



**AGENDA SPECIAL MEETING 457
DEFERRED COMPENSATION PLAN,
401(a) DEFINED CONTRIBUTION PLAN,
AND RETIREMENT HEALTH SAVINGS
PROGRAM COMMITTEE 11:00 A.M.
AUGUST 17, 2021**

COMMITTEE MEMBERS

Michael Nichelini, Chair
Anne Cardwell
Mark Love
Rekha Nayar
Bonnie Mirante
Kevin Brown
James Olson

IMPORTANT NOTICE

These meetings are being conducted using teleconference and electronic means consistent with the State of California Executive Order N-29-30 regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television or online. Details may be found at www.cityofvallejo.net In accordance with Executive Order N-29-30, the public may only view the meetings on television and/or online and not in the Council Chamber.

PUBLIC COMMENT:

Links to make a public comment **open at 11:00 a.m. on the day of the 457 Deferred Compensation Plan, 401(a) Defined Contribution Plan and Retirement Health Savings Program Committee meeting.** Each agenda item has a unique link. You must find the item you wish to comment on in the agenda and use that link. The link will close at the conclusion of each agenda item. To learn more about how to place a public comment, visit: <https://vimeo.com/430097790>

VIEW THE MEETING:

There are two different ways you can view this public meeting:

- Watch Vallejo local channel 28
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://zoom.us/j/91400750676>

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the 457 Deferred Compensation Plan, 401(a) Defined Contribution Plan and Retirement Health Savings Committee without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item of interest to them provided they are first recognized by the presiding officer. The public is encouraged to call into the meeting well ahead of when they wish to speak to address the Committee. When you wish to speak, click on the "Raise Hand Button" or Press *9 if calling by phone. Staff will then move you into the virtual speaker's seat and unmute your microphone when it's your turn to speak. If calling by phone, please press *6 to unmute yourself. Please note the clock begins when you are unmuted, so you must be prepared to speak when called upon.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Committee will be available for public inspection at the Human Resources Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Committee such documents may also be available on the City of Vallejo website at <http://www.cityofvallejo.net> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4377, TDD (707) 649-3562.

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Like us on Facebook (www.facebook.com/cityofvallejo)

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Sign up to receive City updates and get connected with your neighbors on Nextdoor (www.nextdoor.com)



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Human Resources Department at human.resources@cityofvallejo.net Notification at least 48 hours prior to a meeting will enable the City to make reasonable arrangements to ensure accessibility to that meeting.
[28 CFR.35.102.35.104 ADA Title II]

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **COMMUNITY FORUM**

Due to the Coronavirus emergency, all board and commission meetings will be held via teleconference. Members of the public may provide public comments during the 457 Deferred Compensation Plan, 401(a) Defined Contributino Plan and Retirement Health Savings Program Committee Meeting via ZOOM. Members of the public interested in participating or observing the meeting may either click the link above or type the link into an internet browser. You will be taken to the internet platform where the meeting is being held. To make comments via Zoom please visit:

<https://ZoomRegular.Cityofvallejo.net>

Option to join by phone:
Dial (669) 900-6833
Enter Meeting ID: 914 0075 0676#
Press *9 to digitally raise your hand on the phone.

6. **PRESENTATION**

Presentation by Dawn Abrahamson, City Clerk and Meera Bhatt, Assistant City Attorney II

Presentation: One hour training presentation covering the Brown Act, Decorum & Code of Ethics and Rosenberg's Rules of Order Training.

7. **FUTURE AGENDA ITEMS**

A. Discussion of Agenda Items for Future Meetings

8. **ADJOURNMENT**

ADDITIONAL CITY INFORMATION

Members of the public can:

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Sign up to receive City updates and get connected with your neighbors on Nextdoor (www.nextdoor.com)

I, Sarah Brannick, Executive Secretary, do hereby certify that we have caused a true copy of the above notice and agenda to be delivered to each of the members of the 457 Deferred Compensation Plan, 401(a) Defined Contributino Plan and Retirement Health Savings Program Committee, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 1:00 p.m., Friday, August 13, 2021.



Sarah Brannick, Executive Secretary

The Brown Act

Materials updated June 2020



Ralph M. Brown Act



Open and Public

"All meetings of the legislative body of a local agency shall be **open and public**, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."

Government Code § 54953(a)

Topics

- * **To whom does the Act apply**
- * **What is a meeting**
- * **What rules apply to meetings**
- * **Agenda requirements**
- * **What are the remedies for a violation**

Who is subject to the Brown Act?



