

THE CITY OF
SAN FERNANDO

PROCEDURAL MANUAL

CITY COUNCIL

OF THE

CITY OF SAN FERNANDO

Adopted:	July 3, 1995	Resolution No. 6434
Amended:	March 16, 1998	Resolution No. 6604
	August 7, 2000	Resolution No. 6743
	July 21, 2003	Ordinance No. 1543
	July 20, 2009	Resolution No. 7328
	December 7, 2009	Resolution No. 7346
	May 3, 2010	Resolution No. 7376
	September 19, 2011	Resolution No. 7454
	May 4, 2015	Resolution No. 7664
	October 19, 2015	Resolution No. 7704
	May 7, 2018	Resolution No. 7850
	August 20, 2018	Resolution No. 7883
	March 18, 2019	Resolution No. 7907
	August 19, 2019	Resolution No. 7916
	June 29, 2026	Resolution No. 8421

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PREAMBLE

These rules are enacted pursuant to Government Code Section 36813 to provide decorum and order at City Council meetings and to promote the efficient conduct of those meetings. The rules govern the procedures of the City Council itself and the conduct of individual Councilmembers. It is also intended that the rules govern the conduct of City staff and members of the public who attend City Council meetings. In the event of a conflict between these rules of procedures and any provision of State or Federal law, including but not limited to the Ralph M. Brown Act codified at Section 54950 et seq. of the California Government Code (the “Brown Act”), the State or Federal law controls.

Because circumstances may differ from one City Council meeting to the next, these rules are intended as guidelines and are not inflexible rules. Accordingly, they may be waived at any meeting, by Motion, in accordance with Robert’s Rules of Order. Notwithstanding anything in this manual to the contrary, the failure of the City Council to strictly follow any rule(s) or procedure(s) set forth in this manual shall not operate to invalidate any action taken by the City Council, provided such action is otherwise made in compliance with applicable State or federal law and the San Fernando Municipal Code. Furthermore, in the event of any conflict or inconsistency between the procedures of this Manual and applicable State or federal law procedures or procedures set forth in the San Fernando Municipal Code, the procedures of the latter shall govern and control.

1. CITY COUNCIL MEETINGS

1.1 REGULAR MEETINGS

As prescribed by Sections 2-61 (regular meetings) and 2-62 (Location) of the San Fernando Municipal Code, regular meetings of the San Fernando City Council will be held in the San Fernando City Hall – City Council Chambers located at 117 Macneil Street, San Fernando, California, on the first and third Mondays of each month at 6:00 p.m. Whenever a regular meeting date falls upon the date of a legal holiday, the regular meeting will be held the next business day, unless otherwise ordered by the City Council.

1.2 ADJOURNED MEETINGS

Any meeting may be adjourned (carried over) in accordance with Government Code Section 54955. Government Code Section 54955 provides that when a regular or adjourned regular meeting is so adjourned, the resulting adjourned regular meeting is a regular meeting for all purposes. If the order of adjournment does not state the date, time and location of the adjourned meeting, such meeting shall be held at the date, time and location specified for regular meetings under the San Fernando Municipal Code and this policy.

1.3 SPECIAL MEETINGS

Special meetings may be called at any time by the Mayor or three members of the City Council in the manner prescribed by Government Code Section 54956. Except as otherwise required by law, individual Councilmembers shall not request the addition of agenda items to a Special Meeting agenda unless the City Council has previously authorized consideration of the item for that Special Meeting or the Special Meeting is otherwise called in accordance with Government Code Section 54956.

1.4 MEETING NOTICES (REGULAR, SPECIAL AND ADJOURNED)

Meeting agendas and related noticing for regular meetings, special meetings, emergency meetings and adjourned meetings shall be posted, publicized and otherwise disseminated in the manner prescribed under the Brown Act.

1.5 MEETINGS TO BE PUBLIC

Except as otherwise permitted under the Brown Act, all meetings of the City Council shall be open to the public.

1.6 CLOSED SESSIONS - MATTERS OF DISCUSSION

Section 1.5 above notwithstanding, the City Council may meet, deliberate and conduct business in closed session without members of the general public being present to the limited extent authorized under the Brown Act. The City Council shall publicly report any action taken in closed session as prescribed under Government Code Section 54957.1. The circumstances under which the City Council may meet, deliberate and conduct business in closed session include, but are not limited to, the following examples:

- a. LICENSE/PERMIT DETERMINATION (Government Code Section 54956.7)
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)
- c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a))
- d. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code Section 54956.9(b))
- e. LIABILITY CLAIMS (Government Code Section 54956.95)
- f. THREAT TO PUBLIC SERVICE OR FACILITIES (Government Code Section 54957)
- g. PUBLIC EMPLOYEE APPOINTMENT; PUBLIC EMPLOYMENT; PUBLIC EMPLOYEE PERFORMANCE EVALUATION; OR PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Sections 54957)
- h. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6).

1.7 CLOSED SESSIONS CONFIDENTIALITY

Confidential information acquired in closed session must not be disclosed by any person, unless expressly authorized by the City Council acting as body at a meeting of the City Council (Government Code Section 54963). The holder of the privilege for confidential information is the City Council as a body and only the City Council acting as a body at a meeting of the City Council may waive the privilege. "Confidential information" shall have the same meaning as set forth under Government Code Section 54963(b). Remedies for the disclosure of confidential information include, but are not limited to, injunctive relief to prevent further unauthorized disclosure; discipline against any employee who releases such information; and, if the person responsible for improperly disclosing the information is a member of the City Council, referral to the grand jury. (Government Code Section 54963(c)). Information or materials that may not be "confidential information" include information or materials that are a matter of public records or that are otherwise publicly available, or such communications as may be permitted under Government Code Section 54963(e)(1)-(3).

1.8 QUORUM; VOTE REQUIREMENTS

- a. Three of the City Council's five total members shall constitute a quorum. A quorum of the City Council shall be required for the City Council to conduct a City Council meeting and transact official business.
- b. Except as otherwise provided by applicable State or federal law, if a quorum or more of the City Council's total membership is present for a vote on an item of business, motions on such items may be approved by a simple majority of the members present and participating in the vote, excluding those members who have recused themselves from a vote. Members who abstain from a motion, but who do not recuse themselves shall be counted toward the quorum.
- c. Paragraph (b) of this Section notwithstanding, as required by Government Code Section 36936, resolutions, orders for the payment of money and all ordinances require a recorded majority vote of the total membership of the City Council (a minimum of 3 votes) to be approved.
- d. Paragraphs (b) and (c) of this Section notwithstanding, the following ordinances may only be approved by four-fifths supermajority vote of the City Council as required by law:
 - i. Ordinances for the immediate preservation of the public peace, health or safety within the meaning of Government Code Section 36937(b); and
 - ii. Interim ordinances within the meaning of Government Code Section 65858, including extensions of the same.

- e. To the extent any other applicable law requires approval of a City Council action by a specified supermajority vote, any such action of the City Council may only be approved if the requisite supermajority approval is achieved. In addition to those actions referenced under paragraph (d) of this section, above, actions that also require supermajority approval include but are not limited to the following:
- Walk-on agenda items (2/3 of members present or unanimity if only 3 members are present) (Govt. Code Section 64954.2(b)(2));
 - Placement of general tax measures on the ballot (2/3 of the full membership of the City Council or unanimity of members present if the measure is to be placed on a special election ballot on the grounds of fiscal emergency)(Govt. Code Section 53724 and California Constitution Art. XIII, Section 2(b));
 - Motion to rescind (If no prior notice of the intent to rescind is given, then 2/3 of members present or majority vote of full membership of the council) (Robert's Rules of Order).

1.9 UNEXCUSED ABSENCES

- a. As prescribed by Government Code Section 36513, if a City Council member is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he/she attended, his/her office becomes vacant and shall be filled as any other vacancy in the manner prescribed under Section 13 of this Procedural Manual. The foregoing notwithstanding, the City Council, in an abundance of caution, shall first consult with the City Attorney prior to declaring a City Council seat vacant and prior to filling any putative vacancy so that the City Attorney may determine whether circumstances require the City to first initiate quo warranto proceedings through the Office of the California Attorney General or undertake any other procedures that will ensure the right to declare the seat vacant is perfected. The City Council by majority vote of the full membership reserve the right to seek a second opinion of the City Attorney's determination on the matter from special legal counsel.
- b. If a Councilmember is absent without permission for two (2) consecutive regular meetings, the City Clerk shall use his or her best efforts to send a courtesy e-mail and regular mail notice to the absent Councilmember within fourteen (14) business days of the second missed regular meeting, notifying him or her of the provisions of this policy and Government Code Section 36513. The delivery of such notice is purely a courtesy extended to members of the City Council and the failure of the City Clerk to deliver or timely deliver such notice shall not operate to prevent the Councilmember's seat from being declared vacant or to prevent the initiation of quo warranto or other

proceedings if the unexcused absence persists beyond the time allowed under Government Code Section 36513. It is the personal responsibility of each Councilmember to keep track of his or her attendances of all meetings of the City Council so to avoid vacating his or her City Council seat.

- c. If a regular meeting of the City Council is cancelled or is otherwise rescheduled for any reason, the 60 consecutive days unexcused absence period shall reset for all members of the City Council.
- d. Absences must be excused by the City Council acting as a body at a meeting of the City Council and may be approved by simple motion noted on the record of the proceedings approved by a majority of the members present. A Councilmember may request an excused absence before the anticipated date(s) of the absence or retroactively after the date(s) of the absence provided the 60 consecutive day time period prescribed under Government Code Section 36513 has not lapsed. Absence requests can be made by a Councilmember orally on the record of a City Council meeting or in writing. Councilmembers shall exercise professional courtesy in considering and approving excused absence requests.

2. AGENDA PROCEDURES AND ORDER OF BUSINESS

2.1 AGENDAS

- a. The order of business of each City Council meeting shall be as contained in the agenda prepared by the City Manager. The City Council shall follow the order of business as outlined in the prepared Agenda. The foregoing notwithstanding, items may be taken out of order by the Presiding Officer or by majority consent of the City Council.
- b. REGULAR MEETINGS. In the manner prescribed by Government Code Section 54954.2, agendas for regular meetings of the City Council shall be posted physically in a location that is freely accessible to members of the public and on the City's website. Such posting shall occur no less than 72 hours prior to the agendized start time of the regular meeting.
- c. SPECIAL MEETINGS. In the manner prescribed by Government Code Section 54956, agendas for regular meetings of the City Council shall be posted physically in a location that is freely accessible to members of the public and on the City's website. Such posting shall occur no less than 24 hours prior to the agendized start time of the special meeting. Per Government Code Section 54956, a special meeting may be called by the Mayor or three (3) Councilmembers. No other items other than those appearing on the special meeting agenda may be considered or acted upon by the City Council.

