

RESOLUTION NO. 2021-28

RESOLUTION OF THE CITY COUNCIL OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AMENDING AND SETTING FORTH COUNCIL MEETING PROCEDURES FOR THE PREPARATION AND POSTING OF AGENDAS AND THE CONDUCT OF MEETINGS

The Pinole City Council hereby repeals all prior resolutions related to the conduct of meetings, including Resolution 103-2003; 178-2003, 2005-02, 2007-07, 2007-86, 2008-74, 2009-124, 2012-08, 2012-127, 2014-67, and 2015-109, 2016-100, 2017-13, 2017-72, 2018-113, 2019-03, and 2020-114 and resolves as follows:

1. Regular Meetings. Pursuant to Section 2.12.010 of the Municipal Code, a regular meeting of the Pinole City Council shall be held at 6:00 p.m. on the first and third Tuesdays of every month at the Council Chambers, 2131 Pear Street in Pinole, California. Items are placed on the agenda under the respective section headings. Public Hearings are scheduled to commence on or around 7 p.m. pursuant to the Municipal Code.

2. Closed Sessions of the Pinole City Council will customarily be held at 6 p.m. before the regular business items on the City Council agenda. The Closed Session is scheduled to be concluded by or before 7 p.m. If all business cannot be completed during that time, the items will either be held over to the next meeting, or Council may convene back into Closed Session following all the business items that evening.

3. Posting of Meeting Agenda. At least seventy-two (72) hours before a regular meeting, and twenty-four (24) hours before a special meeting of the City Council, the City Clerk shall post on the bulletin board located outside of City Hall, the agenda containing a brief general description of each item of business to be transacted or discussed at the meeting.

4. Council Action Limited. The Council shall not take action on any item not appearing on the posted agenda unless:

- A. It is determined by a two-thirds (2/3) vote of the Council, or if less than two-thirds (2/3) of the Council is present, the unanimous vote of the members present, that the need to take action arose after the posting of the agenda.
- B. It is determined by a majority vote of the Council that an emergency situation as described in Government Code Section 54956.5 necessitated prompt action due to the disruption or threatened disruption of public facilities.
- C. The item was posted for a prior meeting less than five (5) days previously and continued to the meeting where action is being taken.

5. Posting Notices for Special Meetings. The call and notice of special meetings shall be posted at least twenty-four (24) hours on the bulletin board located outside of City Hall.

6. Agenda Preparation. The City Manager will in coordination with the Mayor identify the items that will be included on each specific City Council agenda. Items may include those requested as future agenda items by the City Council and those needed by City staff to carry out City functions. Staff will endeavor not to include more items on a single agenda than the Council can reasonably address during a single meeting. Items requested as future agenda items by the City Council will be placed on a Council meeting agenda as soon as staff has had sufficient time to conduct any necessary preparations for the item. The City Manager may schedule items requested by Council as future agenda items based on specific time sensitivity or natural timing of the item. The City Council can establish a date certain for a future agenda item when it approves a future agenda item. Cut-off time for placing items on the agenda shall be Wednesday, thirteen days preceding each regular Tuesday meeting, with the final agenda to be prepared by 5:00 pm

of the Thursday preceding the meeting.

7. Order of Business. Promptly at the hour appointed for each regular meeting, the members of the Council, the City Clerk, City Attorney and City Manager, the Police Chief or his designee and such other staff members as are necessary shall assemble in the Council Chambers or some other publicly announced location. A statement of conflict must be disclosed by an official who has a conflict prior to consideration of the decision by publicly identifying in detail the financial interest that causes the conflict; recusing himself /herself from discussion and voting, and leaving the room until the decision has been reached (GC Section 87200).

AGENDA FORMAT

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

2. ROLL CALL, CITY CLERK REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.

3. CONVENE TO A CLOSED SESSION

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

EXAMPLES:

A. CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to GC §54597.6
City Labor Negotiator:
Employee Organizations:

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to GC §54597
Public Employee Performance Evaluation:

OPEN SESSION WILL COMMENCE UPON COMPLETION OF CLOSED SESSION DISCUSSIONS, WHICH MAY OCCUR BEFORE 7:00 PM

4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

5. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes for City Council items and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS

A. Proclamations
B. Presentations/Recognitions

7. CONSENT CALENDAR

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on

an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.

8. PUBLIC HEARINGS

Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.

9. OLD BUSINESS

AGENDA FORMAT

10. NEW BUSINESS

11. REPORTS & COMMUNICATIONS

- A. Mayor
 - 1. Announcements
- B. Mayoral and Council Appointments
- C. City Council Reports and Communications
- D. Council Requests for Future Agenda Items and Other Staff Follow-Up
- E. City Manager and Department Staff
- F. City Attorney Report

12. ADJOURNMENT

END OF AGENDA FORMAT

ORDER OF BUSINESS

The foregoing order of business may be suspended at any Council meeting by a majority vote of the members in attendance.