Legislative Bodies

- **Legislative Bodies**
 - Governing body
 - Boards and commissions
 - Standing committees
- **Who is NOT a Legislative Body?**
 - Temporary advisory committees or ad hoc committees of less than quorum of the legislative body
 - A group of employees; a group of citizens that is not appointed by the legislative body.

What is a “meeting”?



Meetings

- * **Majority**
- * **Same Time and Place**
- * **Hear, Discuss, Deliberate, Take Action**
- * **Subject Matter Jurisdiction**



What is not a “meeting”?





Individual Contacts



Conferences and Seminars



Community Meetings



Social Events



Other Exceptions

- * Meetings of the governing board or other commissions of the Agency
- * Ad Hoc Committee Meetings
- * Observation of standing committee meetings

Illegal “meetings”

- Collective briefings
- Retreats or workshop
- Serial meetings
- Informal gatherings
- Technological conferencing and social media



Serial Meetings are Illegal

- * **Direct or indirect communication**
- * **Employed by a majority**
- * **To discuss, deliberate, get consensus, or take action**

Serial Meetings: “Chain”





Serial Meetings: "Hub and Spoke"





Staff Briefings ONLY OK IF

- * **One-directional**
- * **Informational**
- * **No views shared**



STAFF BRIEFINGS **NOT** OK IF

- * It's a Collective Briefing
- * It's a Serial meeting
- * Results in a 'discussion, deliberation, or a decision on a proposed action'

Rules Governing Meetings



Two Basic Requirements

1. Effective **Notice**
2. An **Agenda** that adequately describes the items to be considered
3. Agenda must be posted on Web site and accessible through prominent link on agenda.
4. Agenda must be searchable and downloadable.

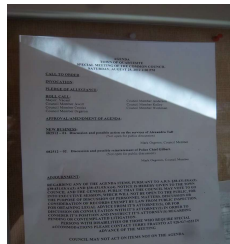
Types of Meetings

- 1.Regular
- 2.Special
- 3.Adjourned
- 4.Emergency



Regular Meeting

- * Agenda: posted 72 hours in advance
- * Brief description
- * Freely accessible location



Special Meeting

- * Called by presiding officer or majority
- * Agenda: post 24 hours in advance
- * Written notice: members and press
- * Discussion limited to agenda

Adjourned Meeting

- * Specific time and place
- * Less than a quorum
- * Notice: Post within 24 hours
- * If less than 5 days: No additional notice required

Emergency Meeting

- Severe impairment
- Dire emergency
- One hour notice



Remember!

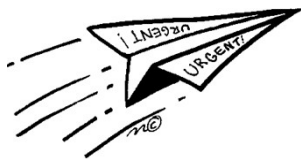


Don't discuss items not on the agenda

Except ...

- * Brief response
- * Clarification
- * Brief announcements
- * Requests for future report
- * Placement of items on future agenda

Adding Items to the Agenda



- * Issue arose after posting
- * Need to take action now
- * Two-thirds vote required

Public Participation



Public Comments



- * Freedom of Speech
- * Criticism of agency or individuals allowed
- * Statements are privileged

Rules and Decorum



- * Speaker cards
- * Rules of decorum
- * Time limits
- * Recording

Closed Sessions



Closed Session Meetings



- * Personnel/
labor
- * Real
property
- * Litigation

Enforcement



Enforcement & Consequences

- * Notice and opportunity to cure
- * Civil action for invalidation of actions
- * Attorneys fees and costs
- * Criminal prosecution:
 1. Action taken at a meeting
 2. In violation of the act
 3. With intent to deprive public of information

Further Resources

- * California League of Cities, Open Government Resources:
<http://www.cacities.org/Resources/Open-Government>
- * Reach out to the CAO's Office:
Meera Bhatt
Assistant City Attorney
(707) 648-4548
meera.bhatt@cityofvallejo.net



City of Vallejo

Code of Ethics and Conduct

For

Elected and Appointed Officials

Adopted March 28, 2017

Amended January 22, 2019

Amended September 10, 2019

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PURPOSE

The Vallejo City Council has adopted this Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to ensure public confidence in the integrity of local government and its effective and fair operation.