- d. ADJOURNED MEETING. For any adjourned meeting, the City Clerk or designee, shall post such notices of adjournment as may be required by Government Code Section 54955. Except as otherwise permitted by law, the City Clerk shall post agendas for all adjourned meetings in the manner prescribed by the Brown Act.
- e. EMERGENCY MEETING. The City Council may call emergency meetings as permitted under Government Code Section 54956.5 and in accordance with the procedures set forth under the same.
- f. AVAILABILITY OF AGENDA MATERIALS. While the City strives to make all non-privileged/non-confidential agenda materials available to the public at the same time the agenda is posted this may not be logistically feasible, practical or required in all circumstances. Nevertheless, non-privileged/non-confidential agenda materials including staff reports shall be made available to the public no later than the time mandated by Government Code Section 54957.5.
- g. ADDITIONAL AGENDA NOTICE, DELIVERY AND PUBLICATION REQUIREMENTS. The City shall comply with all agenda notice, delivery and publication requirements set forth under Government Code Section 54954.1 and 54954.6(b) and 54956

2.2 AGENDA DEADLINE

- a. Agenda Requests by Members of the Public: A citizen requesting to place an item on a City Council agenda may submit a written request at any time to the City Council (or any Councilmember). The request may also be made during the public comment portion of a City council meeting. Citizen requests made during public comment may be referred to staff by the City Council for possible placement of the matter on a future agenda for formal action. A Councilmember wishing to sponsor a citizen request may place the item on an upcoming agenda under the heading "Administrative Reports." The City Council shall be under no obligation to agendize any item requested by a member of the public and no individual Councilmember shall be obligated to place a written request by a member of the public on the agenda as one of his or her items.
- b. Agenda Requests by Councilmembers: When a member of the City Council wishes to have an item placed on an agenda of an upcoming City Council meeting, the following procedures shall be followed:
 - i. The member wishing to have an item placed on an agenda for an upcoming meeting shall provide the City Clerk with an agenda report that provides a general description of the item, the desired action and includes any other relevant written materials or information which the member

would like to have considered at the meeting. The agenda report and any other supplementary material must be submitted to the City Clerk by 12:00 p.m. the Wednesday preceding the City Council meeting upon which the Councilmember wishes to have the item heard. Except as provided in paragraph b. ii. of this Section 2.2, all items requested to be placed on an agenda by a Councilmember shall appear on the agenda for discussion and action. No items, however, shall be placed on the agenda without an agenda report.

- ii. Items that have been previously agendized, discussed and determined by action of the City Council are discouraged from being placed on the agenda for an upcoming meeting by a Councilmember unless the Councilmember can demonstrate a change of circumstances pertaining to the item or present new information of substantial importance that was not known at the time previous City Council action occurred. In such case, the Councilmember must follow the procedures set forth in paragraph b.i above and include in the agenda report the reason for reconsideration of the item, i.e., changed circumstances, new information, etc., with supporting information. The item shall be tentatively placed on the agenda as a repeat item under the heading "Administrative Reports." The repeat item, however, shall not be discussed nor acted upon by the City Council unless the repeat item is first approved for discussion as set forth in Section 2.5.
- iii. Notwithstanding the foregoing, if a Councilmember wishes to discuss a matter that is legally appropriate for Closed Session, the Councilmember may request placement of the item by submitting a written request to the City Clerk prior to the agenda deadline. The request need only provide sufficient information to identify the matter and the applicable basis for Closed Session under the Brown Act.

2.3 [RESERVED]

2.4 ROLL CALL

A roll call of Councilmembers shall be conducted at the beginning of each City Council meeting by the City Clerk, who shall enter the names of those present in the minutes.

2.5 APPROVAL OF AGENDA

The agenda shall include an item entitled "Approval of Agenda" to occur immediately after "Roll Call." The Chair shall entertain motions to either approve the agenda as presented or subject to the reordering, continuance or removal of certain agenda items and/or the addition of items not appearing on the agenda

provided that such additions shall be subject to the requirements of Government Code Section 54954(b)(2).

2.6 APPROVAL OF CONSENT CALENDAR

Consent Calendar includes agenda items that (i) are non-controversial or routine in nature; or (ii) have been previously discussed/deliberated upon at length and there is group consensus as to the proposed action. These items are grouped together and voted on in one motion. Any Councilmember may request that an item on the Consent Calendar be removed to be discussed and considered separately.

If the Consent Calendar includes a second reading and adoption of an Ordinance, the motion to approve the Consent Calendar shall include a statement that the City Council waive full reading and adopt the ordinance by title only, unless (i) full reading was already undertaken or waived as part of the motion to approve the ordinance for first reading; or as provided under Government Code Section 36934 the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

2.7 KEEPING AND APPROVAL OF MINUTES

- a. The City Clerk shall keep and maintain “action minutes” for all open session City Council proceedings that concisely record the items of business addressed and the City Council vote or other handling/disposition of the matter. Reasons for making motions or voting, City Council debate and audience reaction are generally not included in the minutes. Such items may be included if considered to be particularly relevant or otherwise necessary by the City Clerk. Minutes for all public comments will indicate the name of the speaker and a brief summary of his/her comments. As the open session portion of each City Council meeting is recorded via audio or video recording and accessible on the City’s website, the City Clerk shall not be required to keep verbatim minutes of the proceedings. Unless the reading of the minutes of prior City Council meetings is requested by a majority of the City Council, such minutes may be approved without reading if the Clerk has previously furnished each Councilmember with a copy thereof. The City Clerk shall have exclusive responsibility for preparation of the minutes and any directions for changes to conform with fact shall be made by action of the City Council. The Presiding Officer shall entertain motions to approve the minutes. A Councilmember’s absence from a meeting for which minutes are being approved does not prevent the member from participating in their approval.
- b. Per Government Code Section 36804, if the City Clerk is absent, the Deputy City Clerk shall act in place of the City Clerk. As also provided under

Government Code Section 36804, If there is no available Deputy City Clerk, the Mayor shall appoint one of the Councilmembers as City Clerk Pro Tempore.”

2.8 PUBLIC HEARINGS

When a particular matter before the City Council legally requires the conduct of a public hearing, the City Council shall conduct such meeting in the manner prescribed by law and subject to whatever prior noticing may be required by law. Except as otherwise prescribed by applicable law for the conduct of a public hearing, the following procedures for conducting public hearings should also be followed:

- a. The Presiding Officer shall introduce the public hearing matter by title and open the public hearing.
- b. At the direction of the City Manager, the appropriate staff member presents the staff report and recommendations. Members of the City Council will be given the opportunity to pose questions to City staff in the manner prescribed by Section 6 of this policy manual.
- c. If the public hearing is a quasi-judicial proceeding, the applicant or appellant whose matter is before the City Council shall be afforded the opportunity to address the City Council on the matter and receive questions from the City Council before proceedings are opened up for public comment/testimony. If requested by the City Council, the applicant/appellant shall remain at the speaker podium until such time as the City Council has no further questions for the applicant/appellant or City staff.
- d. The Presiding Officer shall open the public comment/testimony portion of the public hearing.
- e. Councilmembers should refrain from interrupting or posing questions to members of the public while they are addressing the City Council from the speaker’s podium. The Presiding Officer may, however, interject if the person speaking becomes disruptive to the proceedings or otherwise fails to comply with meeting decorum rules or if the person speaking is discussing issues unrelated to the business at hand. In the manner prescribed under Section 6 of this policy manual, Councilmembers may also interject with motions to raise points of privilege (e.g., to advise that the Councilmember cannot hear the speaker or that there is some other condition of the proceedings that is disruptive or distracting).
- f. After all members of the public have been given an opportunity to comment on the public hearing matter, the Presiding Officer will announce the closing of the public comment portion of the public hearing.

If the public hearing is a quasi-judicial proceeding, the applicant or appellant whose matter is before the City Council shall be afforded the opportunity to respond to, and/or rebut, comments made by members of the public and to make a brief and concise closing statement.

- g. Councilmembers may also pose additional questions to City staff and/or applicants/appellants before proceeding to the step outlined below:
 - i. The City Council may then deliberate on the matter until such time as the City Council is ready to entertain a motion to close the public hearing and vote on the matter.
- h. If the City Council wishes to receive additional information before taking action on the matter, the City Council may move to reopen the public hearing so that the City Council may receive additional information. The City Council may also move to continue the public hearing to an upcoming meeting date so that City staff may gather additional information requested by the City Council or engage with the applicant/appellant on issues raised during the public hearing.

2.9 PUBLIC HEARING ITEMS

When applicable law requires the conduct of a public hearing as part of the City Council's consideration and approval of a matter, the City Council shall conduct such a public hearing and comply with all statutorily prescribed meeting notice and hearing procedures. Public comments made during the Public Statements portion of the agenda that relate to a scheduled Public Hearing item shall be incorporated into the Public Hearing record. A speaker who has already commented on the Public Hearing item during the public comment/testimony portion of the agenda shall be deemed to have exercised his or her opportunity to provide testimony during the Public Hearing, and those comments shall constitute that speaker's testimony for purposes of the Public Hearing unless the speaker is permitted by the Presiding Officer to provide additional testimony. Written public comment/testimony received by the City before the established deadline for inclusion in the agenda packet or supplemental materials shall likewise be deemed incorporated into the public comment/testimony portion of the Public Hearing, regardless of whether expressly acknowledged during the meeting. The City Council reserves the right to conduct public hearings on other non-quasi-judicial or non-ministerial matters for which public hearings are not otherwise required provided the conduct of such hearing does not conflict with any other applicable laws or does not constitute a violation of a person's right to due process or equal protection under State or federal law.

2.10 NON-AGENDA ITEMS

No matters other than those appearing on the posted agenda may be acted upon by the City Council except as permitted under the Brown Act. Any request to place a matter of business on a future agenda must be made in accordance with paragraph b of Section 2.2. A proposal to create an Ad Hoc Committee for a matter or topic not directly related to the City Council's consideration and

deliberation of an agendized action item must be agendized at a future meeting date before final action to create the Ad Hoc committee and to appoint its members can be taken.

2.11 CONCLUDING (CLOSING) A CITY COUNCIL MEETING VS. ADJOURNING (CARRYING-OVER) A CITY COUNCIL MEETING PURSUANT TO GOVERNMENT CODE SECTION 54955.

Closing a Meeting. To close any meeting of the City Council because all agendized business has been completed or otherwise addressed, the presiding officer shall ask the City Councilmembers present if there is any opposition to adjourning the meeting and if there is no such opposition, the presiding officer shall declare the meeting adjourned thereby closing the meeting. If there is opposition to ending the meeting, the presiding officer shall then move to adjourn (close) the meeting and if there is a second, the City Council shall vote on the motion to adjourn (close) the meeting. To “adjourn” a meeting for purposes of this subsection does not have the same meaning as set forth under Government Code 54955 and Section 6.7(a) of this procedural manual.

