its last phased report, the Committee shall be automatically dissolved.
- g) The Committee shall serve without compensation.
- h) The Committee shall comply with all applicable requirements of the Brown Act (Government Code section 54950 et seq.), the California Public Records Act (Government Code section 6250 et seq.), and the Vallejo Sunshine Ordinance (Vallejo Municipal Code chapter 2.08).
- i) The City Manager is directed to have the agenda and all other information or reports related to the Committee's proceedings posted to the City's web page; and

**BE IT FURTHER RESOLVED**, the work of Ad-Hoc Citizens Public Safety Advisory Committee would be advisory to the City Council Public Safety Committee and the Committee is not tasked with making recommendations or proposals with respect to labor negotiations between the City Council and public safety labor groups, which shall remain in the sole discretion of the City Council.

Adopted by the City Council of the City of Vallejo at a special meeting held on April 3, 2012 by the following vote:

AYES: Councilmembers Brown, Gomes, McConnell, and Sampayan  
NOES: Vice Mayor Hannigan and Councilmember Sunga  
ABSTAIN: None  
ABSENT: Mayor Davis

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ERIN HANNIGAN, VICE MAYOR

ATTEST:

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DAWN G. ABRAHAMSON, CITY CLERK

**OFFICE OF THE CITY ATTORNEY  
CITY OF VALLEJO**

March 29, 2012

**MEMORANDUM**

**TO:** Ad Hoc Citizen's Public Safety Committee

**FROM:** Frederick G. Soley, City Attorney  
John A. Nagel, Assistant City Attorney

**RE:** **Rules of Order and Procedures**

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Section 1 d of Council Resolution 02-023 N. C. addresses the rules of order and procedures for the Committee. It reads, in relevant part:

The Committee shall operate and conduct its proceedings consistent with the rules of order and procedure of the City Council (Chapter 2.02 of the Vallejo Municipal Code) ("Rules"), as determined applicable by the City Attorney, and may adopt such other rules for its operations and proceedings as it deems desirable that are not in conflict with the Rules, and may include the creation of subcommittees of Committee members.

A copy Vallejo Municipal Code Chapter 2.02 is attached.

There will be a short presentation of the City Council rules at the Committee's next meeting. If upon review of these rules, the Committee determines that there is a need to adopt other rules for its operations and proceedings that are not in conflict with the City Council rules, it will be free to do so.

If you have any questions, do not hesitate to contact John Nagel at (707) 648-4545.

Encs.

Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> **Chapter 2.02 - CITY COUNCIL MEETINGS >>**

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**Chapter 2.02 - CITY COUNCIL MEETINGS<sup>1</sup>**

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**Sections:**

- I. - Authority
- II. - General Rules
- III. - Staffing of Council Meetings
- IV. - Meetings of the Council
- V. - Chamber Attendance and Facilities
- VI. - Decorum
- VII. - Agenda and Order of Business for Regular Meetings
- VIII. - Public Participation
- IX. - Rules of Order and Debate

Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> **Chapter 2.02 - CITY COUNCIL MEETINGS >> I. - Authority >>**

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**I. - Authority**

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2.02.010 - Preamble.

2.02.020 - Source.

**2.02.010 - Preamble.**

The purpose of these rules is to assure the orderly and efficient conduct of the meetings of the city council. These rules are intended to assure the right of the majority of the council to decide items of business brought before the council; the right of the minority to be heard; and the rights of any absentee councilmembers to be protected. These rules also are intended to foster and promote the right of citizens to have adequate notice of business scheduled for consideration by the council and a fair and reasonable opportunity to attend and be heard.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.020 - Source.**

These rules of order and procedure for the meetings of the city council are adopted in compliance with the requirements of Section 310 of the city Charter and are further adopted in compliance with laws of the state (see in particular, the Ralph M. Brown Act, Govt. Code, Sections 54950 through 54962, as amended). Whenever these rules are found to be in conflict with the terms and provisions of the Brown Act, the Act shall apply and govern.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*



**Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.02 - CITY COUNCIL MEETINGS >> II. - General Rules >>**

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**II. - General Rules**

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**2.02.030 - Quorum.**

**2.02.040 - Seniority of councilmembers.**

**2.02.050 - Seating arrangements during meeting.**

**2.02.060 - Journal of proceedings.**

**2.02.070 - Ordinances; limitations.**

**2.02.030 - Quorum.**

A quorum shall be four or more councilmembers, except as provided otherwise by the Charter or state law, but fewer may adjourn from time to time and compel attendance of absent members in such manner as may be prescribed by ordinance.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.040 - Seniority of councilmembers.**

Seniority shall be determined by length of time in office. In the event that two or more councilmembers have been in office for the same length of time, seniority shall be determined by the highest vote count in the most recent general municipal election.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.050 - Seating arrangements during meeting.**

Upon reorganization, as prescribed by Section 319 of the city Charter, after the mayor and vice-mayor have been seated, councilmembers shall select their respective seats in the order of their relative seniorities in office and shall occupy seats so selected until the next regular reorganization of the council; provided, however, that any two or more councilmembers may exchange seats at any time by mutual consent.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.060 - Journal of proceedings.**

An account of all open sessions of the council shall be prepared and kept by the city clerk and shall be entered in a permanent book or other permanent form constituting the official record of the council meetings (excluding closed sessions).

