

Review Rules of Order Governing City Council Meeting Agendas
January 23, 2018

On May 2, 2017 City Council directed a subcommittee of Members Ashcraft and Oddie to review various rules governing City Council Meeting Agendas. City Clerk Lara Weisiger provided relevant Council Motions dating back to August 1994. The Subcommittee has reviewed these motions, suggested revisions and noted areas that needed clarification, as summarized in this memo. The Subcommittee also welcomes feedback from the City Clerk and City Attorney's office regarding whether a new resolution should be enacted to include all Rules of Order governing Council meetings in one document.

Resolution No. 12567 Establishing Rules of Order Governing The Proceedings and Order of Business of City Council Meetings, was adopted August 17, 1994 and repealed some provisions of an earlier Resolution, No. 12120, Establishing Time Limits for Public Discussion at Council Meetings. The following comments refer to Resolution No. 12567.

Section 1. Rules of Order

Resolution No. 13031, adopted on August 5, 1998, added the following section 1(1) to Resolution 12567:

Section 1. (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.

Section 1. b. states, "The order 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. (emphasis added)

This paragraph needs work. It should be clarified that "Oral communications, non-agenda" does not include any item that is on the agenda, and Councilmembers should not bring up items which are not on the agenda. Input from the City Attorney's office, City Clerk and/or Sunshine Committee is requested.

Section 1. e. which also concerns "Oral Communications, Non-Agenda (Public Comment) should be incorporated into Section 1. b. and amended to clarify that these communications can also include items on the Closed Session Agenda for that meeting. The last clause of this section, "... any matter over which the Council has jurisdiction or of which it may take cognizance, that it is not on the agenda." should be amended to remove the word "it". (emphasis added)

Section 1. c. which was repealed by City Council Resolution No. 13304 on January 17, 2001, had prohibited Council members from discussing any matter pending before the City Council, "or any agency thereof" except in an open public meeting. A memo from City Attorney Carol Korade explained that the Alameda Municipal Code was amended in 1990 to make all Planning Board decisions subject to de novo review (Call For Review) by the City Council, thereby removing the legal compulsion for prohibiting Council Members from communicating with members of the public outside public hearings.

Section 1. f. provides, "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-councilmember while such matter is pending except in open meeting of the Council.

Section 1. f. was not repealed. Can the City Attorney's office please clarify what appeals paragraph f. references? Or should the last sentence of Section 1 f. also be repealed?

Section 1. d. - Regarding ordinances for introduction, states that any member of the Council has the right to introduce proposed legislation "without the necessity of" a motion and vote. **Is this correct?**

Section 1 d. also directs that a copy of the proposed ordinance be delivered to each member of the Council prior to its final passage, with delivery made by personal delivery or the U.S. Post Office addressed to the member's residence. Since the Council now receives meeting agendas and all attachments electronically **this section should be omitted.**

Section 1. i. "Public Discussion" should be renamed "Public Comment" to be consistent with agenda item it references.

paragraph 2. Not a Debate should state, "Public comment (not "discussion") should not be used to elicit a debate . . ."

The sentence, "Speakers should not be interrupted unless they are out of order." should be clarified to explain what it means to be "out of order".

paragraph 3. states, "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. Spokespersons may speak for up to 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."

This paragraph needs work, specifically in regard to explaining public hearing requirements. Could we place a 5-minute limit on Council Member comments? What mechanism would be used to do so? What is a spokesperson? Fifteen minutes seems excessively long for a public comment. "Ceding time" should be discussed in this section, as well as limiting the amount of individual and ceded speaking time when there are more than a certain number of speakers (5 or more?) on a particular item.

paragraph 5. should state, "Public comment (not "discussion") shall precede Council deliberation unless a motion to deliberate first is adopted, in which case public comment may follow Council deliberation."

Language should be added to reference the relevant portion of the "Sunshine Ordinance" (Alameda Municipal Code Section 2-31.15.e.), which requires presentations and Council questions to precede public comment. paragraph 6. should be amended to state, "No public comment shall be permitted without approval of the Council . . ." Such permission shall only be given . . ." (emphasis added)

Section 1. j. Council Deliberation

paragraph 2. Getting the Floor; Improper References to be Avoided. Every member desiring to speak . . . , shall confine himself/herself to the question under deliberation, avoiding all personalities and indecorous language." (emphasis added)

The underlined language needs revision and clarification, perhaps including a reference to civility.

paragraph 3. Interruptions.

Needs explanation of what it means “to call the member to order”. Some examples would be useful.

paragraph 8. Motion to Call for Question or Continue to a Date Specific.

Perhaps this paragraph should be divided into two paragraphs to address each referenced action. There should also be an explanation of the procedure used to make a motion to Call for Question.

A paragraph explaining the purpose of and process for making “Friendly” Amendments would also be useful. An information sheet (adapted from Robert’s Rules of Order Newly Revised) prepared for a recent League of California Cities statewide policy committee meeting noted that the purpose of a “friendly” amendment is to offer an amendment to the main motion that is still supportive of the main motion, but that,

“This is commonly mishandled procedurally. Often the individual that seeks to offer the “friendly” amendment will inquire if the maker of the original motion will “accept” the amendment, and if so the chair will treat the motion as amended. This is not the proper way to handle such an amendment. It is not the discretion of the mover of the original motion (or the chair) to accept or decline the amendment, rather it must be adopted by the committee.

(paragraph 13. Miscellaneous. states, “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.” The League of California Cities suggested using Rosenberg’s Rules of Order, which should be considered.)

paragraph 9. Statement of Position. **The word “vote” should be added after “roll call”.**

“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 vote or call for the next item of business.” (emphasis added)

paragraph 10. Privilege of Closing Deliberation. **Council should be reminded of this provision.** “ The Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the deliberations or making the final statement.”

Section 1. k. states, “ Meetings will be adjourned at 11:00 p.m. unless the Council adopts a motion to continue.

This section should also reference the relevant portion of the “Sunshine Ordinance” (Alameda Municipal Code Section 2-91.13.f.1) that provides,

“If the body extends three (3) meetings in a row past 11:00 pm, the body shall also be required, as part of the motion to extend the meeting, to increase the number of regular meetings of the council, board or commission in order to accomplish the business before the body before 11:00 pm.