3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Vice Mayor shall so preside. In the absence of both the Mayor and Vice Mayor, the City Council by motion shall select a temporary Presiding Officer to serve until the arrival of the Mayor or Vice Mayor or until the City Council meeting is concluded.

3.2 CALL TO ORDER; LACK OF A QUORUM

- a. Meetings of the City Council shall be called to order by the Mayor or if the Mayor is absent, the Vice Mayor. In the absence of both the Mayor and the Vice Mayor, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.
- b. If, as of the posted start time of a meeting, less than a quorum of the City Council is present, those members present (or the City Clerk if no members are present) may:
 - i. Wait for a reasonable amount of time for a sufficient number of City Council members to arrive; and/or

- ii. Adjourn the meeting in the manner prescribed under Government Code Section 54955, including simply adjourning the meeting to the next regular meeting date.
- c. If, prior to the start time of a meeting, it is confirmed by the City Clerk that a quorum will not be achieved for the meeting, the City Clerk shall promptly post a notice of adjournment advising that the meeting has been cancelled for lack of a quorum. Such notice shall also specify whether the business of the cancelled meeting will simply be carried over to the next regular meeting date or whether such business will be carried over to an adjourned meeting within the meaning of Government Code Section 54955.

3.3 PARTICIPATION OF PRESIDING OFFICER

Although the Presiding Officer is primarily responsible for the conduct of the meeting, he/she may move, second and debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of being the Presiding Officer.

3.4 STATEMENT OF THE MOTION OR QUESTION

Upon request of any Councilmember or, in the absence of a request, on the Presiding Officer's own initiative, the Presiding Officer, the motion maker or any other persons specified under Section 6.3(b) of this procedural manual, will verbally restate each motion or question immediately prior to commencing deliberation on the motion/question or calling for the vote on the same to ensure that all voting members understand what is being moved. Following the vote, the Presiding Officer (or City Clerk) shall announce whether the motion carried or failed and may summarize the action taken by the City Council before proceeding to the next item of business.

3.5 SIGNING OF DOCUMENTS

The Mayor shall sign all ordinances, resolutions and other City Council-approved legal documents that must be signed by a Mayor. Except where the authority to execute a contract or other legal instrument has been delegated to the City Manager or a City Department head by ordinance or other City Council action, the Mayor shall also sign contracts for the City. In the absence of the Mayor, the Vice Mayor shall sign all such documents as have been adopted and approved by the City Council. In the absence of the Mayor and Vice Mayor, the temporary Presiding Officer shall sign all such documents.

3.6 MAINTENANCE OF ORDER

The Presiding Officer with the assistance of the sergeant-of-arms is responsible for the maintenance of order and decorum at all times. No person shall be allowed

to speak who has not first been recognized by the Presiding Officer, except in the case of those motions for which recognition by the Presiding Officer is not first required as referenced under Section 6 of this procedural manual. All questions and remarks should be addressed to the Presiding Officer.

3.7 DURATION OF MEETING

If a meeting exceeds four hours in duration, the Presiding Officer will take an informal poll of the City Council to see if there is majority support to continue past the 4-hour mark. If there is no such majority support the City Council may call for a motion to continue all remaining items of business to:

- i. An adjourned meeting within the meaning of Government Code Section 54955;
- ii. A special meeting; or
- iii. The next regular meeting.

For purposes of this section, the four-hour limit is inclusive of any special meeting, adjourned regular meeting or adjourned special meeting held on the same day immediately before or after a regular meeting.

4. RULES, DECORUM, AND ORDER

4.1 POINTS OF ORDER

The Presiding Officer shall decide all questions of privilege, calls for the orders of the day and all incidental motions referenced in Section 6.8 subject to the right of any Councilmember to appeal to the City Council. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

4.2 DECORUM AND ORDER – COUNCILMEMBER

- a. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the general public appearing before the City Council and shall refrain at all times from derogatory remarks.
- b. Every Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine discussion to the question under debate.
- c. Every Councilmember who has been recognized to speak by the Presiding Officer and who wishes to pose a question to the administrative staff should address questions through the City Manager or City Attorney who shall be

entitled to either answer the inquiry directly or to designate some member of the staff for that purpose.

- d. A Councilmember, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or a point of privilege, call for the orders of the day or incidental motion is raised by another Councilmember, or the speaker chooses to yield to questions from another Councilmember.
- e. If a Councilmember is called to order while speaking, he/she shall cease speaking immediately until the question of privilege, call for the orders of the day or incidental motion is determined; and if ruled out of order shall remain silent or shall alter his remarks so as to comply with rules of the City Council.
- f. Any Councilmember may move to require the Presiding Officer to enforce the rules by means of a point of order. A majority of the City Council shall require enforcement of the rules if the Presiding Officer refuses to so enforce. .

4.3 DECORUM AND ORDER – EMPLOYEES

All City employees shall observe the same rules of procedure and decorum applicable to members of the City Council. The City Manager shall ensure that all City employees observe such decorum. Any staff member, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the Presiding Officer.

4.4 DECORUM AND ORDER – PUBLIC

The City Council, elected by the public, must be free to discuss and address issues confronting the City in an orderly environment. Although Government Code Section 54954.3(c), prohibits the City Council from prohibiting public criticism of the policies, procedures, programs or services of the City, or of the acts or omissions of the City Council, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including, but not limited to the following:

- i. Prevents other members of the public or the City Council from being heard when it is their turn to speak;
- ii. Prevents members of the audience from hearing or seeing the proceedings; and/or
- iii. Speaking off topic or speaking beyond the allotted speaking time limit. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. Unrecognized remarks from the audience, clapping, stamping of feet, whistles, yells and similar demonstrations which do not permit the meeting to proceed in an orderly manner will not be allowed and will be considered out of order.

- iv. Disruptive behavior, as referenced above, shall be subject to the enforcement procedures set forth under Section 4.5 (Enforcement of Decorum) of this policy below.

4.5 ENFORCEMENT OF DECORUM

The Chief of Police shall be ex officio sergeant-at-arms for the City Council but may delegate such duties to any one or more sworn police officers of the City as needed. The sergeant-at-arms and those delegated sergeant-at-arms responsibilities shall carry out all orders and instructions given to him by the Presiding Officer for the purpose of maintaining decorum in the City Council Chambers. Per Government Code Section 54957.95, the Presiding Officer may order the sergeant-of-arms to remove any person who persists with disruptive behavior as referenced under Section 4.4 (Decorum and Order- Public), above, following an initial warning and may also order the sergeant-of-arms to immediately remove anyone, without warning, who engages in behavior that constitutes a true threat of force within the meaning of Government Code Section 54957.95.

4.6 CONFLICTS OF INTEREST

- a. State law prohibits Councilmembers from participating in certain governmental decisions that may come before the City Council when the governmental decision can have a material and reasonably foreseeable effect (good or bad) on a financial interest of the Councilmember and the effect is unique from the effect the decision will have on the public generally (California Political Reform Act, Government Code Section 81000 et seq. and See also the Common Law Conflict of Interest Doctrine which can have broader application). In other instances, a Councilmember's interest in a contract that may come before City decision-makers for approval may prevent City decision makers from approving the contract at all, even if the interested Councilmember agrees to recuse himself/herself from voting on the contract (Government Code Section 1090). State law also prohibits Councilmembers from voting on certain matters before the City Council that affect the interests of campaign contributors (Government Code Section 84308). The preceding summary of laws is not exhaustive and the fact that an applicable law is not expressly referenced in these policies does relieve a Councilmember from complying with such laws.
- b. A conflicted Councilmember is not only prohibited from voting on the matter for which he/she has a conflict, the Councilmember must also refrain from participating in any pre-decisional planning, discussion, deliberation and/or strategizing on the matter with City staff and his/her City Council colleagues and refrain from efforts to influence City Council colleagues and others participating in the decision-making process.

- c. As the analysis of conflicts laws as applied to individual circumstances can be complex, nuanced and often fact-specific, Councilmembers are strongly encouraged to be alert to potential conflicts and consult with the City Attorney, the Fair Political Practices Commission or their own legal counsel whenever there is a concern about a conflict and well in advance of any City Council consideration of the matter. Failure to comply with State laws can expose a Councilmember to significant penalties and other legal liabilities, including criminal liability.
- d. If a Councilmember has a disqualifying conflict of interest, he/she must recuse himself/herself from participating in the matter. In the context of a City Council meeting this means that the Councilmember must state the nature of the conflict on the record and step down from the dais and leave the room. Recused members shall not count toward achieving a quorum while the matter is discussed. It is also noted that abstention from a matter is not the same as recusal because in abstaining the Councilmember remains on the dais, is counted toward the quorum and is therefore deemed to be participating in the making of the decision. A disqualified Councilmember may remain on the dais if the matter appears on the Consent Calendar and is not pulled for separate discussion. However, prior to the vote on the Consent Calendar, the Councilmember must still identify the matter for which he/she has a disqualifying conflict, state the nature of the conflict and announce to the Presiding Officer that as to that matter he/she will be recused from the vote. For purposes of illustration, a disqualified Councilmember may say the following: *“Mayor, before we take a vote on the Consent Calendar, let the record reflect that I will be recused as to Agenda item 3 because rental property I own is adjacent to the project.”* As to the Consent Calendar matter that the Councilmember is recused from, the minutes shall record the vote on the matter separately and will not include the disqualified member as part of the vote.
- e. If a disqualified Councilmember has a “personal interest” in an agendized matter, as defined in FPPC Regulation 18704(d)(2) and wishes to speak or appear as a member of the general public, the Councilmember, after stating the nature of the conflict and leaving the dais may address the City Council from the public commentators podium. (See FPPC Regulation 18704(d)(2)). While the law does permit Councilmembers to speak, Councilmembers who avail themselves of this exception do so at their own risk insofar as certain statements or comments they make, could be construed to violate conflict of interest laws by enforcement authorities which may expose the Councilmember to legal liability and which could result in the invalidation of any action taken by the City Council on the matter.

4.7 [RESERVED]

4.8 DISSENTS AND PROTESTS

During that portion of the agenda entitled General City Council Comments and Liaison Updates, any Councilmember at the time he/she is recognized to speak, may use that time to express dissent from, or protest to, any action of the City Council and request that the reason be entered into the minutes. Councilmembers should refrain from discussion or protest when roll call on the matter is being taken, however, incidental to voting Yes, No or Abstain the Councilmember may preface his/her vote with a succinct and non-prolonged statement.