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.070 - Ordinances; limitations.**

- A. No ordinance, except an appropriations ordinance, an ordinance adopting or embodying an administrative or government code, or an ordinance adopting a code of

ordinances, shall relate to more than one subject, which shall be clearly stated in its title.

- B. Any proposed new or revised zoning ordinance shall be reviewed by the planning commission before submission to the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999; Ord. No. 1640 N.C.(2d), § 1, 4-12-2011)

**Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.02 - CITY COUNCIL MEETINGS >> III. - Staffing of Council Meetings >>**

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**III. - Staffing of Council Meetings**

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2.02.080 - City manager.

2.02.090 - City attorney.

2.02.100 - City clerk.

2.02.110 - Officers and employees.

2.02.120 - Security officers.

**2.02.080 - City manager.**

The city manager, or the city manager's authorized deputy or assistant, shall attend each council meeting unless excused by the presiding officer or council, and shall be subject to the direction of the council during council meetings. The city manager may make recommendations to the council and shall have the right to take part in all discussions of the council, but shall have no vote.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

**2.02.090 - City attorney.**

The city attorney, or the city attorney's authorized deputy or assistant, shall attend each council meeting unless excused by the presiding officer or council, and shall be subject to the direction of the council during council meetings. The presiding officer, the council or any councilmember, may call upon the city attorney at any time for an explanation of, or written opinion on, a point of law. Rulings on points of order shall, however, be made by the presiding officer, subject to the right of appeal by a councilmember as set forth in Section 2.02.500.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

**2.02.100 - City clerk.**

The city clerk, or the city clerk's authorized deputy or assistant, shall attend each council meeting unless excused by the presiding officer or council, and shall be subject to the direction of the council during council meetings. The city clerk shall keep the official minutes and perform such other duties as may be requested by the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

**2.02.110 - Officers and employees.**

Departmental directors, or other designated representatives, where there is pertinent business from their department on the council agenda, shall attend such council meetings upon request of the city manager.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.120 - Security officers.**

The city manager shall arrange to have a sufficient number of trained and sworn security officers in attendance at the council's public meetings who shall be sergeants-at-arms of the council meetings. Such security personnel shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meetings. Upon direction of the presiding officer and/or city manager it shall be the duty of such security personnel to place any person who violates the order and decorum of the meeting after appropriate warning under arrest, and cause such person to be prosecuted under provisions of applicable law, the complaint to be signed by the presiding officer.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.02 - CITY COUNCIL MEETINGS >> IV. - Meetings of the Council >>**

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## **IV. - Meetings of the Council**

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2.02.130 - Regular meetings.

2.02.140 - Special and emergency meetings.

2.02.150 - Closed sessions.

2.02.160 - Annual goals meeting.

### **2.02.130 - Regular meetings.**

- A. Regular meetings of the council shall be held on Tuesdays at the hour of seven p.m. The city council meeting agenda schedule prepared and circulated by the city clerk at the beginning of the calendar year may provide for cancellation of regular meetings for recognized holidays, and may be modified by the council from time to time to conduct the city's business. If at any regular meeting, business before council remains unfinished, the council may adjourn from time to time to dispose of the same or to transact any other unfinished business. Less than a quorum may so adjourn from time to time. 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 and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 2.02.140 special meetings, unless such notice is waived as provided for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, or adjourned regular, meeting was held within twenty-four hours after the time of adjournment. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.
- B.

When 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 adjourned meeting is to be held, it shall be held on the next regular meeting day set forth in the city council meeting agenda schedule at seven p.m.

*(Ord. 1428 N.C.(2d) § 1, 2000; Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.140 - Special and emergency meetings.**

Special and emergency meetings shall be held and noticed in compliance with the terms and provisions of the Brown Act, Sections 54956 and 54956.5.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.150 - Closed sessions.**

Closed sessions shall be held and noticed in compliance with the terms and provisions of the Brown Act, Sections 54956.7 through 54957.8.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.160 - Annual goals meeting.**

The council shall at a regular meeting, or special meeting called for that purpose, and as soon as feasible after its annual reorganization meeting each year, determine its goals and the relative priority of such goals to which city staff and resources are to be committed for their accomplishment. The council may conduct such additional meetings on its goals throughout the year as deemed necessary or advisable.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> **Chapter 2.02 - CITY COUNCIL MEETINGS** >> V. - Chamber Attendance and Facilities >>

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### **V. - Chamber Attendance and Facilities**

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2.02.170 - Council chamber attendance; limitations.

2.02.180 - Facilities.

#### **2.02.170 - Council chamber attendance; limitations.**

Council chamber attendance shall be limited to the posted seating capacity thereof. Entrance to the city hall will be appropriately regulated by the city manager on occasions when the council chamber capacity is likely to be exceeded. While the council is in session, members of the public shall not remain standing in the council chamber except to address the council, and sitting on the floor shall not be permitted. During council meetings, no musical instruments, firearms (except in the possession of peace officers), toy firearms, placards or other items of potentially disruptive nature, shall be brought into the council chamber nor shall

any handbills or fliers be distributed in the council chamber. The council proceedings may be conveyed by loud speaker to those who have been unable to enter the council chamber.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.180 - Facilities.**

Regular and special meetings of the council shall be held in the council chamber, City Hall, 555 Santa Clara Street, Vallejo, California, or at such other locations as permitted by the Brown Act, Section 54954. Whenever at a regular or special meeting of the city council it is anticipated by the city manager that the attendance will be substantially greater than the posted capacity of the council chamber, the city manager may make arrangements for the use of a suitable alternative facility for such meeting of the council. The city council shall not conduct any regular or special meeting in any facility that prohibits the admittance of any person or persons on the basis of race, religion, creed, color, national origin, ancestry, gender, or sexual orientation. Facilities shall be accessible to the physically disabled.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.02 - CITY COUNCIL MEETINGS >> VI. - Decorum >>**

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## **VI. - Decorum**

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2.02.190 - Presiding officer.

