

CITY OF ALAMEDA RESOLUTION NO. 12567

ESTABLISHING THE RULES OF ORDER
GOVERNING THE PROCEEDINGS AND ORDER OF BUSINESS
OF CITY COUNCIL MEETINGS AND
REPEALING RESOLUTION NO. 12120
ESTABLISHING TIME LIMITS FOR PUBLIC DISCUSSION
AT CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Alameda desires to have all citizens fully participate in the proceedings of the City Council; and

WHEREAS, Government Code Sections 36813 and 54954.3 give the City Council wide discretion to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings; and

WHEREAS, Ordinance No. 2674, approved at the August 16, 1994 City Council meeting, states that Rules of Order of City Council meetings shall be set by City Council resolution; and

WHEREAS, Alameda Municipal Code subsection 2-1.8 provides that the City Council may adopt rules for the conduct and control of its meetings that are not inconsistent with Chapter II of the Alameda Municipal Code or the City Charter of the City of Alameda.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that the following Rules of Order govern the proceedings and order of business at City Council meetings:

Section 1. Rules of Order.

The following definitions and rules shall govern the proceedings and order of business of the Council:

a. Under the item of business entitled, "written communications", the Council may consider and dispose of the matter raised by any such writing here or under "oral communications, non-agenda", and may permit the writer thereof, or his/her authorized representative, to address the Council on such matter.

b. The item of business entitled "oral communications, non-agenda", is to inform the public that anyone wishing to speak on any item on the agenda or business brought up by Councilmembers which is not on the agenda may be permitted to do so when the subject is brought up for discussion.

c. Hearings shall consist of matters wherein notice and public hearings are required by law and such matters as the Council may deem necessary or desirable to schedule for public hearing. No member of the Council shall discuss or listen to discussion of the facts of any matter which by law requires evidence to be taken at a public hearing by the City Council while such matter is pending before the City Council or any agency thereof, except in open meeting of the Council, nor shall the facts of any such matter which may probably be the subject of public hearing by the City

Approved as to Form

CITY ATTORNEY

Council be discussed outside of any Council meeting by any member thereof.

d. Ordinances for introduction listed on the agenda shall be acted upon and introduced by usual motion and vote thereon, provided, however, that nothing herein shall be deemed to restrict the right of any member of the Council to introduce proposed legislation without necessity of such motion and vote.

An ordinance may be introduced and finally adopted by reading its title only, or a summary of the title, and a copy thereof shall be delivered to each member of the Council prior to its final passage. Delivery may be made by leaving such copy with a Councilmember personally, or at the place designated by the member for leaving notices pursuant to Section 3-7(b) of the Charter of the City, or by depositing such a copy in the United States Post Office, enclosed in a sealed envelope, with postage thereon prepaid, addressed to the member's residence.

e. Under the item of business entitled, oral communications, nonagenda items", any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that it is not on the agenda.

f. Appeals shall be presented to the Council as required by law. Persons other than parties to the appeal may speak only by permission of the Council. No member of the Council shall discuss the evidence applicable to an appeal with non-councilmembers while such matter is pending except in open meeting of the Council.

g. Items listed under the "consent calendar" are considered routine and will be enacted, approved, or adopted by one (1) motion, unless a request for removal for discussion or explanation is received from the Council or a member of the public.

h. Prior to public discussion or Council deliberation the presiding officer or other person designated thereby shall describe the item of business before the Council.

i. Public Discussion.

1. Permission. Any person addressing the Council shall first secure the permission of the presiding officer.

2. Not a Debate. Public discussion should not be used to elicit a debate between Councilmembers and the public. Speakers should not be interrupted unless they are out of order.

3. Except for public hearings and other specified situations, no one, including Councilmembers, shall speak for more than (3) minutes. The Mayor, as Presiding Officer, may grant additional time upon determination that the information is of interest. Spokepersons may speak for up to fifteen (15) minutes at the discretion of the Mayor, a Presiding Officer. At public hearings, the Council may establish similar or longer time limits prior to commencement of the hearing as well as establish an overall time period for the hearing.

4. Pending Motion. When a motion is pending before the Council, no person other than a Councilmember shall address the Council without first securing the permission of the Council to do so.

5. Public discussion shall precede Council deliberation unless a motion to deliberate first is adopted; (public discussion may follow Council deliberation).

6. No discussion shall be permitted without approval of the Council after a motion which would terminate further deliberation has been adopted. Such permission shall be given where both a public hearing is required by law and the speaker states that he/she has evidence to give which has not yet been put into the record.

j. Council Deliberation.

1. Presiding Officer May Deliberate. The presiding officer may deliberate from the chair, subject only to such limitations of deliberation as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of his/her acting as the presiding officer.

2. Getting the Floor; Improper References to be Avoided. Every member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under deliberation, avoiding all personalities and indecorous language.

3. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call the member to order, or as herein otherwise provided. If a member, while speaking, be called to order, the member shall cease speaking until the question of order be determined, and if in order, said member shall be permitted to proceed.

4. Remarks of Councilmember; When Entered in Minutes. Any Councilmember may request, through the presiding officer, the privilege of having a written abstract of the member's statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

5. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only on the date such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one (1) of the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council or a motion to rescind.

6. Repeal or Amendment of Action Requiring More than a Majority Vote. Any ordinance or resolution which is passed and which, as part of its terms, requires more than a majority vote of the Council in order to pass a motion pursuant to such an ordinance or resolution, shall require a vote of the same percent of the Council to repeal or amend the ordinance or resolution.

7. Motion to Table. A motion to lay on the table shall preclude all amendments on deliberation of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority.

8. Motion to Call for Question or Continue to a Date Specific. A motion to call for the question or continue the matter to a specific date shall preclude all amendments to or deliberation of the subject under consideration and is not debatable.

9. Statement of Position. When a motion to call for question or table is adopted, each member of the Council may briefly state his/her position on the matter before roll call or call for the next item of business.

10. Privilege of Closing Deliberation. The Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the deliberations or making the final statement.

11. Division of Question. If the question contains two (2) or more divisionable propositions, the presiding officer may, and upon request of a member shall, divide the same.

12. Second Required. All motions except for nominations and a point of order shall require a second.

13. Miscellaneous. All other matters not covered by these rules shall be decided by a majority of the Council. Robert's Rules of Order may be used as a guide.

14. Voting Procedure. When a majority vote cannot be reached on matters where more than two (2) candidates or propositions are at issue, the issue shall be decided by successive votes wherein the candidate or proposition receiving the least number of votes on each vote shall be eliminated for the next vote until a majority vote is reached. Preferential voting or point system voting shall not be used.

k. Meetings will be adjourned at 11:00 p.m. unless the Council adopts a motion to continue.

Section 2. The City Council, by majority vote of a quorum, may waive the rules set forth in Section 1.

Section 3. The City Council hereby repeals Resolution No. 12120, adopted June 18, 1991, which established the time limits for public discussion at City Council meetings now included in Section 1.

BE IT FURTHER RESOLVED that this Resolution shall not become effective until the effective date of the adoption of the required implementing ordinance.

* * * * *

Revised 8/9/94

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 16th day of August, 1994, by the following vote to wit:

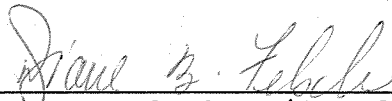
AYES: Councilmembers Appezzato, Arnerich, Lucas, Roth and President Withrow - 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 17th day of August, 1994.



Diane B. Felsch, City Clerk
City of Alameda