

RESOLUTION NO. 1691.5

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO AMENDING RESOLUTION NO. 1691 TO AMEND THE TIMING TO PRODUCE AGENDAS, THE ORDER OF BUSINESS DURING CITY COUNCIL MEETINGS AND THE PROCESS FOR SELECTING THE MAYOR AND MAYOR PRO TEMPORE

WHEREAS, the City Council of the City of Monte Sereno has adopted regulations and guidelines for the conduct of public meetings in Resolution No.1691; and

WHEREAS, the guidelines for the conduct of public meetings were amended in October 2008 by Resolution No. 1691.1, in September 2010 by Resolution No 1691.2, in July 2012 by Resolution 1691.3 and again in March 2014 by Resolution No. 1691.4; and

WHEREAS, the City Council desires to further amend the guidelines to provide for earlier release of City Council agenda packets, include additional items to the City Council agenda, including future agenda items, and amend the process by which the Mayor and Mayor Pro Tempore are selected.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO that the revised document entitled "Regulations and Guidelines for the Conduct of Public Meetings" attached hereto and incorporated herein by this reference is hereby approved.


This resolution was passed and adopted by the City Council of the City of Monte Sereno at a regularly scheduled meeting held on the 19th day of February, 2019 by the following vote:

AYES: Council Members Lawler, Leuthold and Vice Mayor Turner

NOES: Council Member Ellahie

ABSENT: Mayor Rogers

Approved:



Rowena Turner, Vice Mayor

Attest:



Andrea Chelemengos, City Clerk

REGULATIONS AND GUIDELINES
FOR
THE CONDUCT OF PUBLIC MEETINGS

A.

MEETINGS

1. Regular Meetings

The Council of the City Of Monte Sereno shall hold regular meetings in the Council Chambers at 18041 Saratoga-Los Gatos Road in said city on the first and third Tuesdays of each month at 7:00 p.m.

2. Special Meetings

Special meetings may be called at any time by the Mayor or a majority of the Council members by delivering personally, or by mail, written notice to each Council member, by posting the written notice personally or by mail to each local newspaper of general circulation, radio station and television station which has made written request for such notice. Such notice must be delivered and posted at least twenty-four hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with, as to any Council Member who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may also be given by telegram.

3. Place

All regular and special meetings of the Council shall be held in the Council Chambers, except that any such meetings may be adjourned to such other location as the Council may from time to time determine.

4. Meetings to be Public

All regular, adjourned, and special meetings of the Council shall be open and public; provided, however, the Council may hold closed session from which the public may be excluded for the consideration of those matters permitted by the Ralph M. Brown Act (Government Code §§ 54950 et seq) to be held in closed session. No member of the Council, employee of the City, or any other person present during a closed session of the Council shall disclose to any person the content or substance of any discussion which took place during said closed session without prior authorization by a majority vote of the Council. A Council Member who is found by the Council to have made disclosure in violation of the foregoing provisions shall be subject to either or both (i) a motion of

censure, or (ii) removal from any one or more of the offices which he or she holds by reason of election or appointment by the City Council, such as Mayor, Mayor Pro Tempore, representative of the Council on an outside board or commission, or membership on a Council committee.

5. Chamber Preparation

The City Manager shall cause the Chamber doors to be unlocked at 6:45 p.m. on regular meeting nights. In addition, he or she shall cause all preparations of the Chambers and of all available public facilities for the general comfort of the audience and efficiency of the meetings.

6. Quorum

Three members of the Council shall constitute a quorum for the transaction of business. Motions may be passed by a majority if only three attend, but ordinances, resolutions granting franchises and payment of money require at least three affirmative votes. Where there is no quorum, the Mayor, Mayor Pro Tempore, or any Council Member shall adjourn such meeting, or, if no Council member is present, the City Clerk shall adjourn the meeting.