4.9 PROCEDURES IN ABSENCE OF RULES

Where these policies are silent as to a matter of procedure, the Presiding Officer may refer to Robert's Rules of Order for guidance in making a ruling, provided that the ruling may be overturned by majority vote of members present. The foregoing notwithstanding no procedures shall be followed that violate applicable State or federal law.

5. ADDRESSING THE CITY COUNCIL

5.1 MANNER OF ADDRESSING THE CITY COUNCIL

- a. During the public comment portion of a regular meeting, members of the public may address the City Council on matters appearing on the City Council agenda or on any matter within the City Council's subject matter jurisdiction. Members of the public who are physically present must address the City Council from the speaker's podium and members of the public participating remotely must do so through the two-way remote participation means established by the City. No member of the public may begin speaking without first being recognized by the Presiding Officer or the City Clerk in the case of those participating remotely. All comments should be directed to the City Council/Councilmember. Speakers who are physically present must face the Councilmember dais and address their comments to the Councilmembers and not the audience.
- b. Any member of the public who wishes to address the City Council in person shall present the City Clerk with a completed speaker's card, stating a name by which the speaker may be reasonably identified for purposes of being summoned for their turn to address the Council. To facilitate staff, follow up, the speaker may also provide his/her address. Members of the public may call-in to the telephone number listed on the agenda, using the meeting ID and Passcode. When connecting to the Zoom meeting to speak, you will be placed in a virtual "waiting area," with your audio disabled. When it is your turn to speak, you will be identified by announcing the last four digits of your telephone number. To unmute press *6 on your phone and begin your comment. Comments will be heard in the order received and limited to three

minutes. If necessary, the call-in period may be extended by the Mayor. Note: This is audio only and no video.

- c. Public Remote Participation: Members of the public may address the City Council remotely for all meetings of the City Council in the manner prescribed under the Brown Act as amended by Senate Bill 707 (Durazo) ("SB 707") and these policies. The City shall have sole discretion as to the technological means most practical and feasible for allowing members of the public to participate remotely. All restrictions, limitations and rules applicable to members of the public who address the City Council in person shall apply to those addressing the City Council remotely, unless otherwise mandated under SB 707.
- d. Remote Participation Disruption Policy: It shall be the policy of the City Council to adopt a procedure to manage disruptions to two-way remote participation tools during Brown Act meetings to comply with SB707. The following procedure shall constitute the adopted policy of the City for meetings of all bodies of the City subject to the Brown Act and these instructions shall be included in all posted agendas:

Pursuant to Senate Bill 707, each qualified legislative body shall provide two-way remote participation, ensuring public participation, not only in person but also through a two-way phone or video platform that includes but is not limited to Zoom or Microsoft Teams. In the event of a disruption that makes two-way remote participation not possible during a meeting, the legislative body shall recess for no less than one hour to make good faith efforts to restore service. If service cannot be restored after one hour, the legislative body shall adopt, by roll-call vote, a formal finding affirming that reasonable efforts were taken to resolve the disruption and that resuming the meeting serves the public interest more than further delaying it to find a resolution. To the extent lawfully agendaized closed session matters appear on the agenda of the disrupted meeting, the body reserves the right to recess to closed session to address those agendaized closed session items during the one-hour recess to mitigate delays in the transaction of business.

- e. In lieu of in-person or remote comments, members of the public may also submit comments in writing to include in the record, which must be received by the City Clerk's Office no later than 12:00 p.m. on the day of the meeting to be provided to the City Council and made available for public review. The City Clerk will not read written comments.
- f. During a public hearing, all remarks shall be limited to the subject under consideration. For a special meeting, members of the public may only address the City Council concerning items listed on the agenda.

5.2 TIME LIMITATION AND TRANSLATION

- a. Time Limits: Except as otherwise required under Government Code Section 54954.3(b)(2), any member of the public addressing the City Council, whether during the Public Statement portions of the agenda or as part of a separate public hearing, shall limit his/her address to three (3) minutes. The Presiding Officer, or majority of the City Council, reserves the right to shorten speaker time as reasonable and appropriate because of the presence of a large number of people wishing to speak on a matter, the volume of business before the City Council or other similar circumstances.
- b. Time Limits and Translation: Paragraph (a) notwithstanding, as required by Government Code Section 54954.3(b)(2), each legislative body of the City that is subject to the Brown Act shall provide at least twice the allotted time to a member of the public who utilizes a translator. The foregoing notwithstanding, as provided under Government Code Section 54954.3(b)(3), the legislative body shall be under no obligation to provide twice the allotted time when simultaneous translation equipment is used that allows the legislative body to hear the translated public testimony simultaneously. Likewise, a speaker who requests the use of a translator but who proceeds to address the City Council in English thereby rendering the translator unnecessary will only be granted the baseline 3 minutes to speak.
- c. Facilitating Third-Party Translation: As provided under Government Code Section 54953.4(b)(2)(B), the City is under no obligation to provide interpretation of any public meeting. Nevertheless, per Government Code Section 54953.4(b)(2)(A), the City Council shall reasonably assist members of the public who wish to translate a public meeting into any language or wish to receive interpretation provided by another member of the public, so long as the interpretation is not **“disrupting”** to the meeting, as defined in Government Code Section 54957.95. Per Government Code Section 54957.95(b)(1), **“disrupting”** means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following: (i) a failure to comply with reasonable and lawful regulations adopted by a legislative body or any other law; and/or (ii) engaging in behavior that constitutes use of force or a **“true threat of force”** within the meaning of Government Code Section 54957.95(b)(2). The City Clerk shall publicize instructions on how to request assistance which may include any of the following, as determined by City Council:
 - i. Arranging space for one or more interpreters at the meeting location;
 - ii. Allowing extra time during the meeting for interpretation to occur; and
 - iii. Ensuring participants may utilize their personal equipment or reasonably access facilities for participants to access commercially

available interpretation services. As provided under Government Code Section Government Code Section 54953.4(b)(2)(C);

- a. The City Council is not responsible for the content or accuracy of any interpretation facilitated, assisted with, or provided in the manner described above; and
- b. No action shall be commenced or maintained against the City Council arising from the content or accuracy of any interpretation facilitated, assisted with, or provided in such manner.

5.3 ADDRESSING THE CITY COUNCIL AFTER PUBLIC COMMENT IS CLOSED

After the applicable public comment period has been closed, members of the public will not be entitled to address the City Council further but the City Council by majority vote in its sole discretion reserves the right to reopen public comment before entertaining motions so it may receive additional public comment.

5.4 WRITTEN CORRESPONDENCE

The City Manager is authorized to receive and open all mail addressed to the City Council as a whole and give it immediate attention to the end that all administrative business, not necessarily requiring City Council action, may be disposed of between City Council meetings. Any communication requiring City Council action will be reported to the City Council at its next regular meeting together with a report and recommendation of the City Manager. The City Manager is authorized to open mail addressed to individual Councilmembers, unless specifically requested otherwise from an individual member.

6. MOTIONS

6.1 POLICY OBJECTIVE

To ensure orderly, full and fair deliberation on matters for which City Council action is sought, the following rules shall govern the discussion, making and voting on motions during City Council meetings.

6.2 INITIAL PRESENTATION OF AGENDIZED BUSINESS

For each action item on the City Council agenda, excluding non-pulled consent items, the Presiding Officer, through the City Manager, will invite the appropriate person(s) to present on the item, including any recommendation that they might have.

After the presentation is completed, Councilmembers will be given an opportunity to pose questions, seek clarification and offer comment on the item of business at hand. For each agendized item of business, the Presiding Officer shall make a

professional, courteous, good faith effort to randomize the order in which Councilmembers are recognized to pose questions, seek clarifications and/or offer comment on the matter. After all Councilmembers have been given an initial opportunity to pose questions and comment on a matter, the Presiding Officer will ask if a majority of Councilmembers present wish to undertake an additional round of questioning and comment before the Presiding Officer entertains motions. An additional round will be conducted only if a majority of Councilmembers present so request. Successive rounds of commenting and questioning will be undertaken so long as a majority of Councilmembers present wish to continue with a subsequent round. Councilmembers shall refrain from making main motions on the item during this time.

6.3 MAKING OF MOTIONS

- a. After the period for Councilmembers to pose questions, seek clarification and offer comment on a matter has concluded, the Presiding Officer will then open the floor for the making of motions. Insofar as an action item was placed on the agenda by an individual Councilmember, the Presiding Officer, as a professional courtesy, will give the Councilmember responsible for placing the item on the agenda the opportunity to make the main motion to approve the item, subject to another Councilmember seconding the motion. All main motions shall require a second in order to be voted upon.
- b. Consistent with Section 3.4 (Statement of the Motion or Question) of this procedural manual, when a main motion is made and seconded and before deliberation or voting on the motion commences, the Presiding Officer will make sure all Councilmembers understand the motion. This can be accomplished in one of three ways:
 - i. The Presiding Officer can ask the maker of the motion to repeat it.
 - ii. The Presiding Officer can repeat it; or
 - iii. The Presiding office can ask the City Clerk, the City Manager or the City Attorney to state it.
- c. Once a main motion has been made, seconded and repeated for clarity, the Presiding Officer will open the floor for deliberation on the merits of the main motion on the table, which deliberation may include the making of any of the subsidiary or incidental motions described under Sections 6.4., 6.5, 6.7 and 6.8, below as well as friendly amendments as described under Section 6.9, below. The Presiding Officer will give each member opportunity to comment on the main motion and to propose any of the types of motions or actions referenced in the preceding sentence before a vote is taken. At any given time during deliberation on a main motion, there may be no more than one primary amendment and one secondary amendment on the table.

- d. No Councilmember may make a motion to call the previous question as described in paragraph 7 of Section 6.7 until all members have been recognized by the Presiding Officer and afforded an opportunity to address the body regarding the main motion on the table at least two times for a maximum of 5 minutes each time. A Councilmember who does not avail himself/herself of either or both opportunities to speak or does not use their maximum allotted time to speak waives such time or the unused balance of such time. The unused allotted time of one Councilmember may not be donated to another Councilmember. At any time during deliberation, a Councilmember who is recognized by the Presiding Officer may make a motion to limit or extend the time for debate as described under paragraph 8 of Section 6.7.
- e. During deliberation, the Presiding Officer will recognize the maker and seconder of the main motion last to speak on the motion.
- f. There is a limit to the number of amendments that may be considered at any one time: There can only be one main motion, one primary amendment and one secondary amendment pending at a given time. The secondary amendment will be voted on before the primary amendment, and the primary amendment will be voted on before the main motion. Both the primary amendment and the secondary amendment can take on any of the formats identified under paragraph 11 of Section 6.7, below. Unlike what is stated under Robert's Rules of Order, a secondary amendment need not be limited to only amending the primary amendment.
- g. Once deliberation is completed, the City Council will proceed to vote on the motions and amendments on the table.