ETHICS

The citizens and businesses of Vallejo are entitled to have a fair, ethical and accountable local government which has earned the public's full confidence in its integrity. In keeping with the City of Vallejo's commitment to excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Vallejo City Council has adopted this Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to ensure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

Members of the City Council, City Manager, City Attorney, and of all Boards and Commissions shall conduct themselves in accordance with the following ethical standards:

- 1. Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Vallejo and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
- 2. Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of Vallejo in the performance of their public duties.
- 3. Conduct of Members.** The professional and personal conduct of members while exercising the powers and duties of their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, Boards and Commissions, the staff or public.

4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

5. Conduct at Public Meetings. Members shall prepare themselves for review and consideration of public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.

6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts particular to an individual case), members shall refrain from making public statements of support or opposition, including statements on social media (including “likes” on Facebook or other online venues), shall maintain an open mind until the conclusion of the hearing on the matter, and shall base their decisions on the facts presented at the hearing and the law.

7. Communication. For adjudicative matters pending before the body, members shall rely upon agenda materials and information received at the public meeting for information to support their decision, and shall refrain from receiving information outside of an open public meeting, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias. Additionally, members will use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or

comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. Gifts and Favors. Members shall not take any special advantage, by virtue of their public office, of services or opportunities for personal gain that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. Confidential Information. Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources. Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of the City Council shall not appear on behalf of the private interests of third parties before the City Council or any Board, Commission or proceeding of the City, nor shall members of Boards and Commissions appear before their own bodies or before the City Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy. Members shall represent the official policies or positions of the City Council, Board or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Vallejo, nor will they allow the inference that they do. Councilmembers and Board and Commission members have the right to endorse candidates for all City Council seats or other elected offices. It is inappropriate to mention or display endorsements during City Council meetings, Board/Commission meetings, or other official City meetings. Members shall refrain from publicly supporting or opposing a project that will be considered in a quasi-judicial capacity by the City Council, or any Board or Commission unless that member has been given authorization to do so by the body to which the member has been appointed.

14. Policy Role of Members. Members shall respect and adhere to the council-manager structure of Vallejo City government as outlined in the Vallejo City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of Boards and Commissions to the public decision-making process, members of the City Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board and Commission proceedings.

16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

CONDUCT

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Vallejo.

1. General Behavior Guidelines.

City appointed and elected officials and staff will endeavor to communicate with each other and with members of the public in accordance with the following behavior guidelines at all public meetings and while discussing municipal affairs in public fora including social networks and social media platforms and listserves.

- a. Treat everyone courteously.
- b. Listen to others respectfully.
- c. Exercise self-control.
- d. Give open-minded consideration to all viewpoints.
- e. Focus on the issues and avoid personalizing debate.
- f. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions.
- g. Refrain from personal attacks on others.

2. Elected and Appointed Officials' Conduct with One Another.

Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may disagree on contentious issues.

(a) In Public Meetings.

Use formal titles.

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate.

Public officials shall not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Shouting or physical actions that could be construed as threatening will not be tolerated.

Honor the role of the Chair in maintaining order.

It is the responsibility of the Chair to keep the comments of members on track during public meetings. Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with stated reasons, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other members.

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches.

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(b) In Private Encounters.

Continue respectful behavior in private.

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

3. Elected and Appointed Officials' Conduct with the Public.

(a) In Public Meetings.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an

individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen, not to interrogate.

Be fair and equitable in allocating public hearing time to individual speakers.

The Chair will determine and announce limits on speakers at the start of the public hearing process.

Practice active listening.

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

Maintain an open mind.

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

Ask for clarification, but avoid debate and argument with the public.

Only the Chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

(b) In Unofficial Settings.

Make no promises on behalf of the Council, board/commission or City.

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc).

Make no personal comments about other members.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

4. Elected and Appointed Officials' Conduct with City Staff.

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Do not disrupt City staff from their jobs.

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

Never publicly criticize an individual employee.

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager.

Do not get involved in administrative functions.

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Do not solicit political support from staff.

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

No Attorney-Client Relationship.

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

5. Council Conduct with Boards and Commissions.

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a Board or Commission meeting, be careful to only express personal opinions.

Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process, especially if the councilmember endorses a position, or if attendance is on behalf of an individual, business or developer. Any public comments by a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Respect that Boards and Commissions serve the community, not individual Councilmembers.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums.

Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

6. Conduct with the Media.

Board and Commission members are not authorized to represent the City to media outlets (including broadcast, print, and social media sites) outside of official board/commission meetings unless specifically authorized to do so.

The Mayor is the official spokesperson for the City Council on City positions.

The Mayor is the designated representative of the City Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

COMPLIANCE

Acknowledgement of Code of Ethics and Conduct.