7. Agenda

An agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by any Council Member, the City Manager, or the City Attorney, with the timing to be determined in consultation with the City Manager based on the orderly placement of the item for consideration. In addition, a City Council Member may request that an item be placed on a future agenda during the future agenda portion of a City Council Meeting as outlined in Section 9 below. A complete copy of the agenda shall be addressed to each Council Member and delivered to each Council Member at City Hall and each department head so as to reach the recipient not later than 5:00 p.m. on the Wednesday preceding each regular Council meeting. All reports, ordinances, resolutions, contract documents, or other matters to be submitted to the Council at their regular meeting shall be delivered to the City Clerk no later than 5:00 p.m., on the Monday preceding the Wednesday on which the agenda is delivered to the City Council. The City Clerk shall prepare the agenda of all such matters according to the order of business, numbering each item consecutively. The agenda shall be available to the public in the office of the City Clerk and posted at the prescribed places no later than seventy- two (72) hours prior to the meeting and in the Council Chambers during each meeting. During the day of the regular meeting, the City Manager shall also cause to be available for public inspection in the office of the City Clerk one or more copies of all written materials concerning the agenda items, such as is also routinely made

available to Council Members. The City Manager may exclude any matters relating to personnel and litigation questions.

8. Additions to Agenda

No matters shall be finally acted upon by the City Council other than those on the adopted agenda; provided, however, items of business not appearing on the posted agenda may be considered in accordance with Government Code section 54954.2 and as it may be amended from time to time.

9. Order of Business

At the hour set by law on the day of each regular meeting, the Council Members, City Manager, City Attorney, City Clerk and such department heads as have been requested to be present, shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call
- d. Orders of the Day
- e. Presentations
- f. Oral Communications from the Public
- g. Written Communications
- h. Consent Calendar
- i. Public Hearings
- j. New Business
- k. Unfinished Business
- l. Special Set Items
- m. Committee/Commission Reports
- n. Council Member Comments

- o. City Manager Report
- p. Future Agenda Items
- q. Adjournment

The Mayor or a majority of the Council may change the order of business under Orders of the Day. The Council may set hearings for a specific time and, in that event, such hearings shall begin at the stated time, regardless of the order of business; otherwise, business shall be considered in the order shown above.

10. Council Member Absences

In the event a Council Member is unable to attend a City Council meeting, such Council Member shall so inform the City Manager no later than 12:00 p.m. on the Friday before the City Council meeting, unless such absence is due to an unforeseen circumstance beyond the Council Member's control.

11. Remote Participation of Council Member

In the event a Council Member desires to participate in a Council Meeting from a remote location, such Council Member shall endeavor to inform the City Clerk no later than 12:00 p.m. two Fridays prior to the City Council meeting but in no event later than 12:00 p.m. the Tuesday before the City Council meeting. In addition the Council Member shall provide the City Clerk with the exact address, telephone number of the location from which the Council Member shall be participating in the meeting, an email address and, if requested, assist in meeting the state mandated agenda posting requirement at the location.

B.

ADDRESSING THE COUNCIL

1. Right to Address Council

Every agenda for regular meetings shall provide an opportunity for members of the public to address the Council on any item of interest to the public that is within the jurisdiction of the Council. An opportunity shall be provided for public comment at any special meeting on any matter noticed to be heard at that meeting.

2. Addressing the Council at Other Times

Any interested person may request permission from the Mayor to address the Council relevant to the subject matter under consideration. The

granting or denial of such a request may be appealed to the Council by a member of the Council. In the event that more than one person makes such a request on any one item of business, the Mayor may forthwith designate and declare a period of time for such addresses, and set a reasonable time limitation for it.

3. Manner of Addressing Council

Any person wishing to address the Council shall stand or raise the hand and wait to be recognized by the chair, he/she shall stand at the podium, if able, state his/her name for the record and proceed to address the Council. All remarks and questions shall be addressed to the Council through the chair and not to any member thereof or the public. No question shall be asked of a Council member or a member of the City staff without first obtaining permission of the Mayor.

4. Time Limitation

The Mayor or a majority of the Council may limit the time speakers may have to make oral presentations to the Council. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor or Council to inquire whether or not the group has a spokesperson, and if so, that the spokesperson be heard, with following speakers in the group limited to facts not already presented by spokesperson.

C.

MAYOR AND MAYOR PRO TEMPORE

1. Appointment of Mayor and Mayor Pro Tempore

On non-election years, the City Council shall conduct a yearly reorganization at its first regular meeting of December, unless otherwise designated by the City Council. On election years, the reorganization of the City Council shall occur at the same meeting that the Council certifies the election results and the newly seated City Council shall select the Mayor and Mayor Pro Tempore. At the time of the yearly reorganization of the City Council, the City Council shall elect one of its members to serve one year as Mayor and one of its members to serve one year as Mayor Pro Tempore. In making the selections, the City Council will consider the principle of rotation to allow each of its members an opportunity to serve as Mayor. The election of Mayor and Mayor Pro Tempore shall be placed at the end of the Agenda. The Mayor will ask the Council for nominations for Mayor. Any Council Member wishing to make a nomination may do so. A Council Member may nominate himself or herself. Nominations do not require a second. The Council will vote on the nominations in reverse order that the nominations were made, with the last nomination made voted on first. The

Mayor shall be appointed by the affirmative vote of three or more members. If no Mayor is chosen through the first nomination and voting process, the process shall be repeated. After the Mayor is appointed, the nomination process will be repeated for the selection of a Council Member to serve as Mayor Pro Tempore.