6.4 WITHDRAWAL OF MOTIONS BY MAKER

A withdrawal motion may be made by the maker of a motion to remove the motion from consideration before it is voted on. The maker of the motion must be recognized by the Presiding Officer to do so. The motion must be seconded, is not debatable or amendable and requires majority vote of Councilmembers present for approval.

6.5 DIVISION OF QUESTION (MOTION)

A motion to divide the question is used to separate a main motion or amendment into parts to be voted on individually. It may only be used if each part can stand as a separate question. The ability to divide the question is also subject to segmentation restriction under the California Political Report Act (Government Code Section 81000 et seq.) as elaborated upon under Fair Political Practices Commission Regulation 18706). The make of the motion must be recognized by

the Presiding Officer. The motion must be seconded, is not debatable but is amendable and must be approved by majority votes of Councilmembers present.

6.6 PRECEDENCE OF MOTIONS

When a main motion is before the City Council, no other main motion may be entertained except the following in order of precedence from 1 to 12:

1. Adjourn under Government Code Section 54955.
2. Adjourn (to end the City Council meeting).
3. Recess.
4. Raise a question of privilege.
5. Call for the Orders of the Day.
6. Lay on the Table.
7. Previous Question (aka Call for the Question).
8. Limit or Extend Limits of Debate.
9. Postpone to a certain time.
10. Commit or refer.
11. Motion to Amend.
12. Postpone indefinitely.
13. Main motion.

6.7 PRECEDENCE OF MOTIONS (DESCRIPTION OF MOTIONS)

The purpose and characteristics of the motions listed in order of preference under Section 6.6, above, are more specifically described below as follows:

a. MOTION TO ADJOURN UNDER GOVERNMENT CODE SECTION 54955

A motion to adjourn within the meaning of Government Code Section 54955 carries-over a meeting of the City Council to a later date, time and location to complete all agendaized business. The Presiding Officer or any recognized Councilmember may move for such an adjourned meeting. The motion to adjourn must be seconded, is not debatable except as to the date, time and location of the adjourned meeting and may be approved by simple majority of Councilmembers present. Refer to Section 1.2 (Adjourned Meetings) of this policy for a further explanation on Government Code Section 54955 adjourned meetings and procedural requirements set forth under the Brown Act.

b. MOTION TO ADJOURN (NOT DEBATABLE)

A motion to adjourn brings a City Council meeting to an end. For purposes of this section, adjourn does not mean to adjourn (i.e, carry over to another date and time) a meeting with the meaning of Government Code

Section 54955. The maker of the motion to adjourn must be recognized by the Presiding Officer. A motion to adjourn must be seconded, is not debatable or amendable and must be approved by a majority of Councilmembers present.

c. MOTION TO RECESS

A motion to recess calls for a brief intermission by the City Council. The maker of a motion to recess must be recognized by the Presiding Officer. A motion to recess must be seconded, is not debatable but is amendable insofar as another Councilmember proposes an alternative length for the recess. A motion to recess may be approved by simple majority vote of Councilmembers present.

d. RAISING A QUESTIONS OF PRIVILEGE

Questions of privilege concern issues that require immediate attention and typically fall into two general categories: Questions of privilege affecting the body and questions of personal privilege, with priority given to those affecting the body. Councilmembers raising privilege do not need to be recognized by the Presiding Officer. Raising a question of privilege does not require a second, is not debatable or amendable and need no vote. Questions of privilege affecting the body usually have to do with comfort issues (heating, lighting, ventilation, noise issues or other disturbances that prevent Councilmembers from hearing what is going on at a meeting). Questions of personal privilege apply to a single Councilmember (e.g., a need to depart the meeting to attend to a family matter etc.).

e. CALL FOR THE ORDERS OF THE DAY

A call for the orders of the day is used when the agenda or program is not being followed or if an item was set to be taken up at a certain time and that time has passed. The maker of the call does not need to be recognized by the Presiding Officer. The call does not require a second, is neither debatable nor amendable.

f. MOTION TO LAY ON THE TABLE

A motion to lay on the table allows the City Council to set aside a pending motion in order to attend to more urgent business. When a motion is laid on the table all, all motions that are currently adhering to it (e.g., motions to amend), go with it to the table and come back with it off the table. If a motion to lay on the table is carried, the motion may be “taken from the table” at any time prior to the end of the next City Council meeting. The maker of a motion to lay on the table (or take back from the table) must be recognized by the Presiding Officer. A motion to lay on the table (or take back from the table) must be seconded, is not debatable, is not amendable and is approved by simple majority of Council members present.

g. MOTION TO CALL FOR THE PREVIOUS QUESTION (CALL FOR THE QUESTION)

Such a motion is used to close debate on the main motion. The maker must be recognized by the Presiding Officer. The motion must be seconded and approved by 2/3 of Councilmembers present. The motion is not debatable. If the motion carries, it requires an immediate vote on the pending motion. If the motion does not carry, discussion on the motion continues.

h. MOTION TO LIMIT OR EXTEND LIMITS OF DEBATE

A motion to limit or extend limits of debate can reduce or increase the number and length of speeches permitted or can limit the length of the debate on a specific motion. The motion applies only to the limit on debate of the pending motions and subsequent subsidiary motions, if any. It is only applicable to the meeting in which it was adopted. The maker of the motion must be recognized by the Presiding Officer. The motion must be seconded, is not debatable but is amendable and must be approved by 2/3 of Councilmember's present.

i. MOTION TO POSTPONE TO A CERTAIN DATE AND TIME

A motion to postpone to a certain date and time is used to give the City Council more time to make a decision or if there is a more convenient time for consideration of a question. A matter may be so postponed to no later than the end of the next regularly scheduled City Council meeting. Once a motion to postpone to a certain date and time has been carried it cannot be taken before the scheduled date and time without first carrying a motion for reconsideration. The maker of the motion to postpone to a certain date and time must be recognized by the Presiding Officer. The motion must be seconded, is debatable and amendable and may be approved by simple majority of members present.

j. COMMIT OR REFER

A motion to commit or refer a main motion sends the motion to a smaller group like a standing committee or ad hoc committee for further examination and refinement before the body votes on it. The maker of the motion must be recognized by the Presiding Officer. The motion must be seconded, is debatable and amendable and approved by simple majority of members present.

k. MOTION TO AMEND

A motion to amend seeks to modify the pending main motion or primary amendment to the main motion before they are voted on. The maker must be recognized by the Presiding Officer. A motion to amend must be seconded and approved by a majority of Councilmembers present and is itself debatable only as to the amendment. A proposed amendment must be germane to the motion it seeks to amend in that it relates to the same subject as the main motion and does not introduce a new independent issue. An amendment to a motion can take three formats, as follows:

- **Insert or add:** This format involves inserting or adding words to a

motion.

- **Strike out:** This format involves cutting words from a motion.
- **Strike and insert:** This format involves substituting words or the entire text of a motion with new text. This approach may be referred to as amendment by substitution.

I. MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely allows the City Council to defer consideration of a matter to an unspecified future date and time without having to take a vote on the matter at the meeting where the motion to postpone indefinitely is made, unless a motion for reconsideration is carried. The make of the motion must be recognized by the Presiding Officer. A motion to postpone indefinitely must be seconded, is debatable but is not amendable and must be approved by simply majority of Councilmembers present.

m. MAIN MOTION

A motion is a proposal on which the City Council takes specific action and typically relates to items of business that appear on the City Council agenda. The maker of a main motion must be recognized to make a motion. A main motion must be seconded, is debatable and amendable. The vote required to approve a motion can vary depending on the subject being voted on or the instrument, if any, memorializes the motion. Some motions may be approved by simple majority of members present while other require while others require approval no less than the quorum of the full membership of the City Council. Some motions require supermajority approval of the full membership of the City Council or supermajority of Councilmembers who are present at counted toward the quorum. For a five-member body like the San Fernando City Council, motions to approve ordinances, resolution and demands for payment require a minimum of three (3) yes votes to approved.

6.8 INCIDENTAL MOTIONS

Incidental motions are a class of motions that are designed to ensure Councilmembers follow meeting rules and procedures; allow Councilmembers to ask questions about procedures or request information; or appeal the rulings of the Presiding Officer.

a. POINT OF ORDER

A Councilmember can assert a point of order if he or she believes the rules and procedures of a meeting, including parliamentary rules, are not being followed

properly. A Councilmember who asserts a point of order does not need to be recognized by the Presiding Officer. A point of order request does not need to be seconded, is not debatable or amendable. The Presiding Officer must ask the Councilmember asserting the point of order and to state the basis for the point of order. The Presiding Officer is then charged with making a ruling on the point of order.

b. INQUIRY REQUESTS

Inquiry requests include “points of parliamentary inquiry” and “points of information.” A “point of parliamentary inquiry” poses a question to the Presiding Officer concerning parliamentary law or the City Council’s other meeting procedures. A “point of information” is a nonparliamentary question about the business at hand. A Councilmember requesting a point of parliamentary inquiry or point of information need not be recognized by the Presiding Officer. The request does not need to be seconded, are not debatable or amendable and are responded to by the Presiding Officer.

c. APPEAL FROM THE DECISION OF THE PRESIDING OFFICER

An appeal from the decision of the presiding officer takes the decision regarding parliamentary procedure out of the hands of the hands of the Presiding Officer and places the final decision in the hands of the full City Council. The maker of such an appeal does not need to be recognized by the Presiding Officer. The appeal does not need to be seconded. The appeal is debatable unless it is made when the immediately pending question (motion) is undebatable. In the debate, no Councilmember is allowed to speak more than one time except the Presiding Officer who may speak twice. The motion is not amendable and needs a majority vote of members present to be approved.

6.9 FRIENDLY AMENDMENTS

To expedite the deliberation on a main motion, any Councilmember recognized by the Presiding Officer may in lieu of a formal motion to amend referenced under paragraph 11 of Section 6.7, above, may propose a germane “friendly amendment” to the main motion which may have any of the characters of the various types of formal amendments described under paragraph 11 of Section 6.7, above. Friendly amendments may also be proposed for primary and secondary amendments to a main motion. A friendly amendment does not require a second but does require the consent of both the maker of the Councilmember who made the main motion and the Councilmember who seconded the main motion. If consented to the main motion as amended by way of the friendly amendment becomes the new main motion on the table. If the maker or seconder to the original main motion declines the friendly amendment, the

Councilmember proposing the friendly amendment may then propose the same in the form of a formal motion to amend.

7. VOTING

7.1 VOTING PROCEDURE

Motions can be adopted by voice vote, roll call vote or by the general consent/ “no objection” method. The results of the vote shall be entered in full in the minutes.