Members shall sign an acknowledgement that they have read and understand the Code of Ethics and Conduct.

Ethics Training for Local Officials.

The Mayor, Councilmembers, City Manager, City Attorney, Board and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees.

Primary and Additional Responsibility.

The Vallejo Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Vallejo City Council, Boards and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards and Commissions and the Mayor and City Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Violations.

City Council:

Individual Councilmembers should first point out perceived violations of the Vallejo Code of Ethics and Conduct directly to the member believed to be in violation. If the violation(s) continues, then the matter should be referred to the Mayor in private. If the Mayor is the

individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a member is not in compliance with the Code of Ethics and Conduct. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full City Council.

Board and Commission Members:

Whenever it is perceived that a Board and Commission member may have violated the Vallejo Code of Ethics and Conduct, such perception will be referred to both the Council Liaison and the City Manager. The Council liaison and the City Manager shall have a conversation with the Member who has allegedly violated this Code. In the event the Council Liaison determines that the conduct violates the Vallejo Code of Ethics and Conduct, the matter shall be either 1) discussed privately with the member or 2) discussed in a written warning issued by the Liaison to the Member alerting the Member to the applicable section of the Code of Conduct. Egregious or repeated violations may lead to additional sanctions as set forth below. Copies of written warnings shall be distributed to all Councilmembers, the City Manager, and the City Attorney.

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the Chair of the respective Board or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board or Commission member conduct. Additionally, should the City Manager or City Attorney believe an investigation into a member's conduct is warranted, they may refer the matter to the Mayor or City Council. The Mayor or City Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

Nothing in this Code of Ethics and Conduct shall limit what might otherwise be available to remedy conduct that violates City, state, or federal law. These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual, including the City Manager and the City Attorney (after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct), who knows or reasonably believes that a member has acted or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the annual trainings of the City Council Board and Commissions, and newly elected and appointed officials including the City Manager and the City Attorney. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct, and a copy of such statement shall be filed with the City Clerk. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, and updated as necessary.

I affirm that I have read and understand the City of Vallejo Code of Ethics and Conduct for Elected and Appointed Officials.

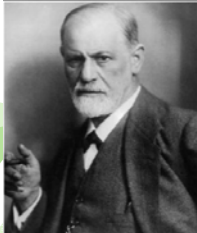
Name

Date

Decorum and Council Liaison Ordinances
Code of Ethics and Conduct
Rosenberg's

August 17, 2021
City Clerk's Office





Words have a magical power. They
can either bring the greatest
happiness or the deepest despair.

— Sigmund Freud —

AZ QUOTES

Goals for the Decorum Ordinance
and Code of Ethics Re-write:

- Continue to foster freedom of speech and constitutionally safe places to bring grievances and petitions.
- Articulate what kind of conduct is disruptive at public hearings.
- Set new rules of decorum and uniform rules of procedure for use by all.
- Articulate clearer roles for members of commission, chairperson and council liaison.
- Update the "Code of ethics and conduct for elected and appointed officials".

Code of Ethics and Conduct (policy):

- Adds general behavior guidelines:
 - Treat everyone courteously.
 - Listen respectfully.
 - Exercise self-control.
 - Give open-minded consideration to all viewpoints.
 - Focus on issues and avoid personalizing debate.
 - Embrace respectful disagreement and dissent as democratic rights inherent in the democratic process.
 - Refrain from personal attacks.

Ordinance Amendments (Municipal Code)

- 2.02: 'Rules of Order and Debate'
- Adds rules of decorum, now applicable to all public meetings (including commissions, boards, committees)
- Applies to all participating persons
- Prohibits obstructions
- Prohibits approaching members
- Adds and clarifies enforcement component to aid Presiding Officers:
 - 1) Warning to cease disruptive conduct.
 - 2) Order to leave the meeting.
 - 3) Order to remove the person engaging in disruptive conduct.

Ordinance Amendments (Cont'd...)

- Enforcement... cont'd
 - 4) Disruption by a group of persons may result in the room being cleared and session may continue.

Ordinance Amendments (Cont'd...)

