



City of Alameda

Staff Report

File Number:2017-4103

City Council

Agenda Date: 5/2/2017

File Type: Council Referral

Agenda Number: 9-B

Consider Reviewing and Updating the Rules of Order for City Council Agendas and Meetings.
(Councilmember Matarrese) [Not heard on April 18, 2017]

COUNCIL REFERRAL FORM

Name of Councilmember requesting referral: Frank Matarrese

Date of submission to City Clerk (must be submitted before 5:00 p.m. on the Monday two weeks before the Council meeting requested): 20 Mar 2017

Council Meeting date: 18 April 2017

Brief description of the subject to be printed on the agenda, sufficient to inform the City Council and public of the nature of the referral:

Review and Update Rules of Order for City Council Agendas and Meetings

Request that the City Council consider appointing a subcommittee of its members or tasking the Open Government Committee to review the rules of order governing City Council Meeting Agendas and the conduct of City Council meetings and to provide recommendations to the City Council for updating and/or clarifying resolutions which set rules for City Council agendas and conduct of meetings.

Justification:

At the City Council workshop of February 17 there was confusion which arose from the way the agenda described the session and the rules for public input.

At the regular City Council meeting of March 7 there was confusion about whether speakers could address a closed session item from the special meeting which preceded the regular meeting during regular Items 4 and 8, where the public may speak to items not on the agenda.

There is a question as to restrictions on what the public may address under "Oral Communications, Non- Agenda Items 4 and 8 (ref. Resolution 12567 section 1.a).

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These justifications are presented as examples only, in support of the need for a review and recommendations for reviewing for clarity and, if necessary, revising and/or further clarifying applicable rules of order.

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

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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:

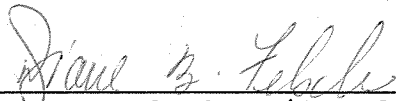
AYES: Councilmembers Appezzato, Arnerich, Lucas, Roth and President Withrow - 5.

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

CITY OF ALAMEDA RESOLUTION NO. 12611

AMENDING RESOLUTION NO. 12567 ESTABLISHING THE RULES OF ORDER GOVERNING THE PROCEEDINGS AND ORDER OF BUSINESS OF CITY COUNCIL MEETINGS, BY AMENDING SECTION 1(k) PERTAINING TO ADJOURNMENT OF 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 gives the City Council discretion to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings; and

WHEREAS, Ordinance No. 2674, adopted 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, Resolution No. 12567, adopted at the August 16, 1994 City Council meeting, establishes the Rules of Order governing the proceedings and Order of Business of City Council meetings; and

WHEREAS, Section 1(k) of Resolution No. 12567 presently states that City Council meetings will be adjourned at 11:00 p.m. unless the Council adopts a motion to continue; and

WHEREAS, the City Council desires that City Council meetings be adjourned upon completion of the agenda item under consideration at 12:00 Midnight, unless the City Council adopts a motion to continue the meeting to hear those items that require Council action prior to the next regularly scheduled Council meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda, that Section 1(k) of Resolution No. 12567 be amended to read:

Section 1. Rules of Order

k. Meetings will be adjourned upon completion of the agenda item under consideration at 12:00 Midnight. No new agenda items shall be heard or acted upon after 12:00 Midnight, unless the City Council adopts a motion to continue the meeting to hear those items that require Council action prior to the next regularly scheduled Council meeting. Items not heard shall be carried forward to the next regularly scheduled City Council meeting and placed at the beginning of the agenda for that City Council meeting.

* * * * *

Approved as to Form
[Signature]
CITY ATTORNEY

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 17th day of January, 1995, by the following vote to wit:

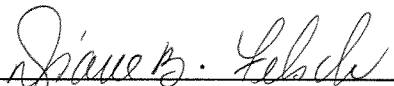
AYES: Councilmembers Arnerich, DeWitt, Lucas,
Mannix and President Appezzato - 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of January, 1995.



Diane B. Felsch, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. 13031

AMENDING RESOLUTION NO. 12567
ESTABLISHING THE RULES OF ORDER
GOVERNING THE PROCEEDINGS AND ORDER OF BUSINESS
OF CITY COUNCIL MEETINGS
BY ADDING SECTION 1 (I)
PERTAINING TO ANNOUNCEMENTS 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, Resolution No. 12567, adopted at the August 16, 1994 City Council meeting, establishes the Rules of Order governing the Proceedings and Order of Business of City Council meetings; and

WHEREAS, the City Council desires that the City Council meetings Order of Business be amended to include: 3. Proclamations, Special Orders of the Day and Announcements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda, that Resolution No. 12567 be amended by adding section 1(I) to read:

Section 1. Rules of Order.

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

1. Under the item of business entitled Proclamations, Special Orders of the Day and Announcements, "Announcements" is a non-discussion item intended to allow the Mayor and Councilmembers the opportunity to inform the public of upcoming events of community interest and the community activities of the City's Mayor and Councilmembers.

* * * * *

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CITY ATTORNEY

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 4th day of August, 1998, by the following vote to wit:

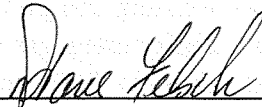
AYES: Councilmembers Daysog, DeWitt and Lucas - 3.

NOES: Councilmember Kerr - 1.

ABSENT: None.

ABSTENTIONS: President Appezzato - 1.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 5th day of August, 1998.