2.02.200 - Responsibility of councilmembers.

2.02.210 - Responsibility of other persons.

2.02.220 - Remedies for disruption of council meeting.

### **2.02.190 - Presiding officer.**

The presiding officer, as described in Section 2.02.480, shall take all action reasonably necessary to preserve order at all times during council meetings.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.200 - Responsibility of councilmembers.**

During council meetings, councilmembers shall conduct themselves in accordance with these rules and in such a manner as to avoid disrupting the meeting. Except as otherwise provided in these rules, councilmembers shall abide by the rulings of the council and presiding officer.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.210 - Responsibility of other persons.**

Other persons attending council meetings shall observe these rules, any additional rules the council may establish or concur in for a particular matter, and the orders of the

presiding officer with respect to the conduct of the meeting. No person shall willfully disrupt or disturb any council meeting without lawful authority. This includes, but is not limited to, unsolicited comments, talking or making noise so loud as to interfere with the conduct of business at the meeting. No person shall approach a councilmember while the council is in session, unless specifically requested to do so by the presiding officer. Any message to, or contact with a councilmember while the council is in session shall be made through the city clerk.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.220 - Remedies for disruption of council meeting.**

- A. Any person who unlawfully disrupts or disturbs a council meeting may be removed and barred from further attendance before the council at that meeting, unless permission to remain or return is granted by a majority vote of the council.
- B. Decorum at the meeting shall be enforced in the following manner:
  - 1. **Warning.** The presiding officer shall request that a person who is disrupting or disturbing the meeting be orderly and silent. If, after receiving a warning from the presiding officer, a person persists in disrupting or disturbing the meeting, the presiding officer shall order him or her to leave the council meeting. If such person does not remove him or herself immediately, the presiding officer may order any security officer or other law enforcement officer who is on duty at the meeting as sergeant-at-arms of the council to remove that person from the council chamber.
  - 2. **Resisting or interference with removal.** Any person who resists removal or interferes with the removal of a person by the security officer may be charged with a violation of this section and/or any other applicable state penal statute, including, but not limited to, Penal Code, Section 148.
- C. Any person who unlawfully disrupts or disturbs a council meeting may be arrested for a violation of Penal Code, Section 403, or any other then applicable statute. Such arrest may be accomplished in any manner authorized by law, including, but not limited to, a citizen's arrest at the request of the presiding officer.
- D. In the event that any council meeting is willfully interrupted by a group or groups of persons 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 presiding officer or council may order the meeting room cleared and continue in session pursuant to the Brown Act, Section 54957.9, or any other then applicable statute.
- E. The remedies set forth above are in addition to any other remedies provided by law. The barring of a person from further attendance before the council at a meeting pursuant to Subsection A and the clearing of the meeting room pursuant to Subsection D are not intended to preclude the bringing of criminal charges against any person who unlawfully disrupts or disturbs the council meeting.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.02 - CITY COUNCIL MEETINGS >> VII. - Agenda and Order of Business for Regular Meetings >>**

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## VII. - Agenda and Order of Business for Regular Meetings

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2.02.230 - Items included.

2.02.240 - Preparation and posting.

2.02.250 - Order of business.

2.02.260 - Roll call.

2.02.270 - Special presentations.

2.02.280 - Minutes.

2.02.290 - Written communications.

2.02.300 - Community forum.

2.02.310 - Consent calendar.

2.02.320 - Approval of agenda.

2.02.325 - Action calendar.

2.02.330 - Public hearings—General.

2.02.340 - Procedures for public hearings on appeals from decisions of commissions or staff.

2.02.350 - Appointments to boards, commissions and committees.

2.02.360 - Payment of claims.

2.02.365 - Information calendar.

### **2.02.230 - Items included.**

Prior to a deadline established by the city manager for the preparation of a regular meeting agenda, items of business shall be included on the agenda at the request of the mayor, by an individual councilmember, by the city manager, or by the city attorney; provided, however, that no item of business which has been acted upon by the council at a prior meeting, within the past one year, shall be placed upon the written agenda except at the request of a councilmember who voted in the majority on such matter or question, or upon the consent in writing of a majority of the members of the council filed with the city clerk prior to the agenda's deadline.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.240 - Preparation and posting.**