2. Term of Office

The Mayor and Mayor Pro Tempore shall each hold office until his/her successor is elected and qualifies.

3. Qualifications

Any member of the Council is eligible to serve as Mayor or Mayor Pro Tempore who has not served in that position the previous year. In casting their votes for Mayor and Mayor Pro Tempore, members of the Council may consider the candidate's leadership qualities, his/her ability to conduct meetings of the Council expeditiously and fairly, and his/her willingness to represent and implement positions adopted by the Council when such positions are at variance with his/her personal views, as well as other factors as they deem pertinent, including seniority, rotation, or prior service as Mayor or Mayor Pro Tempore.

4. Mayor

The Mayor, or in his/her absence the Mayor Pro Tempore, shall be the presiding officer of the Council and shall assume his/her place and duties as such immediately following his/her election. If the Mayor is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act. During such periods, the Mayor Pro Tempore has all of the powers and duties of the Mayor. In the event the Mayor Pro Tempore is absent, the Mayor shall have the right to name any member of the Council to perform the duties of the Mayor, but such substitution shall not extend beyond adjournment.

5. Authority

The Mayor shall preserve strict order and decorum at all meetings of the Council and announce its decisions on all subjects, and decide all questions of order, subject, however, to an appeal as herein as described. The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Mayor Pro Tempore shall sign such documents as have been adopted during the meeting at which he/she presided.

D.

RULES OF PROCEDURE AND DEBATE

1. Call to Order

The Mayor, or in his/her absence, the Mayor Pro Tempore, shall take the chair at the appointed hour for the meeting, and shall call the Council to order. In the absence of the Mayor and the Mayor Pro Tempore, and the failure of the Mayor to appoint a temporary chairman, the City Clerk shall call the Council to order, whereupon a temporary chairman will be elected by the members present. If the Mayor or Mayor Pro Tempore should arrive after the meeting is called to order, the temporary chairman shall serve until the disposal of the item during consideration of which the Mayor or Mayor Pro Tempore arrived. In no event shall the temporary chairman serve beyond adjournment.

2. Roll Call

Before proceeding with the business of the Council, the City Clerk shall call the roll of the Council Members, and the names of those present shall be entered in the minutes. Subsequent roll calls throughout the meeting shall be made in the same order except that the Mayor shall always be called last.

3. Reading of Minutes

Unless the reading of the minutes of a Council meeting is requested by a majority of the Council, such minutes may be approved without reading if the Clerk has previously furnished each Council Member with a copy.

4. Mayor May Debate and Vote

The Mayor may move, second and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all Council Members and shall not be deprived of any of the rights and privileges of Council Members by reason of his/her acting as Mayor.

5. Getting the Floor

Every person desiring to speak shall address the Chair, and upon recognition by the Mayor, shall confine him/herself to the question under debate.

6. Decorum

While the Council is in session, the Council Members and members of the public must preserve order and decorum, and no person shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the

Council, nor disturb any Council Member while speaking, or refuse to obey the orders of the Council or of the Mayor, except as otherwise herein provided. When necessary to enforce decorum, the Mayor, subject to Council appeal, or the Council itself may order a person removed from the public meeting, or the public meeting may be closed pursuant to state law.

7. Interruptions

A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Mayor, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question or order is determined and, if determined to be in order, he/she may proceed.

8. Points of Order

Only a Council Member may raise a point of order. Points of order shall be limited to cases where the discussion or debate on the floor does not pertain to the item of business before the Council at the time or is in violation of any of the provisions of this resolution.

9. Personal Privilege

The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned or where the comfort or welfare of the Council, staff and audience are concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor, subject only to the power of the Mayor to call him/her out of order.