Diane Felsch, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. 13304

AMENDING RESOLUTION NO. 12567
ESTABLISHING THE RULES OF ORDER
GOVERNING THE PROCEEDINGS AND ORDER OF BUSINESS
OF CITY COUNCIL MEETINGS BY
REPEALING SECTION 1(c) OF THE CITY COUNCIL RULES OF ORDER

WHEREAS, Section 1(c) of the City Council Rules of Order was originally adopted prior to 1970; and

WHEREAS, Resolution No. 12567, adopted by City Council on August 17, 1994, established the Rules of Order governing the proceedings and Order of Business of City Council meeting; and

WHEREAS, Section 1(c) of the City Council Rules of Order was designed to comply with the State law which requires review of quasi-adjudicative decisions made by subordinate Boards and Commissions to be based solely upon the record before City Council; and

WHEREAS, the Planning Board is the only City Board or Commission which has the authority to make such quasi-adjudicative rulings; and

WHEREAS, in the mid- 1990's the Alameda Municipal Code was amended to make all such Planning Board decisions subject to de novo review by City Council; and

WHEREAS, such amendment to the Alameda Municipal Code makes Section 1(c) of the City Council Rules of Order obsolete and irrelevant; and

WHEREAS, it is appropriate for City Council to consider all information and evidence available to it when reviewing Planning Board decisions under the de novo standard of review; and

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alameda does hereby amend Resolution No. 12567 by repealing section 1(c) of the City Council Rules of Order.

* * * * *

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 January, 2001, by the following vote to wit:

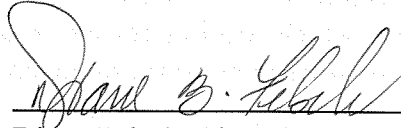
AYES: Councilmembers Daysog, DeWitt, Johnson and Kerr - 4.

NOES: None.

ABSENT: Mayor Appezzato - 1.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 17th day of January, 2001.


Diane Felsch, City Clerk
City of Alameda

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CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. 14544

AMENDING RESOLUTION NO. 12121
SETTING THE ORDER OF BUSINESS
OF CITY OF ALAMEDA CITY COUNCIL MEETINGS

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City Attorney

WHEREAS, Government Code Sections 36812 and 54954.3 give the City Council direction to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings; and

WHEREAS, the City Council at the May 21, 1991, City Council meeting approved Ordinance 2556, establishing that Order of Business may be established by Resolution; and

WHEREAS, the City Council at the June 18, 1991, City Council meeting approved Resolution No. 12121, setting the Order of Business of City of Alameda City Council Meetings; and

WHEREAS, it is desired that the Order of Business be amended to include a section of Oral Communications after Proclamations, Special Orders of the Day and Announcements in order to allow 15 minutes of public comment prior to action items; and

WHEREAS it is desired that the Order of Business be amended to moved City Manager Communications after Agenda Items.

NOW, THEREFORE, BE IT RESOLVED that the Order of Business be amended as follows:

Section 1. At the hour appointed for each regular meeting, the members of the Council, City Manager, City Attorney and City Clerk shall assemble in the designated location. Thereupon, business shall be taken up for consideration and disposition in the order established by Resolution of the City Council in the following order:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Oral Communications, Non-Agenda (Public Comment)
5. Consent Calendar
6. Agenda Items
7. City Manager Communications (Communications from City Manager)
8. Oral Communications, Non-Agenda (Public Comment)
9. Council Referrals
10. Council Communications (Communications from Council)
11. Adjournment

Section 2. The order of business set by the aforesaid Resolution of the City Council may be suspended at any City Council meeting by a majority vote of the members in attendance.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda during the Special Joint Meeting of the City Council on the 18th day of January, 2011, by the following vote to wit:

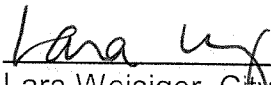
AYES: Councilmembers Bonta, deHaan, Johnson and Tam - 4.

NOES: None.

ABSENT: Mayor Gilmore - 1.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 19th day of January, 2011.



Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. 14656

RESCINDING RESOLUTION NO. 12611, WHICH AMENDED RESOLUTION NO. 12567 ESTABLISHING RULES OF ORDER GOVERNING THE PROCEEDINGS AND ORDER OF BUSINESS OF CITY COUNCIL MEETINGS, BY AMENDING SECTION 1(K) PERTAINING TO THE ADJOURNMENT OF CITY COUNCIL MEETINGS

Approved as to Form

City Attorney

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, City Charter Art. I Sec. 2(D), Alameda Municipal Code Secs. 2-1.7 and 2-1.8, and Government Code Sec. 54954.3 gives the City Council discretion to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings; and

WHEREAS, Ordinance No. 2674, adopted 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, Section 1(k) of Resolution No. 12567, adopted at the August 16, 1994 City Council meeting, states meetings will be adjourned at 11:00 p.m. unless the Council adopts a motion to continue; and

WHEREAS, Resolution No. 12611, adopted at the January 17, 1995 City Council meeting, amended Resolution No. 12567 Section 1(k) to require that meetings adjourn at 12:00 Midnight unless the City Council adopts a motion to continue; and

WHEREAS, Ordinance No. 3036, adopted at the November 1, 2011 City Council meeting, requires that City Council meetings be adjourned at 11:00 p.m., unless the meeting is extended by a majority vote.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alameda that City of Alameda Resolution No. 12611 is hereby rescinded.

* * * * *

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 21st day of February, 2012, by the following vote to wit:

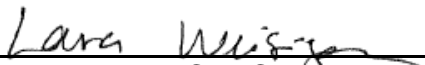
AYES: Councilmembers deHaan, Johnson, Tam and
Vice Mayor Bonta – 4.

NOES: None.

ABSENT: Mayor Gilmore - 1.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this 22nd day of February, 2012.



Lara Weisiger, City Clerk
City of Alameda