The city manager or designee shall prepare and furnish to each councilmember and to the city attorney, and to such other persons as the council may designate, a written agenda for the regular meetings. The city manager or designee shall endeavor to arrange the agenda in such a manner that adjournment, if at all possible, shall be had no later than eleven p.m. of the date scheduled for the meeting. The written agenda shall be published and posted, and no action or discussion shall take place on any item not appearing on the posted agenda except as permitted by the terms and provisions of the Brown Act, Section 54954.2. The city clerk shall post the agenda on the bulletin board located immediately outside the front entry to city hall or other location that is freely accessible to members of the public at least seventy-two hours prior to the regular meeting. Not less than three copies of the agenda, with all attachments, placed in binders, shall be made available at the office of the city clerk for perusal by members of the public commencing at eight-thirty a.m. of the next business day following the posting of the agenda. At the place of the regular meeting, a copy of the agenda, plus all attachments, placed in a binder shall be available to members of the public thirty minutes prior and during the council meeting. Each member of the public shall be entitled to

receive a copy of the agenda, without attachments, free of charge by making a request for a copy in person at the office of the city clerk. Requests for agendas to be mailed shall be furnished upon receipt by the city clerk of self addressed, stamped, envelopes provided by the requesting party. A copy of the agenda, plus all attachments, placed in a binder, shall be delivered to the front desk of the JFK Public Library, 505 Santa Clara Street, Vallejo, California, at or before 9:30 a.m. of the day of the regular meeting, for the convenience of the public.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.250 - Order of business.**

The business of the council at its regular meetings shall be as set forth in the agenda as published and posted by the city manager or designee and shall be taken up for consideration and disposition in the order hereinafter set forth. On the majority vote of the council, a matter may be taken out of order as is deemed necessary or advisable so long as there is no discernible prejudice to the right of the public to be heard on the matter. Any item not on the posted agenda may be added to the agenda and considered only in the manner prescribed by the California Government Code Section 54954.2.

#### Order of Business

- A. Call to order;
- B. Pledge of allegiance;
- C. Roll call;
- D. Presentations and commendations;
- E. First community forum (fifteen minutes maximum);
- F. Comments on consent calendar by members of the public;
- G. Consent calendar and approval of agenda;
- H. Action calendar;
- I. Information calendar;
- J. City manager's report;
- K. City attorney's report;
- L. Second community forum;
- M. Reports of the presiding officer and councilmembers;
- N. Closed session; and
- O. Adjournment.

*(Ord. 1604 N.C.(2d) § 1, 2008; Ord. 1428 N.C.(2d) § 2, 2000; Ord. 1422 N.C.(2d) § 2 (part), 1999.)  
(Ord. No. 1640 N.C.(2d), § 2, 4-12-2011)*

### **2.02.260 - Roll call.**

After initial roll call by the city clerk, the later arrival of any absentee councilmember shall be entered in the minutes with the time of arrival to be noted.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.270 - Special presentations.**



Special presentations by members of the public to the council may be made from time to time provided that prior notice is given both the office of the city manager and the mayor's office that a special presentation is being planned, giving the subject matter and the date requested to appear on the agenda. The mayor and the city manager shall determine when the presentation shall appear on the agenda, scheduling it as promptly as time permits, taking into account the date requested.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.280 - Minutes.**

The city clerk shall distribute copies of the unadopted minutes of any previous meeting (s) to each councilmember along with the agenda and accompanying materials (agenda packet). Unless reading the minutes is requested by a councilmember, such minutes may be adopted on the consent calendar without reading.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.290 - Written communications.**

Written communications from the public to the council must be received by the city clerk not later than the time and date established by the city manager for preparation of the next meeting's agenda. The city clerk shall prepare copies of such communications for the members of the council. When the council so directs, appropriate replies shall be made by the city manager or other person designated by the council. Anonymous or unsigned communications shall not be submitted to the council for any purpose.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.300 - Community forum.**

The presiding officer shall announce, subsequent to presentations and commendations, that members of the public shall have the opportunity to directly address the council on items of interest to the public that are within the subject matter jurisdiction of the council. The conduct of this community forum shall be limited to a maximum of fifteen minutes, with each speaker limited to three minutes. A second community forum shall be announced by the presiding officer subsequent to the city attorney's report. The second community forum shall be subject to the same subject matter and individual speaker time limit as set forth above for the first community forum. Except as otherwise permitted by the Brown Act, Government Code Sections 54954.2 and 54954.3, no discussion or action shall be taken on matters brought up during the community forum.

*(Ord. 1604 N.C.(2d) § 2, 2008; Ord. 1428 N.C.(2d) § 3, 2000; Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.310 - Consent calendar.**

The city manager, city attorney, or the city clerk may recommend that certain items be placed on the consent calendar for action by the council. Each item placed on the consent calendar shall appear with a recommendation of the city manager or city attorney as to the action to be taken by the council. Upon motion of any councilmember, all items placed upon the consent calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the city manager or city attorney. If any councilmember

requests removal of any item from the consent calendar, or if any member of the public requests removal of an item for the purpose of addressing it and the council by a majority vote concurs in that request, the item shall be removed from the consent calendar and shall be heard and acted upon immediately after the approval of the consent calendar and approval of agenda. Consistent with the Brown Act, prior to the council taking action on the consent calendar and approval of agenda, members of the public shall be given the opportunity to directly address the council on any item appearing on the consent calendar, including requesting the removal of any item thereon as set forth above, with each speaker limited to three minutes.

*(Ord. 1428 N.C.(2d) § 4, 2000; Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.320 - Approval of agenda.**

After making such changes in the agenda, if any, as permitted under these rules of order and procedure and the applicable state law, the council shall approve the agenda, which shall be and constitute the agenda of business to be considered at the meeting. The motion offered to approve the agenda shall include the adoption of the consent calendar.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.325 - Action calendar.**

The action calendar may include, but is not limited to, the following items:

- A. Public hearings;
- B. Policy items;
- C. Administrative items; and
- D. Appointments to boards, commissions, and committees.