1. Approval of Minutes. A true copy of the minutes of proceedings of regular and special meetings not theretofore approved, as the same shall be entered in the journal of proceedings, shall be provided by the City Clerk to each Council member at least twenty-four (24) hours before regular meetings. Unless otherwise ordered by the Council, the City Clerk shall prepare and produce action minutes of the meetings, which may be approved without a public reading of the same. The minutes as approved by the Council shall be the permanent official record of the proceedings of the City Council.

2. Tape Recordings. Council meetings are televised live on Pinole's Local Community Access Channel (Channel 26). Tape recordings of Council meetings are kept in order

to assist in the preparation of minutes. After the prepared minutes have been approved, video tape recordings shall be retained pursuant to the Citywide Records Retention Policy.

3. Rules of Order. The following definitions and rules shall govern the proceedings and order of business of the Council:

a. Reports. Under the item of business entitled "Reports", the Council may receive reports from Council Members or the City Manager, which are intended to be limited to approximately two (2) minutes from each individual. Summaries of Council liaison (i.e., advisory committees and regional agencies) assignment meetings will be submitted by Council Members to the City Clerk periodically and be included as attachments to Council agendas and reflected in the minutes. The City Manager shall include a report on anticipated agenda items for the next meeting.

b. Consent Calendar. Items listed under the "Consent Calendar" are considered to be routine and noncontroversial and will be enacted, approved, received or adopted by one motion in the form as shown on the agenda. A member of the public or Council member(s) wishing to comment on an item, may do so before action is taken. If an item is removed from the Consent Calendar for discussion or response to questions, the items shall be removed from the Consent Calendar, and an action taken to approve the balance of the Consent Calendar. Immediately following, the items removed for discussion should be considered separately for action by Council.

c. Citizens To Be Heard. Members of the public may address the Council on any item of interest that is within the jurisdiction of the Council. Individuals who want to speak should complete a card giving his/her name and the item number or description. Individuals will be heard during the Council's consideration of the item. If the item is not listed on the agenda, describe the subject matter on the card and it will be called under Citizens to be Heard, (Public Comment). Time limit is 3 minutes, subject to modification by the Mayor. Individuals may not share or offer time to another speaker.

d. Public Hearings shall consist of matters wherein published notice has been given and where public hearings are required by law and such matters as the Council may deem necessary or desirable to schedule for public hearings. Anyone wishing to speak regarding a Public Hearing should fill out a speaker card prior to the completion of the staff presentation and submit it to the City Clerk. Individuals may not share or offer time to another speaker. The order of business for Public Hearings is as follows:

- I. All persons wishing to speak for or against a matter which has been set for Public Hearing are requested to complete a card giving his/her name and address, and to hand the card to the City Clerk as early as possible in the meeting. The cards can be found on the Clerk's desk or on a table located in the back of the Council Chambers.
- II. The speakers shall address remarks to and through the Mayor.
- III. Persons addressing the Council shall state their name, the city in which they reside, the interest they represent, if any, and shall state on which side of the argument they wish to be heard
- IV. Prior to opening the Public Hearing, the Mayor may request a staff report

and presentation.

- V. All persons wishing to be heard shall confine their remarks to the merits of the matter being considered and shall refrain from references to personalities.
 - VI. Applicant/Appellant (10 minutes), subject to adjustment by the Mayor - The applicant or his/her representative shall first address the Council and shall, in his/her first address, state all relevant reasons and present all relevant evidence on behalf of the application.
 - VII. Opponent (5 minutes), subject to adjustment by the Mayor – The primary opponent representative to a project/application shall address the Council second and shall state all relevant reasons and present all relevant evidence on behalf of the opposition.
 - VIII. The Mayor shall next request the Clerk to read or acknowledge any written communication received on the application.
 - IX. Public Comments will be (3 minutes per speaker), subject to adjustment by the Mayor. Any persons wishing to speak either in favor of, in opposition to, or simply to comment on the application shall next be recognized by the Mayor in the order in which they present themselves.
 - X. After all persons desiring to speak on the application have completed their presentation and any written communications have been acknowledged, the applicant will be permitted 5 minutes to close the argument by presenting matter in rebuttal on presentation made in opposition to the application.
 - XI. If the applicant, in rebuttal, presents new evidence not covered in the original presentation, persons who have previously spoken on the application may be granted an opportunity to comment on the new evidence only.
 - XII. The applicant shall have the right to close the argument.
 - XIII. The Public Hearing shall then be concluded on the part of the public and brought to the Council level for discussion and decision. There is no further comment permitted from the audience unless requested by the Council.
 - XIV. In matters set for Public Hearing before the City Council, the Mayor reserves the right to limit the length of time for argument.
- e. Appeals. Appeals shall be presented to the Council through the City Clerk and/or as required by law. Persons other than parties to the appeal may speak only by permission of the Council. The process for appellant/opposition speakers shall be the same as outlined above for