The order of a roll call vote shall be designated by the City Clerk, with the Mayor voting last.

Except as otherwise provided herein, the “no objection” method for expediting lengthy agendas may be used unless any Councilmember requests a voice or roll call vote or when a roll call vote is required by law. The approval of the motion in the minutes shall be reflected as a “no objection” vote or that the motion “carried unanimously”.

Roll call votes shall be taken on all ordinances, resolutions, or orders for the payment of money unless the vote is unanimous.

Motions requiring a supermajority vote to be approved should be announced by City staff prior to City Council consideration of the motion.

7.2 APPROVAL OF MOTION BY GENERAL (“NO OBJECTION”) CONSENT

Unless otherwise required by law, the City Council may be generally unanimous or silent consent with less regard for formal motions. Where there appears to be no objection, the formality of voting can be avoided by the Presiding Officer asking if there is any objection by any Councilmember to the proposed action, and, if there is none, the Presiding officer shall announce the result. The action taken is by general consent of the City Council.

7.3 ABSTENTIONS

Abstentions do not count as a “yes” or “no” vote but do count toward the establishment of a quorum needed to transact business. An abstention is not the same as a recusal which requires the Councilmember to leave the dais (except in the case of Consent items) and not be counted toward the quorum. Where applicable law requires recusal, a mere abstention will not satisfy the requirement.

7.4 MOTION FOR RECONSIDERATION

Any Councilmember who is recognized by the Presiding Officer and who voted with the majority may move a reconsideration of any action, provided the:

- i. Motion is made *at the same* meeting as the action to be reconsidered was taken;
- ii. It is seconded; and
- iii. Action to be reconsidered is one that may be lawfully reconsidered.

In addition to the foregoing, where the action to be reconsidered was the main subject of a quasi-judicial proceeding (e.g., a land use appeal or entitlement application etc.), a motion for reconsideration may only be made if the applicant, appellant or other party whose interest was the subject of the proceeding is still present and is given an opportunity to address the City Council on the motion to reconsider and, if the motion to reconsider was successful, any alternative action taken by the City Council.

The motion for reconsideration may be seconded by any Councilmember. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council.

7.5 MOTION TO RESCIND

Any Councilmember may make a motion to rescind (i.e., undo) a prior action of the City Council, provided:

- i. The motion is seconded; and
- ii. The action to be rescinded is one that may legally be rescinded.

Any Councilmember may second the motion to rescind. A motion to rescind:

- i. Does not bring a matter back for further consideration or debate if adopted, it simply nullifies the prior action;
- ii. Can be brought at any time, subject to any legal limitations or restrictions on the ability of the City Council to rescind a prior action; and
- iii. May be made by any Councilmember.

8. RESOLUTIONS

8.1 RESOLUTIONS PREPARED IN ADVANCE

Where a resolution has been prepared in advance, the procedure shall be staff/City Council report (if needed), discussion (if needed), motion, second, City Council votes, and results declared. All resolutions shall be read in full, unless the

full reading is waived by unanimous consent of the City Council. Items of the Consent Calendar are automatically deemed to have the full reading waived by common consent.

8.2 RESOLUTIONS NOT PREPARED IN ADVANCE

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Attorney or City Manager to prepare a resolution for presentation at the next City Council meeting. Resolutions shall be approved in accordance with Government Code.

9. ORDINANCES

9.1 ORDINARY APPROVAL OF ORDINANCES.

Per Government Code Section 36934:

- a. Ordinances require two readings to be adopted/approved: one to introduce the ordinance (first reading) and a second to adopt/approve the ordinance (second reading);
- b. The second reading of an ordinance may not occur within 5 days of the first reading;
- c. Second readings may only occur at regular or adjourned regular meetings; and
- d. All ordinances must be read in full either at the time of introduction (first reading) or at the time of adoption/approval (second reading), except in either of the following circumstances:
 - i. When, after reading the title, further reading is waived by regular motion adopted by majority vote; or
 - ii. If the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or approval/adoption.
- e. If the motion to approve an ordinance for first reading was unanimous, the second reading of the ordinance may be agendaized under the Consent Calendar. Following the second reading approval of an ordinary ordinance, the City Clerk shall comply with all notice and publication requirements called for under the Government Code or any other statutes governing the subject matter of the ordinance. Per Government Code Section 36937, ordinary ordinances become effective 30 days from the date the ordinance was approved/adopted for second reading.
- f. Per Government Code Section 36936 all ordinances require a recorded

majority vote of the total membership of the City Council irrespective of the number of City Councilmember's present (i.e., a minimum of three (3) votes in favor of the ordinance are needed).

- g. When applicable law requires the conduct of a public hearing as part of the approval process for an ordinance, the City Council shall conduct a public hearing and comply with all other noticing and publication requirements required by law.

9.2 URGENCY ORDINANCES; INTERIM ORDINANCES.

Ordinances for the immediate preservation of the public peace, health or safety within the meaning of Government Code Section 36937(b); and interim ordinances within the meaning of Government Code Section 65858, including extensions of the same take effect immediately without the need for a second reading or a 30-day waiting period before becoming effective. The City shall comply with all noticing, publication, public hearing and finding requirements for all such ordinances.

10. [RESERVED]

11. REORGANIZATION

11.1 SELECTION OF MAYOR AND VICE MAYOR

Annually, the City Council shall undertake a reorganization to choose one of its members to serve as Mayor and another to serve as Vice Mayor. The dates for undertaking the annual reorganization shall be as follows:

- a. In even numbered years, the City Council, as mandated by Government Code Section 36801, shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its members as Mayor, and one of its members Vice Mayor.
- b. In odd numbered years, the City Council shall meet at the first regular meeting date falling on or immediately following the one-year anniversary of the date of the prior year reorganization.
- c. Nothing herein shall be deemed or construed to prohibit any person from serving any number of consecutive terms as Mayor or Vice Mayor.

The following procedure shall be used:

Election of Mayor:

- a. City Clerk opens the nominations for the position of Mayor
- b. Nomination(s) is/are made for Mayor, and seconded
- c. Hearing no objections, motion to close nominations
- d. After nominations for the office of Mayor have been closed, if only one person has been nominated and seconded, the City Clerk shall declare that nominee elected. No additional vote shall be required other than the vote, if any to close nominations.
- e. City Clerk conducts a roll call vote and each Councilmember announces his/her vote selection for Mayor from among the nominees.
- f. The first nominee to receive at least 3 votes shall be the City Council appointee for Mayor.
- g. If no nominee succeeds in obtaining 3 or more votes, the City Council by majority vote may agree on some alternative means of selecting the Mayor from among the remaining nominees, including methods of chance, drawing names, removing one or more Councilmembers from consideration, and/or vacating the current seat.

Election of Vice Mayor: (City Clerk to follow steps a-f above). Councilmembers selected as Mayor and Vice Mayor serve at the pleasure of the City Council as a body. (67 Ops. Atty. Gen. 405 (Cal.A.G.) 1984, Opinion No. 83-1204).

11.2 APPOINTMENT OF COUNCIL MEMBERS TO BOARDS, COMMITTEES/OUTSIDE BODIES/ORGANIZATIONS.

No later than the second regular City Council meeting immediately following the annual reorganization, the City Council shall meet to designate the Councilmembers who will serve on various standing and ad hoc committees of the City Council or who will serve as the City Council's representative, delegate or liaison on outside bodies or organizations.

After the procedure prescribed in Section 11.1 has been completed, the Mayor, with the consent of a majority of the City Council, may appoint new City Council liaisons/delegates to the various Boards, Committees/Outside Bodies/Organizations. Nothing in this Section would prohibit the Mayor, with approval of a majority of the City Council, from making changes or other appointments during any other time.

Funding Regarding Independent Cities Finance Authority (ICFA) Annual Allotment

- a. This policy applies only in years in which the City qualifies to receive an ICFA annual allotment.
- b. ICFA funds shall be used only for purposes permitted by ICFA and applicable law.
- c. The City Council recognizes that, although many nonprofit organizations provide valuable services to the community, the selection of a recipient may create an actual or perceived appearance of favoritism or unequal recognition among community organizations or elected officials. It is therefore the intent of this policy to establish

a consistent and impartial framework for the use of ICFA funds.

- d. In alternating years, the City Council intends to allocate the ICFA annual allotment to qualifying community activities.
- e. During the years in which the Education Comm does not receive the allotment the City Council intends to allocate the funds to a city-sponsored program or activity that benefits the community as a whole and is administered in a manner that does not favor or appear to favor any individual Councilmember.

11.3 APPOINTMENT OF CITY COMMISSIONERS BY COUNCILMEMBERS

Members of the Education Commission, the Parks, Wellness & Recreation Commission, Planning & Preservation Commission and the Transportation & Public Safety Commission shall be appointed and serve in accordance with the San Fernando Municipal Code as most recently amended and updated by City Council Ordinance No. 1740 dated April 27, 2026. As specified under Section 2-404 (Term of Commissioners) of the San Fernando Municipal Code, a Commissioners term of office ends when the City Councilmember who appointed the Commissioner is no longer on the City Council. Accordingly, following the swearing-in of Councilmembers following any City election, the seats of commissioners appointed by outgoing Councilmembers shall be deemed vacant.

11.4 REORGANIZATION CITY COUNCIL MEETING

The reorganization meeting shall be limited to reorganization-related matters, the consent calendar matters, ordinance that require a second reading of a previously introduced ordinance, any matters the City Council has previously directed to be heard at the reorganization meeting, and any urgent matters identified by City staff that cannot reasonably be postponed to the next City Council meeting.

12. COMMITTEES OF THE CITY COUNCIL

12.1 GENERAL

The Mayor may, subject to concurrence of a majority of the City Council: (a) designate standing and ad hoc committees (collectively “Committee”); and (b) make appointments to all committees.

Each standing committee shall consist of two (2) Councilmembers. An ad hoc committee may consist of either one or two Councilmembers.

12.2 PURPOSE

The primary purpose of each Committee is to provide a forum for the thorough vetting of matters within the committee’s subject matter jurisdiction, before they are presented to the City Council. A secondary purpose is to provide guidance to City staff on matters within the committee’s subject matter jurisdiction, enabling

staff to obtain interim guidance as they develop and refine matters for presentation to the City Council. The objective is to eliminate, to the extent possible, those situations where the City Council is forced to deal with large and difficult issues at their meetings without any prior formal discussion or analytical input to guide staff's work product.

Ad hoc committees shall have a clear and definite scope and will be dissolved upon completion of the scope, unless otherwise extended by the City Council with a new scope. Ad hoc committees are less formal than standing committees and are therefore not subject to the requirements of the Ralph M. Brown Act.