- 2.26 'General Regulations for Boards, Commissions and Committees'
 - 1) Rosenberg's Rules adopted for all Boards, Commissions and Committees.
 - 2) New quorum language for all Commissions: quorum is a majority; a majority of those present is required for an action.
 - 3) Commissions may propose new rules but they have to be reviewed by CAO and approved by Council prior to use.
 - 4) How to agendize items for commissions.
 - 5) Work Plan
 - 6) Role of Member*
 - 7) Role of Chair*
 - 8) Role of Council liaison*

Roles – Public Service Values

- Role of Members: Act fairly, respectfully, based on merit, exhibit compassion, be courteous, serve the whole community...not be guided by special interests or their own interests. New removal section.
- Role of Chair: Collaborate with Secretary, officiate and conduct meetings, mind the time, ensure discussion is on topic, productive, professional; parliamentarian.
- Role of Council Liaison: Facilitate communications, be accessible as a resource.
- Role of the Secretary: Keep the records, ensure the agenda is posted.

Rosenberg's

- Rules should establish order.
- Rules should be clear.
- Rules should be user friendly.
- Rules should enforce the will of the majority while protecting the rights of the minority.

Rosenberg's (Cont'd...)

- Establishing a Quorum.
- The Role of the Chair.
- The Basic Format for an Agenda Item Discussion.
 - Brown Act Agenda
 - Actions on the Agenda
 - Public notice and opportunity to comment on each item
 - Ten Step Format for each item
 - Three basic motions

Steps

1. Chair announces Item.
2. Chair invites the person to present report and recommendation.
3. Chair asks if members of the body have technical questions of clarification
4. Chair invites public comments on the item.
5. Chair invites a motion *
6. Chair determines if there is a second
7. Chair ensures everyone understands the motions:
 - a) The maker can repeat it
 - b) The chair can repeat it
 - c) The Secretary can repeat it.
8. Chair invites the commission to discuss , or if there is no desire to discuss, the chair announces that the commission will vote on the motion.
9. Chair calls for the vote
10. Chair announces the result of the vote.

The Three Basic Motions

- The Basic-
- The Motion to Amend-
- The Substitute Motion-





The magic of words is that they have power to do more than convey meaning; not only do they have the power to make things clear, they make things happen.

— Frederick Buechner —

AZ QUOTES

The Three Basic Motions

Put the baby in the tub – consider the motion

Scrub the baby – amend the motion

Throw out the baby with the bathwater – substitute the motion. Bring on another baby!



The Three Basic Motions

1. "THE BASIC"
"I Move that we...."
- Just gets the 'action' on the floor so the commission can vote.
2. "THE MOTION TO AMEND"
"I move that we amend the motion...."
- a. If someone just wants to entertain the action but change it in some way.
- b. See also "Friendly Amendment" which is Less formal, no motion needed, just a suggestion- subject to the motion maker's acceptance.
3. "THE SUBSTITUTE MOTION"
"I move a substitute motion...."
- If someone wants to completely get rid of the initial 'action' and have a completely different and 'new action' takes its place. The Substitute Motion is the last motion but gets voted on FIRST.
- If SUBSTITUTE MOTION PASSES, the SUBSTITUTE MOTION eliminates the previous BASIC MOTION and takes its place.
- If SUBSTITUTE MOTION FAILS, the Chair then deals with the (next to) last motion, the Motion to Amend.
- (LASTLY: VOTE ON THE MOTION)
- *Chairs: Deal with the last motion first: reverse order

Other Motions You May Want to Use....

- Motion to Adjourn
- Motion to Recess
- Motion to Fix the Time to Adjourn
- Motion to Table
- Motion to Limit Debate



- could have time limit
- needs 2/3 vote of the body to pass

(above motions are used when there is a desire to move on; these are not debatable and the chair must immediately call for a vote without a debate)

Other Motions You May Want to Use...

- Motion to Reconsider
- Point of Privilege
- Point of Order
- Appeal the Chairs' Ruling
- Withdrawing Your Motion

Under Rosenberg's, takes 2/3 votes of those present to pass the above motions.

Quorum: requires a majority of those appointed (VMC 2.26.090(B))

• COUNTING VOTES GENERALLY:

- Transaction of business: An affirmative vote of at least a majority present is required to take official action. Any question on which the vote is tied is lost; provided, that the presiding officer or any member may request the item be carried over to the next regular meeting at which a full board, commission or committee will be present.

Approval of action: requires a majority of those present (VMC 2.26.090(B))

Public Records Act

- The California Public Records Act (CPRA) was originally enacted in 1968.
- It requires that governmental records be made accessible to the public upon request, unless otherwise exempted by law.
- If an agency receives a request to inspect an identifiable, disclosable record, the agency must promptly make the record available.
- Requests for copies of identifiable, disclosable records must be responded to within prescribed periods and must also be promptly made available for anyone who pays the applicable agency duplication costs or the applicable statutory fee.
- If an agency improperly withholds records, a member of the public may seek a court order to enforce the right to inspect or copy the records sought and may receive payment for court costs and attorney fees if such person prevails in the lawsuit.