Public Hearings.

f. Public Discussion

- I. Permission - Any person addressing the Council shall first secure the permission of the presiding officer.
- II. Not A Debate - Public discussion should not be used to elicit a debate between Council members or staff and the public.
- III. Time Limits - The Council may establish time limits for the consideration of any agenda item as well as establish an overall time period for the consideration of any matter.
- IV. Public Discussion During Council Deliberation - Public discussion shall be allowed following the staff report and Council questions and discussion. Speakers shall be allowed three minutes each, subject to modification by the Mayor.
- V. Limit on Public Discussion After Motion to Terminate Deliberation - No discussion shall be permitted after a motion, which would terminate further deliberation, has been adopted.

4. Council Deliberation.

- I. Presiding Officer May Deliberate - The Mayor may deliberate from the chair, subject only to such limitations of deliberation as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of his/her acting as the Mayor.
- II. Getting the Floor - Improper References to be Avoided - Every member desiring to speak shall address the Mayor, and upon recognition shall confine himself/herself to the question under deliberation, avoiding negative references to personalities and indecorous language.
- III. Interruptions - A Council member, once recognized, shall not be interrupted when speaking unless it is to call said member to order, or as herein otherwise provided. If a member, while speaking, be called to order, said member shall cease speaking until the question or order be determined, and if in order, said member shall be permitted to proceed.
- IV. Motion to Reconsider - A motion to reconsider any action taken by the Council may be made only on the date such action was taken or the next meeting of the Council. Such motion must be made by one who voted on the prevailing side, and may be made at any time or while a member has the floor and have precedence over all other motions; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same other motion at a subsequent meeting of the Council or a motion to rescind.
- V. Repeal or Amendment of Action Requiring More Than a Majority Vote - Any ordinance or resolution which is passed or adopted and which, as part of

its terms, requires more than a majority vote of the Council in order to pass, a motion pursuant to such an ordinance or resolution shall require a vote of the same percent of the Council to repeal or amend the ordinance or resolution.

- VI. Motion to Table - A motion to lay on the table is not debatable and shall preclude all amendments or deliberation of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority.
 - VII. Motion to Call for Question or Continue to a Date Specific - A motion to call for the question or continue the matter to a specific date shall preclude all amendments to or deliberation of the subject under consideration and is not debatable.
 - VIII. Statement of Position - When a motion to call for the question is adopted, each member of the Council may briefly state his/her position on the matter before roll call or call for the next item of business.
 - IX. Privilege of Closing Deliberation - The Council member moving the adoption of an ordinance or resolution shall have the privilege of closing the deliberations or making the final statement. Further, it shall be the privilege of the Mayor to close debate where the Mayor determines that further debate is not advancing deliberations.
 - X. Division of Question - If the question contains two (2) or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.
 - XI. Second Required - All motions except for nominations and a point of order shall require a second.
 - XII. Miscellaneous - All other matters not covered by these rules shall be decided by a majority of the Council. Roberts' Rules of Order may be used for guidance. Further, this Resolution supersedes any prior resolutions relating to the conduct of Council meetings.
5. Council Requests for Future Agenda Items and Other Staff Follow-Up – Under this agenda item, any Council Member may make a motion that an item be scheduled for discussion at a future City Council meeting or that staff conduct a specific follow-up task. The request must be approved by a majority vote of the Council in order to be carried out. The Council Member raising the request shall specify the type of follow-up they seek, among the following: staff provide information on a topic to Council in a memorandum; staff schedule a presentation to Council by an outside party at a future Council meeting; staff schedule a report to Council by staff at a future Council meeting; staff schedule an agenda item at a future Council meeting for staff to receive direction from Council on an issue; and staff present proposed City legislation/policy (resolution or ordinance) to Council at a future Council meeting. Council requests that staff conduct a special project that would require substantial staff time and/or substantial other City resources will be brought

to Council as a future Council agenda item for staff to receive direction from Council on how to resource and prioritize the special project within the City workplan.

6. Meetings will be adjourned at 11:00 p.m., unless Council approves a motion to extend the meeting to address specific items not yet taken up on the agenda.

PASSED AND ADOPTED this 20th day of **April 2021**, by the following vote:

AYES: COUNCILMEMBERS: **Murphy, Salimi, Toms**
NOES: COUNCILMEMBERS: **Tave**
ABSENT: COUNCILMEMBERS: **Martínez-Rubin**
ABSTAIN: COUNCILMEMBERS: **None**

I hereby certify that the foregoing resolution was introduced, passed and adopted on this 20th day of April 2021.



Heather Iopu, CMC
City Clerk