*(Ord. No. 1640 N.C.(2d), § 3, 4-12-2011)*

### **2.02.330 - Public hearings—General.**

- A. The council may from time to time order that public hearings be conducted on items of public interest even though such may not be required by law. The presiding officer, with the consent of the council, may set a reasonable time limit in which the public hearing is to be conducted. Anyone desiring to address the council on the subject of the public hearing shall conform to the provisions of Section 2.02.400. The presiding officer may direct those making a presentation to avoid repetition in order to permit maximum information to be provided the council, and may require that one person be designated to represent groups or organizations to facilitate maximum community input.
- B. Procedure for Hearing.
  - 1. The city clerk shall announce the public hearing.
  - 2. The staff report, if any, shall be presented.
  - 3. The presiding officer shall declare the public hearing open.
  - 4. The council shall hear those members of the public interested in the matter. The presiding officer:
    - a. May limit individual presentations, may limit the amount of time allotted for public input, and may limit the number of speakers with similar positions.
    - b.

May order that no person speak more than once until all persons wishing to speak have spoken once.

- c. May use the card system provided for in Section 2.02.400
5. The presiding officer shall close the public hearing.
6. A councilmember:
  - a. May question any speaker during the hearing.
  - b. Shall not introduce a motion, resolution, or ordinance to approve, modify, or deny the subject matter being heard until the public hearing is closed by the presiding officer.

*(Ord. 1461 N.C.(2d) § 1 (part), 2001; Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.340 - Procedures for public hearings on appeals from decisions of commissions or staff.**

- A. On an appeal to the council from a decision of a commission or staff, the city clerk shall secure from the appropriate department the documents upon which the commission or staff has acted. The city clerk shall inform the appellant that the council will not consider the appeal if any concept, substantive portion, or detail of the plan(s) or document(s) upon which the commission or staff has acted will be changed by the time of the hearing. Should the appellant desire to submit any new or illustrative material at the time of the hearing, the appellant shall first submit it to the originating department, which shall certify on the material whether or not the additional material conforms to that upon which the commission or staff has acted. The material, so certified, shall then be delivered to the city clerk.
- B. Procedure for Hearing.
  1. The city clerk shall announce the public hearing.
  2. The staff report shall be presented.
  3. The commission report shall be presented.
  4. The presiding officer shall declare the public hearing open.
  5. The presiding officer shall first call on the appellant to be heard, with twenty minutes as the time limit for presentation. If the appellant is not also the applicant, the applicant shall be permitted ten minutes for rebuttal. Ten minutes shall then be permitted the commission representative or staff for rebuttal, and ten minutes thereafter for surrebuttal by the appellant. These time limitations may be extended by permission of the council. Presentation of plans or drawings containing substantive changes from those upon which the commission or staff has acted shall be ruled out of order.
  6. The council shall hear those members of the public interested in the appeal. The presiding officer:
    - a. May limit individual presentations, may limit the amount of time allotted for public input, and may limit the number of speakers with similar positions;
    - b. May order that no person speak more than once until all persons wishing to speak have spoken once;
    - c. May use the card system provided for in Section 2.02.400
  7. The presiding officer shall close the public hearing.
  8. A councilmember:
    - a. May question any speaker during the hearing.

- b. Shall not introduce a motion, resolution, or ordinance to approve, modify, or deny the subject matter being heard until the public hearing is closed by the presiding officer.
- C. Any appellate hearing being held, or noticed or ordered to be held, may by the council at any meeting be continued or reconvened to any subsequent meeting, in the same manner and to the same extent set forth herein for the adjournment of meetings; provided, however, if the hearing is continued to a time less than twenty-four hours after the time specified in the original order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or notice of continuance was adopted.

(Ord. 1461 N.C.(2d) § 2 (part), 2001; Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.350 - Appointments to boards, commissions and committees.**

- A. At the expiration of the designated terms of office of those members of various boards, commissions, and standing committees, or upon a vacancy in such office, the council shall be notified by the city clerk, and appointments shall be made by the council to fill such offices with qualified persons. Prior to the council making the appointments, the city clerk shall post and otherwise advertise the fact of such vacancies, and solicit applications therefor, in the manner and for the time prescribed by law.
- B. Any person who wishes to be considered for appointment or reappointment to a board, commission, or committee, shall submit an application on the form supplied by the city clerk and within a time limit set by the city clerk. Failure to do so shall be grounds for disqualification.
- C. At least five days before the meeting scheduled to make such appointments, the city clerk shall deliver to the councilmembers all resumes and applications submitted by interested citizens who have expressed a willingness to serve the city in the office(s) to be filled.
- D. Appointments to boards, commissions and committees shall be considered and acted upon by the council in open public meetings of the council, unless otherwise permitted by law.
- E. Appointments to committees composed solely of councilmembers, and appointments to special ad hoc committees of limited duration or purpose, shall be made by the mayor with the consent of the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.360 - Payment of claims.**

- A. All demands, invoices or claims for purchases, supplies or services included within budgetary appropriations shall be presented in writing to the finance director.
- B. Each demand shall be appropriately documented to the standards of best business practices as provided by general accounting principles.
- C. Such demands, invoices, or claims shall be audited by finance director or his or her designee, who shall prepare a check register.
- D. The check register shall be ratified by the city council at a regular city council meeting. An affidavit of the finance director shall be attached to the check register certifying its accuracy.
- E.