10. Call for the Question

A call for the question is a motion to halt debate on a motion before the Council. A Council Member calling for the question must receive a second to his/her motion. A properly moved and seconded call for the question must be voted on immediately and is not debatable. If the motion calling for the question passes, then the motion before the Council on which the question was called must be voted on immediately without further debate.

11. Recognition of City Staff

Members of the City staff, after recognition by the Mayor, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

12. Conflict of Interest

Any Council Member who has a direct personal financial interest in any matter coming before the Council shall disclose said interest and shall disqualify him/herself from discussing or voting on such matter. Where it is not clear whether such interest is of a disqualifying nature, the affected Council Member may request the opinion of the City Attorney. A Council Member who is disqualified by reason of a conflict of interest in any matter shall step down from the Dias during the debate and may not participate or vote on the matter.

13. Failure to Vote

A Council Member who fails to vote without stating his/her abstention or without being disqualified shall be deemed to have cast a "yes" vote.

14. Change of Vote

A Council Member may change his/her vote only if he/she makes a timely request during the council meeting providing said change does not affect the outcome of the vote.

15. Reconsideration of Prior Action

A motion to reconsider a vote on a prior action shall be in order at the same meeting or the next following meeting. Any final action taken on a quasi judicial matter shall not be subject to a motion for reconsideration. Such motion may be made only by a Council Member who has previously voted with the majority on the matter. Tie votes shall be lost motions and may be reconsidered.

16. Robert's Rules of Order

The council may elect, by majority vote, to adopt Robert's Rules of Order as a guide to matters of procedure and rules of debate, provided, however, that no provision of Robert's Rules of Order shall be construed to supersede any provision herein or in any other ordinance of this City, if the two provisions are in conflict. If the council so decides, the Mayor shall designate a specific edition of Robert's Rules of Order to be used throughout his/her term, provided, however, that said edition is economical and readily available.

17. Failure to Observe Rules of Order

Rules adopted to expedite the transaction of the business of the council in an orderly fashion are deemed to be procedural only, and the failure to strictly observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

E.

MINUTES

1. Preparation of Minutes

The minutes of the council shall be kept by the City Clerk, and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transacted, with proper sub-heads; provided that the City Clerk shall be required to make a record only of such business as was actually passed upon a vote of the council, and shall not be required to make a verbatim transcript of the proceedings, provided further that a record shall be made of the names of persons addressing the council, the title and the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.

2. Remarks of Council Members

A Council Member may request, through the Mayor, the privilege of having an abstract of his/her statement of any subject under consideration by the Council entered into the minutes. If the council consents thereto, such statement shall be entered into the minutes.

3. Protest Against Council Action

Any Council Member shall have the right to have the reasons of his/her dissent from or his/her protest against any action of the Council entered in the minutes.

4. Synopsis of Debate

The Clerk may be directed by the Mayor, with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

5. Delivery of Minutes

As soon as possible after each Council meeting, but no later than three (3) weeks after each Council meeting, barring any emergency situation, the City Clerk shall cause a copy of the minutes thereof to be forwarded to the Council Members, the City Manager, City Attorney, and such other city agencies or persons as may be designated.

6. Tape Recordings

The City Clerk shall electronically record all Council meetings, when possible, except executive sessions, to assist City Clerk in preparation of minutes, and will retain the recording tapes at least five (5) years. The Council may order full tapes or portions thereof retained for longer periods. Said tapes shall not be an official City record, but shall be available to the public.

7. Public Access to Minutes and Tapes

At least one copy of the minutes of each Council meeting, and at least one copy of the recording tapes of each Council meeting, for said five-year period, shall be maintained by the City Clerk in such a manner as to be readily available for inspection by the citizens and taxpayers of the City of Monte Sereno or their authorized representative, subject only to whatever reasonable conditions the City Clerk may require to avoid excessive interference with City business or misuse and destruction of City property.

F.

DISCIPLINARY PROCEDURES

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Code of Ethics. Disciplinary action or sanctions are considered when a serious violation of City policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation.

2. Type of Sanctions

At the discretion of the City Council, sanctions may be imposed for violating the Code of Ethics or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. Public Admonishment- A reproof or warning directed to a Council member about a particular type of behavior that violates Town policy.
- b. Revocation of Special Privileges- A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, community generated board/committee appointments. Other revocations may

include temporary suspension of official travel, conference participation, and ceremonial titles.

- c. Censure - A formal statement or resolution by the Council officially reprimanding a Council Member.