12.3 LIMITATIONS ON AUTHORITY

- a. No committee may approve a contract or expenditure of funds.
- b. No committee may provide any direction to City staff, the City Attorney, or consultants engaged by the City, except that a City Council standing committee may provide such direction at a duly noticed meeting of a standing committee, where such direction concerns a matter that is within the subject matter jurisdiction of the standing committee, such direction does not conflict with the policies or direction established by the City Council, and where such direction will not result in an expenditure of resources in excess of the applicable amounts allocated in the approved annual budget.

12.4 APPLICABLE LAWS AND REGULATIONS

All City Council standing committees shall comply with the requirements of the Ralph M. Brown Act. All City Council standing committees shall comply with the procedures set forth in Sections 1 through 5, inclusive, of this Procedural Manual, to the extent reasonably practicable. In the event of any conflicts between the provisions of Sections 1 through 5 and the provisions of this Section 12, the latter shall control.

12.5 MEETING DATE AND TIME

By agreement of both members, each standing committee shall establish a time and place for regular meetings, as required by the Ralph M. Brown Act. In order to minimize the extra demands of City staff, and to maximize public participation, each standing committee shall, to the maximum extent possible, conduct its business at the regularly scheduled meeting.

12.6 QUORUM

Only one member of a committee must be present in order to establish a quorum. The scheduling of meetings so as to facilitate the participation of both members of a two-person committee is strongly encouraged.

12.7 STAFFING

The City Manager shall appoint a staff member to be the primary staff liaison for each standing committee. The designated staff liaison shall coordinate all meetings of the standing committee, ensure that each meeting is audio recorded and cause the recorded audio to be delivered to the City Clerk upon completion of the meeting. The recorded audio shall be retained by the City Clerk for the same period as recorded audio of City Council meetings. The designated staff liaison shall work with the City Manager to ensure that the appropriate staff member(s) attend the meetings of the standing committee, and that the recommendations provided by the standing committee is carried out.

12.8 AGENDAS

The agenda for all meetings of Boards, Commission and Committees, with all background staff reports, shall be available to the public at the meeting and 72 hours in advance of the regular meeting (24 hours in advance of a special meeting) at the City Clerk's office. The agenda may be amended in accordance with State law, prior to any meeting.

When the City Council desires to have an item placed on an agenda for an upcoming meeting of a standing committee, the City Council shall provide the designated staff liaison with that directive at a meeting of the City Council. At that time, the City Council may also charge the designated staff liaison with the responsibility for conducting preliminary research and collecting/preparing any written materials that may aid the Committee in its discussion of the matter.

12.9 REPORT ON ACTIVITIES OF BOARDS, COMMISSIONS AND COMMITTEES

The agendas for City Council meetings shall include a section entitled Boards, Commission and Committees ("Commission") Updates. The Commission Chair is responsible for making a brief report on the activities of the commission to the full City Council. If there is nothing to report, then "Nothing to Report" is an acceptable comment. All written materials presented to a Commission are public records, and shall be maintained as directed by the City Clerk.

Department Directors shall provide brief reports regarding significant Departmental activities, upcoming events, projects, or other matters of interest to the City Council.

The Director of Community Development shall provide a summary of the most recent Planning and Preservation Commission meeting, together with a summary of significant items anticipated for the next scheduled Planning and Preservation Commission meeting. If there have been no significant updates since the previous City Council meeting, the Director may simply report that there are no new items to present.

13. PROCEDURE FOR FILLING CITY COUNCIL VACANCIES

- 13.1 If a vacancy occurs to any City Council seat, the vacancy may be filled by appointment or by special election in compliance with Government Code Section 36512(b). The filling of vacancies by appointment shall be subject to the restrictions of Government Code section 36512(d)(1) which prohibits the filling of a vacancy by appointment if the appointment would result in a majority of the members serving on the City Council being appointees.
- 13.2 If the City Council elects to fill a vacancy to a City Council seat by appointment, any appointment shall be made in subject to the following procedures:
- a. At a regular or special meeting of the City Council, the City Council shall direct the City Clerk to make an application available, at the earliest possible date and time, for individuals interested in being appointed to the vacant City Council seat and establish a reasonable due date for the applications.
 - b. At a regular or special meeting of the City Council, the City Council will allow all applicants to address the City Council for the purpose of stating their experience and qualifications for being granted the appointment. The City Council shall determine the uniform amount of time candidates will receive to address the City Council.
 - c. Following the presentations by potential appointees, the City Council will receive comments from interested members of the public.
 - d. Following public comment, the City Council may commence deliberation on one of the following options:
 - i. Make an appointment to fill the vacant City Council position and direct the City Clerk to administer the Oath of Office; or
 - ii. Defer making an appointment until Councilmembers have had additional time to consider the applicants, and a further opportunity should they wish to interview the finalists one-on-one.
 - e. As provided under Government Code Section 36512, if the City Council does not fill the vacancy by appointment within 60 days from the date of the vacancy or fails to call an election within 60 days from the date of the vacancy, the vacant seat shall automatically be filled by election as provided under Government Code section 36512 and other applicable laws.

14. PRIORITY GOAL SETTING MEETING

- 14.1 The City Council shall hold a special study session every year during the budget

process to set priorities and goals for the subsequent fiscal year. The purpose of setting goals and priorities is to provide the City Manager with guidance for allocating funds and deferred maintenance costs in the City Manager's Proposed Budget.

- a. City Council goals articulate city-wide long-term strategic goals and objectives that the organization strives to achieve over the next three to five years. Goals tend to remain relatively stable over time.
- b. Priorities are specific short-term items that are reasonably achievable in the upcoming fiscal year. Priorities typically fit within city-wide goals but provide more specific focus for the upcoming fiscal year.

- 14.2 When setting goals and priorities, City Council shall take into consideration staff resources available to accomplish said goals and priorities. The goals and priorities should be reviewed semi-annually (i.e., twice a year) with the City Manager and updated to reflect goals and priorities that are reasonably attainable given limited staff resources.

15. OFFICIAL LETTERHEAD AND OTHER STATIONERY USE POLICIES

15.1 AUTHORIZED USE OF LETTERHEAD

Official City letterhead or any other official Stationery of the City must be used with care to avoid misunderstandings, including but not limited to, misrepresentations of official City Council-approved policies or actions. When authorized or otherwise directed by a majority of the City Council at a duly noticed meeting of the City Council, official City letterhead and/or other official Stationery may be used by members of the City Council to communicate official City Council-approved action or policy. Without the prior approval of the City Council but subject to the restrictions and requirements of this Section below and Section 15.3, an individual Councilmember may use official City letterhead and/or other official Stationery for the following purposes, provided the Councilmember makes clear in the correspondence that he or she is communicating in his or her individual capacity and not on behalf of the City or the City Council as a body to:

- i. Acknowledge the receipt of communications submitted to the Councilmember by members of the public;
- ii. Offer simple congratulations or appreciation to members of the public for their civic involvement or personal achievements which reflect positively on the San Fernando community;
- iii. Offer simple condolences and/or best wishes to members of the public who have endured personal hardship or loss;
- iv. Respond to inquiries by members of the public seeking publicly available and non-privileged information about City programs or services;

- v. Request information from other public agencies or non-City organizations; or
- vi. Express personal support for legislation or other public policies or initiatives, provide it is made clear by the Councilmember that the Councilmember is expressing such support in his or her individual capacity and not on behalf of the City Council as a body.

15.2 UNAUTHORIZED USE OF OFFICIAL LETTERHEAD OR OTHER OFFICIAL STATIONERY

In addition to any other prohibition set forth under this Chapter, elsewhere in this Manual, under the San Fernando Municipal Code or State law or Federal law, no member of the City Council communicating with any other person or entity through the medium of official City letterhead or other official Stationery of the City, may represent that he or she is communicating or otherwise acting in a representative capacity for the City Council or the City or communicating a position or opinion in the name of the City Council or the City unless the City Council has been expressly authorized to do so by a majority of the City Council at a duly noticed meeting of the City Council. The City Council reserves the right to request that any communications using City letterhead or other City Stationery which are issued in the name of the City Council or the City must be reviewed and vetted by the City Council as a body at a duly noticed meeting of the City Council before the communication is disseminated. Under no circumstances may City letterhead or other official Stationery be used in any manner that:

- i. Would constitute a violation of Government Code Section 8314, Government Code Section 82041.5 or any other applicable statute or regulation governing the use of public resources; or
- ii. Discloses confidential or privileged information that a Councilmember has acquired in his or her official capacity as a member of the City Council where such disclosure may only be made with the consent of the City Council acting as a body and such consent has not been formally granted by the City Council acting as body.

15.3 PREPARATION OF COMMUNICATIONS USING OFFICIAL LETTERHEAD OR OTHER OFFICIAL STATIONERY

It shall be the official policy of the City to have all City Councilmember communications using official City letterhead or other official Stationery prepared by secretarial staff of the City Manager's office, with prior verbal or written notice by the requesting Councilmember to the City Manager. City secretarial staff may not commence the drafting of such communications until the City Manager has confirmed either verbally or in writing that the City Manager has been notified of a Councilmember's request to communicate using official City letterhead or other official Stationery of the City. The City Manager reserves the right to review all such communications before they are disseminated to verify compliance with these policies, and the City Manager further reserves the right to seek input and direction from the City Council at a duly noticed meeting of the City Council before

authorizing staff to disseminate any such communications. Councilmembers shall not receive personalized official letterhead or Stationery nor shall Councilmembers be entitled to maintain their own stock of letterhead or Stationery or maintain electronic templates of such Stationery. The rights and duties of the City Manager under this Chapter shall be delegated to the person who has been formally designated by the City Manager or a majority of the City Council to act in place of the City Manager during any period time in which the City Manager is on vacation, on extended leave or is otherwise physically unable to discharge his or her duties at the time the request is made.

15.4 COUNTERFEIT LETTERHEAD OR STATIONERY

Except as may otherwise be allowed under City Council Ordinance No. 1724 approved April 2, 2024, no member of the City Council may affix the city seal or any other City logo on any personal letterhead, Stationery or any other written document, whether or not such letterhead, Stationery or document is transmitted in paper form or electronically. All such written communications improperly bearing the City seal or any other City logo shall be deemed unauthorized and counterfeit.