Payroll claims paid by checks or electronic transfer and nonpayroll claims paid by electronic transfers shall be presented to the city council for ratification and approval in the form of an audited comprehensive annual financial report.

- F. All claims shall be paid by checks, petty cash, or electronic transfer.

(Ord. 1588 N.C.(2d) § 1, 2007; Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.365 - Information calendar.**

The information calendar may include, but is not limited to, the following items:

- A. Information reports;
- B. Presentations that are not scheduled for another section of the agenda;
- C. Study sessions; and
- D. Written communication.

(Ord. No. 1640 N.C.(2d), § 4, 4-12-2011)

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### **VIII. - Public Participation**

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2.02.370 - Policy.

2.02.380 - Addressing the council.

2.02.390 - Spokespersons.

2.02.400 - Card system.

2.02.410 - Method for obtaining recognition by presiding officer.

2.02.420 - Time limit.

2.02.430 - Discussion between citizens and council.

2.02.440 - Topic for discussion.

2.02.450 - Manner of addressing council.

2.02.460 - Repetition.

### **2.02.370 - Policy.**

Pursuant to the Brown Act, Section 54954.3, members of the public shall be afforded the opportunity to speak on any agenda item of a substantive nature providing they are first recognized by the presiding officer.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.380 - Addressing the council.**

Any person desiring to address the council by oral communication shall first secure the permission of the presiding officer; provided, however, that preference will be given to those persons who have submitted a card provided for that purpose, or in the absence of the card system those who have submitted to the city clerk a written request in advance or at the commencement of the meeting of their desire to speak, and they will be given preferential recognition by the presiding officer in the order in which received.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.390 - Spokespersons.**

Designated spokespersons for recognized groups or organizations may be given priority over individuals who desire to address the council.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.400 - Card system.**

Cards will be available at the rear of the council chambers for persons who wish to address the council at a public hearing or on another item of agenda business. After filling out the information requested, the cards shall be handed to the city clerk or designated staff member, no earlier than fifteen minutes before the commencement of the meeting. The presiding officer will call on those wishing to speak in the order in which the cards are received, except as provided elsewhere in this chapter. After such persons are heard, the presiding officer may then call for any additional speakers.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.410 - Method for obtaining recognition by presiding officer.**

If a written request for permission to address the council has not been submitted, a person wishing to gain recognition may approach the speaker's podium and wait, silently, to be recognized by the presiding officer.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.420 - Time limit.**

Persons wishing to address the council on items of business listed on the agenda will have five minutes to do so; provided, however, that any speaker may request additional time and will be granted such only with the permission of the presiding officer and subject to the consent of the council.

*(Ord. 1428 N.C.(2d) § 5, 2000; Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.430 - Discussion between citizens and council.**

All remarks shall be addressed to the council as a body and not any member thereof. No person, other than the presiding officer, council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember or member of the staff except through the presiding officer.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.440 - Topic for discussion.**

Members of the public shall address their remarks only to the agenda item then under discussion by the city council.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.450 - Manner of addressing council.**

Prior to speaking, each member of the public shall state their name and business or home address in a clear and audible tone of voice.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.460 - Repetition.**

Recognized speakers shall refrain from unnecessary repetition of issues and points already raised by previous speakers.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

Vallejo, California, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> **Chapter 2.02 - CITY COUNCIL MEETINGS** >> IX. - Rules of Order and Debate >>

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## **IX. - Rules of Order and Debate**

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- 2.02.470 - Rules of order.
- 2.02.480 - Presiding officer.
- 2.02.490 - Preservation of order.
- 2.02.500 - Points of order.
- 2.02.510 - Personal privilege.
- 2.02.520 - Dissents and protests.
- 2.02.530 - Councilmembers.
- 2.02.540 - Discussion prior to formal action.
- 2.02.550 - Second not required.
- 2.02.560 - Amendment.
- 2.02.570 - Substitute motion.
- 2.02.580 - Division of question.
- 2.02.590 - Motion to postpone.
- 2.02.600 - Motion to refer.
- 2.02.610 - Motion to close debate (previous question); limit debate.
- 2.02.620 - Motion to table.
- 2.02.630 - To withdraw a motion.
- 2.02.640 - Motion to reconsider.
- 2.02.650 - Motion to reconsider at subsequent meeting.
- 2.02.660 - Method of voting.
- 2.02.670 - Tie vote.
- 2.02.680 - Abstention.
- 2.02.690 - Point of order.
- 2.02.700 - Appeal from the decision of the presiding officer.
- 2.02.710 - Points of information.
- 2.02.720 - Motion to adjourn or recess.
- 2.02.730 - Precedence of motions.

**2.02.470 - Rules of order.**

At all meetings of the council, Roberts Rules of Order, as amended, shall be the governing rules of order and debate, unless such are in conflict with these rules, in which case these rules shall apply and govern.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.480 - Presiding officer.**

The mayor, if present, shall preside at all meetings of the council. In the absence of the mayor, the vice-mayor shall preside. In the absence of the mayor and the vice-mayor, the senior councilmember present shall preside. The presiding officer may debate and vote, and may make a motion, offer a resolution, or introduce an ordinance, without relinquishing the chair.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.490 - Preservation of order.**

The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of councilmembers' motives, confine councilmembers in debate to the question under discussion, and otherwise curtail disruption of the meeting.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.500 - Points of order.**

The presiding officer shall determine all points of order, subject to the right of any councilmember to appeal to the council. If an appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained?"

