

RESOLUTION NO. 94-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN BUENAVENTURA ADOPTING AND ESTABLISHING
RULES FOR THE CONDUCT OF ITS MEETINGS,
PROCEEDINGS AND BUSINESS

BE IT RESOLVED by the Council of the City of San Buenaventura that formal rules for the conduct of the City Council meetings, proceedings and business are hereby adopted as follows:

I.

MEETINGS

- 1.1 Regular Meetings. Consistent with Charter section 704(a), regular meetings of the Council shall be held, without the necessity for notice, every Monday commencing at 7:00 p.m. in the City Council Chambers, San Buenaventura City Hall, 501 Poli Street, in the City. The Council may, from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Deputy Mayor or City Manager. When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be deemed canceled unless otherwise provided by the Council. In months when there are more than four Mondays or at other times when the Council deems appropriate, one or more regular meetings may be canceled by a majority vote of the Council. The Council must meet regularly, however, at least once each month.
- 1.2 Special Meetings; Emergency Meetings. Special meetings and emergency meetings of the Council may be called and held from time to time consistent with Charter section 704(b) and pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code sections 54950, et seq.).
- 1.3 Adjournment: Adjourned Meetings. The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code sections 54950, et seq.).
- 1.4 Closed Sessions. Consistent with Charter section 704(c), the Council may hold closed sessions during any

regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter which is authorized by State law to be heard or considered in closed session, and may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be expressed in open meeting before such session is held.

- 1.5 Cancellation. Any meeting of the Council may be cancelled in advance by a majority vote of the Council.
- 1.6 Quorum. Consistent with Charter section 704(d), four members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time.
- 1.7 Chair. Consistent with Charter section 703, the Mayor shall preside over all Council meetings. The Mayor shall have authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council. The Mayor shall also have the power to administer oaths and affirmations. The Deputy Mayor shall act as Mayor in the absence or disability of the Mayor.

When the Mayor and the Deputy Mayor are absent from any meeting of the Council, the members present may choose another member to act as Mayor pro tem, and that person shall, for the time being, have the powers of the Mayor.

- 1.8 Attendance by the Public. Pursuant to Charter sections 704(a) and (c), and except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public in accordance with the terms, provisions and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

II.

ORDER OF BUSINESS

- 2.1 General Order. The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

CALL TO ORDER AND ROLL CALL
PLEDGE OF ALLEGIANCE
APPROVAL OF MINUTES
SPECIAL PRESENTATIONS AND ANNOUNCEMENTS
ADJOURNMENT TO MEETINGS OF OTHER ENTITIES
CONSENT ITEMS
PUBLIC HEARINGS
OLD BUSINESS
NEW BUSINESS
PUBLIC COMMUNICATIONS
(EXCEPT AT FIRST REGULAR MEETING OF MONTH WHEN
MOVED TO JUST PRIOR TO CONSENT ITEMS)
COUNCIL COMMUNICATIONS
ADJOURNMENT

- 2.2 Action; Agenda Items. In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code section 54954.2.

III.

RULES OF CONDUCT

- 3.1 Business shall be brought before the Council by motion in accordance with the following standards of conduct.
- 3.1.1 Obtaining the Floor. Any member of the Council wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Councilmember who seeks the floor when appropriately entitled to do so.
- 3.1.2 Motions. Motions may be made by any member of the Council, including the presiding officer, providing that before a motion is offered by the presiding officer, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion.
- 3.1.3 Motions; Procedure Upon. Before a motion can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair. Once the matter has been fully

discussed and the Chair calls for a vote, no further discussion will be allowed, provided, however, Councilmembers may be allowed to explain their vote.

- 3.1.4 Amendments. When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.
- 3.1.5 Ordinances. Motions offering ordinances are deemed to include waiver of full reading and title of the ordinance unless otherwise specifically stated.
- 3.2 Voting. Any Councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Chair shall declare the result. The Council may also vote by roll call, ballot or voting machine. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record.
- 3.3 Abstention. An abstention does not count as a vote for or against a matter. If a Councilmember abstains, he/she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."
- 3.4 Tie Votes. A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
- 3.5 Motions for Reconsideration. Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action. Such a motion may only be made by a Councilmember who voted with the side that prevailed on the previous action. With regard to tie vote resulting in a lost motion, the prevailing side will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration.
- 3.6 Procedure - General. Council policy is not to become

involved in the entanglements over "parliamentary procedure." Consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the Chair, subject to appeal to the full Council.

- 3.7 Non-Observance of Rule. Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the Council.

IV.

PUBLIC HEARINGS

- 4.1 The Council procedure for the conduct of public hearings is generally as follows:
- 4.1.1 The Administration presents its report. (Councilmembers may ask questions of Administration if they so desire).
 - 4.1.2. The applicant or appellant then has the opportunity to present his/her/its comments, testimony, or argument.
 - 4.1.3. Members of the public are provided with the opportunity to present their comments, testimony or argument.
 - 4.1.4. The applicant or appellant is given an opportunity for rebuttal or closing argument.
 - 4.1.5. The public hearing (opportunity for public input portion thereof) is closed and Council discussion and consideration occurs. In this connection, there may be further questions of or comments by Administration, or questions by the Council or others as deemed necessary or appropriate.
 - 4.1.6. Council decision occurs.
 - 4.1.7. The Mayor will announce the final decision of the Council.
- 4.2 Time for Consideration. Matters noticed to be heard by the Council will commence at the time specified in the

notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

- 4.3 Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or recontinued to any subsequent meeting.
- 4.4 Public Discussion at Hearings. When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. The Mayor shall conduct the meeting in such a manner as to afford due process.

Subject to the Council's rules relating to "Oral Presentations by Members of the Public" (City Council Resolution No. 94-112), all persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the Clerk's record of the hearing, unless otherwise directed. No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.

- 4.5 Communications and Petitions. Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any member of the Council.
- 4.6. Admissible Evidence. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it

is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

V.

MISCELLANEOUS

- 5.1 Authority of the Chair. Subject to appeal to the full Council, the Chair shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith.
- 5.2 These rules supersede any and all prior or inconsistent rules; provided, however, that the "Rules Relating to Oral Presentations by Members of the Public" adopted by City Council Resolution No. 94-112 shall continue in full force and effect.
- 5.3 Resolution 91-123 is hereby rescinded and superseded by this resolution.
- 5.4 This Resolution 94-111 shall be effective from and after December 1, 1994.

PASSED AND ADOPTED this 14th day of November, 1994.


City Clerk

[RESRULES.MRD]

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)


I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was duly passed and adopted by the City Council of the City of San Buenaventura at a regular meeting held on the 14th day of November, 1994, by the following vote:

AYES: Councilmembers Carson, Measures, Bennett, Tingstrom, Monahan, Tuttle and Buford.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura this 18th day of November, 1994.


City Clerk