Public Records Act (Cont'd...)

- "Public record" is "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."
- What constitutes a writing? A writing is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any form of communication or representation...and any record thereby created, regardless of the manner in which the record has been stored."
- A public records request need not state its purpose or the use to which the record will be put by the requester.
- A requester does not have to justify or explain the reason for exercising his or her fundamental right of access.

Public Records Act (Cont'd...)

- The public agency is not required to "create" a record in response to a request.
 - The response may be in the form of multiple existing records that are responsive.



- Recent court ruling found that information on personal accounts, including cell phones, may be considered a public record.
- The public agency may indicate the need for an extension of time if the request is voluminous and/or time intensive to gather.
- Public records requests via NextRequest available on City's website.

Contacts / Questions

Dawn G. Abrahamson, MMC, City Clerk
Meera Bhatt, Assistant City Attorney



Rosenberg's Rules of Order Cheat Sheet

For City of Vallejo Commissions

1. **Nothing gets discussed without a motion being on the floor.**
2. A member signals for recognition (asks for the floor) and the chair recognizes the member by name.
3. The member makes the motion: I move that.....

Motion to:	You say	Interrupt?	Second Needed*?	Debatable?	Amendable?	Vote needed
THE BASIC: Approve	I Move that we approve the resolution...	No, wait to be recognized.	Yes* But seconds are not absolutely required	Yes	Yes	Majority
THE BASIC: Deny	I Move that we deny the appeal...	No, wait to be recognized	Yes	Yes	Yes	Majority
THE MOTION TO AMEND:	I Move that the motion be amended by...(or) I Move that we amend the motion [to approve] by adding.....	No, wait to be recognized	Yes	Yes	Yes	Majority
●...“Friendly” amendment	I’d like to suggest a friendly amendment...	No, wait to be recognized	Yes	Yes	Yes	Majority
●...THE SUBSTITUTE MOTION	I Move a substitute motion....	No, wait to be recognized	Yes	Yes	Yes	Majority

4. Another member seconds the motion “I second”.
5. The Chair states the motion: “It is moved and seconded that...Are you ready for the question?”
6. Members debate the motion...each member must obtain the floor before speaking, with the member who made the motion usually going first debate is confined to the merits of the motion.
7. The chair puts the motion to a vote: “Are you ready for the question?” If no one rises to claim the floor the chair proceeds to take the vote. “The question is on the adoption of the motion that... Those who are in favor say “aye” ...Those who are opposed say ‘nay’”.
8. The chair announces the result of the vote.

OTHER MOTIONS...

Motion to:	You say (examples)	Interrupt?	Second Needed*?	Debatable?	Amendable?	Vote needed
Adjourn	I move that we adjourn	No	Yes	No	No	Majority
Recess	I move that we recess until....	No	Yes	No	Yes	Majority
Fix the time to adjourn	I move that we adjourn this meeting at 11:00pm tonight.	No	Yes	No	Yes	Majority
Table	I move that we table this item until our next quarterly meeting	No	Yes	No	Yes	Majority
Limit debate	I move the question Or just "question" Or I move that we limit debate on this item to 15 minutes	No	Yes	No	Yes	2/3
Reconsider -at the meeting where the item was first voted upon (unless the rules are suspended) -made by a member who voted in the majority.	I move to reconsider the (approval of xxx)	No	Yes	Yes	Yes	2/3
Point of Privilege <i>discomfort</i>	You say "point of privilege" Chair says: "state your point" You say "it's too loud in here, I can't hear the speaker " (for example)	Yes	No	No	No	Chair decides
Point of Order <i>Appropriate conduct</i>	You say "point of order" Chair says: "state your point" You say " the speaker is personally attacking the commissioner" Chair says "the speaker will refrain from personally attacking the commissioner..."	Yes	No	No	No	Chair decides
Appealing the Chair's Ruling	I appeal the chair's ruling that it is <i>not</i> too loud in here....	Yes	Yes	Yes	No	Majority
Withdrawing your motion	I withdraw my motion	Yes	No	No	No	None

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century



MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move ...” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

- 3. The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn.

This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

lege relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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