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.510 - Personal privilege.**

The right of a councilmember to address the council on a question of privilege shall be limited to cases in which the member's integrity, character or motives are assailed, questioned or impugned.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.520 - Dissents and protests.**

Any councilmember shall have the right to dissent from any action of the council or ruling of the presiding officer and have the reason therefor entered in the minutes. Such dissent shall be in writing, couched in respectful terms, and presented to the council not later than the next regular meeting following the date of such action.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.530 - Councilmembers.**



Councilmembers desiring to speak shall so signify by utilizing the lighting system provided for that purpose, or in its absence shall address the presiding officer. The presiding officer shall call upon councilmembers in the sequence in which they have sought recognition. A councilmember shall not call for a showing of hands or other demonstration of those present in the audience, unless granted permission to do so by the presiding officer. No councilmember may speak for longer than fifteen minutes at any one time, unless additional time is granted upon a majority vote of the council.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.540 - Discussion prior to formal action.**

It shall not be necessary to make a motion, offer a resolution, or introduce an ordinance, before debate by the council, or before the public is allowed to speak. No such motion or resolution, or introduction of an ordinance, shall be made at any time before a public hearing is closed.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.550 - Second not required.**

A second shall not be required in order to make a motion, offer a resolution, or introduce an ordinance for council action.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.560 - Amendment.**

An amendment merely changes the wording of the motion or matter to be voted upon; it is made by striking out, inserting, adding, or substituting certain words, phrases, sentences or paragraphs in the original motion. An amendment to an amendment cannot be amended, i.e., there can be no more than two amendments under consideration at the same time.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999. )*

#### **2.02.570 - Substitute motion.**

A substitute motion, proposing to strike out the entire original motion and to insert in its place a more satisfactory motion, ranks as an amendment to the main motion.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.580 - Division of question.**

If a motion, or any proposed amendment thereto, contains two or more separable propositions, the presiding officer may, and upon request of a councilmember shall, divide the question.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.590 - Motion to postpone.**

A.

A motion to postpone indefinitely is debatable if the main motion to which it applies is debatable. The motion cannot be amended nor referred. If carried, the subject cannot be brought up again except byway of a motion to reconsider at a subsequent meeting as provided in Section 2.02.660

- B. A motion to postpone definitely (i.e. to a time certain), has priority over motions to refer, to amend, to postpone indefinitely, and the main motion. It is debatable as to desirability of postponement and the time to which postponement is to be made. It can be amended by changing the time to which postponement is to be made. It yields only to a motion to close debate or to table.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.600 - Motion to refer.**

A motion may be made to refer the question at hand to a specified committee, staff member, other person, or to a special committee to be appointed. The motion is debatable as to desirability of referring, as to size and method of appointment of the committee if one is to be appointed, and as to instructions and responsibility of those to whom referred. The motion shall have priority over the main motion, a motion to amend, and a motion to postpone indefinitely. It cannot be tabled or postponed.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.610 - Motion to close debate (previous question); limit debate.**

- A. A motion to close debate requires a two-thirds vote for passage. It is not debatable and cannot be amended. It yields only to a motion to lay on the table. If the motion carries, and unless the motion is made to include "all pending questions," the presiding officer shall put pending amendments to the main question, without debate, in the inverse order of their introduction, before putting the main question to vote.
- B. A motion to limit debate shall be subject to the same rules as a motion to close debate, said motion to specify time limits for each speaker, or the number of speakers for affirmative and negative sides, or the total time limit for consideration of the main motion or question.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.620 - Motion to table.**

A motion to table (i.e. to lay on the table) is not debatable and cannot be amended. The motion is in order where a motion to close debate has been carried, or when it is pending. The motion is proper only when the pending subject needs to be set aside temporarily because something else of immediate urgency has arisen. If the motion is carried, consideration of the subject matter may be resumed at that meeting or the next succeeding meeting on motion to take from the table made by any councilmember, and if not taken up by that time, the subject expires. The subject, however, may be reintroduced before the city council at a later date as a new matter.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

### **2.02.630 - To withdraw a motion.**

A motion or offer of a resolution may be withdrawn by the maker at any time before vote by the council, after first gaining recognition from the presiding officer.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.640 - Motion to reconsider.**

A motion to reconsider any action taken by the council may be made at any time at the meeting such action was taken or at a recessed session of that meeting. The motion may be made only by a councilmember who had previously voted with the prevailing side. A resolution or motion authorizing or relating to the approval of a contract may be reconsidered only prior to the actual execution of the contract. A question can be reconsidered only once during the meeting.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.650 - Motion to reconsider at subsequent meeting.**

After the council has taken action on a matter or question, a motion to reconsider that action, or to reconsider any prior action taken on a matter or question having substantially the same content or purpose of the matter already acted upon, shall not be made at any subsequent meeting for at least one calendar year from the date of such action, except by a councilmember who voted in the majority on such matter or question, or upon the written consent of majority of councilmembers filed with the city clerk. The item then before the council shall be whether the matter or question should be reconsidered, and, if the council approves the request, the matter or question shall be placed on a future agenda for consideration.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.660 - Method of voting.**