15.5 DEFINITIONS

- a. "City seal" shall have the same meaning as set forth under Section 1-13 of the San Fernando Municipal Code as the same may be amended from time to time. The City seal as described under Section 1-13 appears as follows:



- b. "City logo(s)" shall have the same meaning as set forth under Section 1-13 of the San Fernando Municipal Code as the same may be amended from time to time. City logos as described include the following depictions:



16. STATEMENTS OF ECONOMIC INTEREST

16.1 FORM 700 STATEMENT OF ECONOMIC INTERESTS OVERVIEW

One of the main laws designed to prevent self-dealing in governmental decision-making is the Political Reform Act of 1974 (the PRA). The PRA is codified under the California Government Code. The PRA requires that most state and local government officials disclose their personal income and assets, as well as disqualify themselves from participating in certain governmental decisions that may impact their personal economic interests. As required under the PRA, local elected officials must annually disclose their economic interests through a form referred to as the Form 700 – Statement of Economic Interests (the Form 700). The Form 700 is filed annually with the City Clerk. Any member of the public is permitted to inspect and copy a Form 700 during normal business hours. Members of the City Council and the Planning and Preservation Commission shall be mindful of PRA requirements to complete an annual Form 700 and to complete the same upon assuming and departing from public office also as required under the PRA.

16.2 FILING OF FORM 700

Pursuant to Assembly Bill 1170 signed by the Governor on September 6, 2024, effective January 1, 2025, Statements of Economic Interests (Form 700) filed by a Councilmembers must be filed electronically with the FPPC using the FPPC's electronic filing system. The FPPC is the filing officer for Councilmembers. Councilmembers should consult with the City Clerk and the FPPC regarding applicable filing deadlines. For questions regarding e-filing or login ID and password, Councilmembers may email Form700@fppc.ca.gov. For specific questions about reporting requirements, Councilmembers should contact the FPPC at Advice@fppc.ca.gov or 1-866-ASK-FPPC.

17. MISCELLANEOUS

17.1 CONSULTATION WITH CITY ATTORNEY

- a. Any Councilmember should be able to contact and consult with the City Attorney to discuss any matter within the subject matter jurisdiction of the City, and for general information regarding conflict of interest issues, FPPC filing requirements, ethics-related issues and the like, without such information having to be shared with other Councilmembers, unless the City Attorney is ethically required to disclose such information to the full City Council as a whole pursuant to applicable State Bare Rules or other applicable laws. Councilmembers and staff may also consult with the City Attorney to obtain non-confidential information or clarification on matters of potential interest to the Councilmember without such inquiry or information having to

be shared with the full City Council, unless the City Attorney is ethically required to disclose such information to the full City Council. Furthermore, the City Attorney, in his/her discretion and professional judgement, may also share such information with the full City Council if it relates to or otherwise informs:

- i. A matter that is currently being considered by the City Council or that is agendaized for consideration at an upcoming meeting of the City Council; or
 - ii. A topical and/or hotly contested matter of concern or interest to all Councilmembers or to the larger San Fernando community. The City Attorney shall notify a Councilmember in advance if he/she believes such information should be shared with all members of the City Council. It is also understood that by communicating with individual Councilmembers in such a manner, no attorney-client relationship shall exist, or be created, as between the City Attorney and individual Councilmembers.
- b. Work to be performed by the City Attorney, which is requested by an individual Councilmember requiring substantial research or activity (more than five (5) hours) should be assigned based on approval by the City Manager.

17.2. COMMUNICATIONS BETWEEN COUNCILMEMBERS AND EMPLOYEES

a. Purpose: This policy established the procedure for:

- i. Staff contacts initiated by Councilmembers; and
- ii. Councilmember contacts initiated by employees.

This policy is intended to establish clear and proper channels of communication between Councilmembers and employees and to promote the efficient use of staff time.

b. Communication with Employees.

- i. Each Councilmember shall comply with the provisions of Section 2-123 (Relations with council) of the San Fernando Municipal Code (hereinafter, "Municipal Code Section 2-123") with respect to interactions between the Councilmember and subordinate employees of the City Manager. Section 2-123 provides in relevant part:

*"The City Council and its members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any member of the City Council shall give orders to any subordinates of the City Manager. For purposes hereof, **inquiry**' means any and all communications short of giving orders, directions, or instructions to*

any member of the administrative staff. Such staff members shall provide all information reasonably requested by any councilmember. The City Manager shall take orders and instructions from the City Council only when sitting in a duly convened meeting of the city council and no individual councilmember shall give any orders or instructions to the city manager..."

- ii. Subject to the restrictions of Municipal Code Section 2-123 and paragraph (c) below, Councilmembers are free to communicate with City employees to receive information, including employee suggestions, ideas and general workplace concerns or for purely social purposes unrelated to City business. Councilmembers should be aware that information provided by individual employees regarding City operations or management objectives may be incomplete and based on limited information available to the employee; may be inaccurate or may merely reflect the employees' unvetted opinion on the matter.
 - iii. Subparagraph (b)(2), above, notwithstanding, Councilmembers must refrain from embroiling themselves on the pending personnel disciplinary matters of individual employees or pending investigations of the same, especially with respect to matters that are ultimately appealable to the City Council. Insofar as Councilmembers have unsolicited communications with employees who are parties to a disciplinary matter or investigation (whether as a subject, complainant or a witness), Councilmembers should advise such employees that they cannot act as an advocate or become a witness in the matter because of the potential that the matter may be heard by the City Council on appeal. Councilmembers should advise that the employee(s) communicate their concerns in writing to the Human Resources Department.
- c. Engagement with Collective Bargaining Units:
- i. A Councilmember may not hold himself or herself out as the City's designated labor negotiator or as someone speaking on behalf of City Management or the City Council's behalf, unless he or she has been appointed to act in such capacity by the City Council. Councilmember may not disclose any information or documentation that is privileged or otherwise confidential at any other time, including times when the City is not engaged in contract negotiations with anyone or more of its collective bargaining units.
 - ii. In the event of unsolicited communication or contact initiated by a representative of a City collective bargaining unit (including any City employee acting in a representative capacity for such bargaining unit),

Councilmembers are free to discuss bargaining unit concerns and requests, pose questions and receive such other information as may be provided. Councilmembers shall communicate bargaining unit concerns and requests to the City Manager for study and other potential action or follow-up. Councilmembers will not request the agendaing of such matters without first giving the City Manager an opportunity to study the matter and engage with the bargaining unit directly to address the matter or gather additional information.

- iii. During active collective bargaining agreement negotiations between City management and bargaining units, Councilmembers shall promptly disclose any information, concerns, requests or documentation provided to the Councilmember by any bargaining unit representative that is pertinent to the negotiations so that it may be shared with, and vetted by, the full membership of the City Council, the City Manager and the City's designated labor negotiator(s).

17.3 SPEAKING ORDER AT EVENTS

- a. For all City-organized social/commemorative events, groundbreaking ceremonies or grand opening ceremonies at which one or more Councilmembers and other elected officials are allowed to make introductory comments, the speaking order shall be as follows:
 - 1. Mayor
 - 2. Vice Mayor
 - 3. Most senior Councilmember
 - 4. Second most senior Councilmember
 - 5. Third most senior Councilmember
 - 6. Federal elected officials.
 - 7. State elected officials
 - 8. County elected official
 - 9. Other local elected officials.
- b. If two or more Councilmembers have equal seniority, the Mayor shall determine the order.
- c. Sitting City commissioners may not speak or otherwise be featured at any of the events or ceremonies referenced under paragraph (a) of this Section, above. However, an authorized speaker may quickly thank any commissioner in the audience for their contribution to the event, if any.
- d. Speakers should keep their comment reasonably germane to the purpose of the event or ceremony.

- e. In the interest of avoiding any perception of unfair advantage, when any one or more of the officials listed under paragraph (a) of this Section is a candidate for elective office and the election for which the official is a candidate is less than 30 calendar days away, such officials will not speak at any of the type of events or ceremonies referenced under paragraph (a) of this Section but may attend and be seated along with all other elected official speakers in attendance. The forgoing restriction does not apply to press conferences held in response to City emergencies or other like occurrences where it is important for City officials to convey urgent information to the public.

17.4 COUNCILMEMBER SAFETY, ACCESS, AND USE OF CITY FACILITIES POLICY PURPOSE

The purpose of this policy is to promote the safety of Councilmembers, City staff, City officials, and the public, while ensuring the appropriate, transparent, and efficient use of City facilities and resources.

a. SAFETY DURING CITY COUNCIL MEETINGS

- i. The City shall take reasonable measures to provide a safe and orderly environment during City Council meetings.
- ii. Safety measures may include coordination with City staff, the Police Department, and emergency responders, as appropriate.
- iii. Councilmembers, staff, and members of the public shall conduct themselves in a manner that promotes a respectful and safe meeting environment.

b. SAFETY DURING REGULAR BUSINESS HOURS

- i. City Hall shall maintain reasonable procedures to support the safety of Councilmembers, staff, visitors, and City officials
- ii. Visitors conducting business with Councilmembers may be subject to standard visitor procedures established by the City. Councilmembers are encouraged to notify appropriate staff when scheduling meetings with large groups or visitors in City facilities.

c. AFTER-HOURS ACCESS TO CITY FACILITIES

- i. Councilmembers may access City facilities after normal business hours for official City business.
- ii. A Councilmember who intends to remain in a City facility for more than a brief period after hours shall notify the City Manager, designee, or San Fernando Police Department of their presence and the purpose of their visit. Such information is needed for transparency purposes for the public.

- iii. Such notification is intended solely for safety, emergency response, and building occupancy awareness.
- iv. Councilmembers shall comply with all building security and alarm procedures.

d. USE OF CITY FACILITIES

- i. City facilities, including Council Chambers, conference rooms, and community rooms, shall be used for official City business.
- ii. Councilmembers wishing to use City meeting spaces shall coordinate scheduling through the appropriate City staff to ensure availability and avoid scheduling conflicts.
- iii. City facilities shall not be used for personal, private, campaign, or non-City-related activities unless otherwise authorized by City policy.

e. TRANSPARENCY AND ACCOUNTABILITY

- i. Meetings conducted in City facilities by Councilmembers shall relate to official City business, constituent services, governmental matters, or community issues.
- ii. Councilmembers shall utilize City resources and facilities in a manner that promotes transparency, accountability, and public trust.
- iii. The City may establish reasonable visitor sign-in or facility-use procedures to support safety, security, and operational awareness.

f. POLICY STATEMENT

Councilmembers are entrusted with the responsible use of public facilities and resources. All use of City facilities shall promote safety, transparency, accountability, and the efficient conduct of City business while protecting the interests of the public, City staff, and elected officials.

17.5 ANNUAL BUDGET DISCUSSION

- a. The City Council should discuss the City's outstanding OPEB liability during the annual budget process, including whether the liability has increased or decreased since the prior fiscal year and whether the City remains on track to meet adopted funding goals
- b. The City Council should also discuss the estimated annual cost incurred by the County to operate and maintain the San Fernando Aquatic Center, together with an estimate of the City's fiscal impact should responsibility of the facility ever be transferred to the City.