Votes of the council shall be cast and displayed on the electronic voting board so that each councilmember's vote may be recorded by the city clerk. In the event of a breakdown or a malfunction of the electronic voting equipment, the city clerk shall call the roll for voting in the descending order that the names of the councilmembers appear on the electronic voting board. At the conclusion of the voting the clerk shall announce the results of the vote by stating whether the measure carried or failed and by what vote. Voting by proxy shall not be permitted.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

#### **2.02.670 - Tie vote.**

Except as otherwise provided by the city Charter or by general law, the affirmative vote of at least four councilmembers shall be necessary to adopt any ordinance, resolution or motion. Any question on which the vote is tied is lost, provided, that the presiding officer or any councilmember may request the city clerk to carry over the item to the next regular meeting at which a full council will be present.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.680 - Abstention.**

It shall be the duty of each councilmember present at a meeting of the council to vote on each matter or question before the council for action, unless:

- A. Disqualified under the terms of the Political Reform Act (Government Code, Sections 87100, et seq.) wherein it is reasonably foreseeable that the decision would have a material financial effect on the councilmember, the councilmember's immediate family, or on specified economic interests of the councilmember if that financial effect is different from the effect on the general public; or
- B. Disqualified under the terms of Government Code, Sections 1090 et seq., dealing with public 3 contracts in which the councilmember may have a direct or indirect financial interest, the prohibition including preliminary discussions, negotiations, planning, and solicitation of bids.
- C. Abstention for any reason other than those mentioned above shall constitute consent to the action proposed, and the city clerk shall announce at the meeting and enter in the minutes that the abstention was cast as an "aye" vote pursuant to this rule.
- D. Nothing in this section is intended to abrogate the judicially declared "limited rule of necessity" adopted in the state pertaining to the duty of members of public and legislative bodies to vote on matters which require their action.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.690 - Point of order.**

A councilmember may, without waiting for recognition, rise to a point of order to secure a ruling from the presiding officer on a matter thought to be of sufficient importance to require immediate attention. A councilmember may:

- A. Question the validity of the parliamentary procedure being followed;
- B. Call a speaker to order for the inappropriate use of language or any breach of decorum;
- C. Call attention to a condition that inconveniences members;
- D. Raise a parliamentary inquiry, or call attention to a violation of correct procedure; or
- E. Question a ruling by the presiding officer on a point of parliamentary procedure prior to appealing the decision of the presiding officer to the council.

Rising to a point of order is in order at any time, may interrupt a speaker who has the floor, is not debatable, cannot be amended, and requires no vote of the council. The councilmember rising to a point of order may explain his/her position and the presiding officer may state his/her position in ruling on the request.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

**2.02.700 - Appeal from the decision of the presiding officer.**

A councilmember may appeal to the council a decision or ruling of the presiding officer. It must be made immediately following the decision or ruling in question, and it may be made when another has been recognized (had the floor). The motion is debatable if appeal is to a

decision regarding a debatable motion. It may not be amended, postponed, or referred to a committee. It is not debatable if the ruling appealed relates to decorum or violation of rules of speaking, or is made when an undebatable motion is pending. The appeal is subject to a motion to close debate and to table when debatable. The motion may be reconsidered.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.710 - Points of information.**

A councilmember may make a request for information relevant to the business at hand but not related to parliamentary procedure. The request may be directed to the presiding officer or through the presiding officer to another councilmember or to an officer or employee of the city. The request must be put in the form of a question. If directed to a councilmember who has the floor, the presiding officer will ask consent of the speaker to the interruption.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.720 - Motion to adjourn or recess.**

An unqualified motion to adjourn has priority over all other motions except the motion to fix time of the next meeting. It is always in order, except:

- A. When repeated without intervening business or discussion;
- B. When made as an interruption of a councilmember speaking;
- C. When a previous question has been ordered and is being discussed; and
- D. While a vote is being taken.

The motion to adjourn is not debatable and cannot be amended. Before putting the motion to adjourn to vote of the council, the presiding officer may inform the council of any important matter demanding its attention and consideration before adjournment.

As a privileged motion, that is, when other business is pending, the motion to recess yields only to the unqualified motion to adjourn and to the motion to fix time of the next meeting. After a recess business proceeds from the point reached immediately preceding the recess.

*(Ord. 1422 N.C.(2d) § 2 (part), 1999.)*

### **2.02.730 - Precedence of motions.**

When a question or motion is before the council, only the following motions may be entertained, in descending order of preference.

- A. A motion to fix the time of the next meeting under Section 2.02.720
- B. A motion to adjourn under Section 2.02.720
- C. A motion to table or lay on the table under Section 2.02.620
- D. A motion to close debate under Section 2.02.610
- E. A motion to refer under Section 2.02.600
- F. A motion to postpone definitely or to a time certain under Section 2.02.590
- G. A motion to postpone indefinitely under Section 2.02.590
- H.

An amendment, motion to amend, or a substitute motion under Sections 2.02.560 and 2.02.570

The debatability of any such motion is as described in the sections referred to hereinabove. No such motion shall be entertained, though, if it is not in order.

*(Ord. 1428 N.C.(2d) § 6, 2000.)*