

RESOLUTION NO. 94-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, RESCINDING RESOLUTION NO. 93-03, ADOPTING RULES OF PROCEDURE FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

WHEREAS the purpose and intent of the City Council of the City of Yucaipa (hereinafter "the City Council") in adopting these rules is to provide directory guidelines relating to the conduct of public business by or on behalf of the City Council, and in the event of any non-compliance with or violation of any provision herein, such will not be deemed to affect the validity provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

Section 1. MEETINGS

1.1 REGULAR MEETINGS

The City Council of the City of Yucaipa shall hold regular meetings in the place specified in Ordinance No. 7, on the second and fourth Monday of each month, beginning at 6:00 P.M. If the day for a regular meeting of the Council falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the next succeeding Wednesday thereafter that is not a holiday.

1.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned the meeting may not be reconvened.

1.3 SPECIAL MEETINGS

Special meetings may be called by the Mayor or majority of Council Members on 24-hour notice, as set forth in Section 54956 of the Government Code of the State of California. Only matters contained in the notice may be considered and no ordinances (other than urgency ordinances) may be adopted.

1.4 STUDY SESSIONS

Member of the Council may meet in Study Session as deemed necessary (See 10.1).

1.5 NOTICE OF MEETINGS

Notice of regular meetings is not required. Mailed or personally delivered notice is required of special meetings and study sessions, unless otherwise waived. Mail and posted notice is required of meetings adjourned by the City Clerk. Posted Notice is required of all other adjourned meetings (Section 54955 Government Code.)

RESOLUTION NO. 94-31
PAGE 2

1.6 QUORUM

Unless otherwise provided for by resolution, a majority of the Council shall be sufficient to do business and motions may be passed 2-1 if only three (3) attend. The following matters, however, require three (3) affirmative votes: 1) adoption of ordinances, b) resolutions granting franchises, and c) orders for payment of money.

1.6.1 LEGALLY REQUIRED PARTICIPATION

If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Council shall select by lot or other means as the Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum.

1.7 MEETINGS TO BE PUBLIC

Study sessions and all regular, adjourned or special meetings of the City Council shall be open to the public, provided, however, the Council may hold closed sessions from which the public may be excluded for the consideration of the following subjects:

1.7.1 PERSONNEL MATTERS

To consider appointment, employment, or dismissal of a public employee or to hear complaints or charges brought against such person or employee by another employee unless such employee requests a public hearing. The Council may exclude from the public any such closed session during the examination of a witness any or all other witnesses in the matter being investigated.

1.7.2 ATTORNEY-CLIENT MATTERS

To consider possible or pending litigation in which the City is or could be a party.

1.7.3 ACQUISITION, SALE, OR LEASE OF PROPERTY

To consider possible purchase, sale, or lease of property.

RESOLUTION NO. 94-31
PAGE 3

1.8 CLOSED SESSION MINUTES

Pursuant to Section 54957.2 of the California Government Code, the City Clerk may be required to attend a Closed Session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

1.9 MEETING TIME LIMITATION

Any public agenda items which have not been initiated by 10:30 P.M. will be continued either to a special meeting or to the next regularly scheduled City Council meeting, and any item initiated before 10:30 P.M. on which a conclusion has not been reached by 11:00 P.M. will be continued to the next regularly scheduled meeting or a special meeting, except with majority consent of the City Council to continue an item.

Section 2. ORDER OF BUSINESS

2.1 AGENDA

The order of business of each meeting shall be as contained in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects which shall be taken up for consideration in the following order:

- Call to Order
- Pledge of Allegiance
- Special Presentations
- Consent Agenda
- Public Comment
- Commission/Committee Reports
- Mayor and Council Member Reports
- Public Hearings
- Study Sessions
- Announcements
- Closed Sessions
- Adjournment

Except with majority consent of the Council, items may not be taken out of order.

RESOLUTION NO. 94-31

PAGE 4

2.2 DELIVERY OF AGENDA

Barring insurmountable difficulties, the Agenda shall ordinarily be available to Council Members each Thursday preceding the Monday meeting to which it pertains. The Agenda shall also be available to the general public at the time it is available to the City Council.

2.3 CALL TO ORDER

Before proceeding with the business of the Council, the City Clerk shall record the names of those Council Members present and they shall be entered in the minutes.

2.4 APPROVAL OF MINUTES

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

2.5 PUBLIC HEARINGS

Generally, Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Open Public Hearing
- Staff Presentation
- Applicant/Representative Presentation
- Public Comments
- Applicant Rebuttal
- Public Hearing Closed
- Council Discussion
- Council Motion and Vote

Questions or comments from the public shall be limited to the subject under consideration, depending upon the extent of the agenda, and the number of persons desiring to speak on an issue. The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual. Any person may speak for a longer period of time upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has a graphic or slide presentation requiring more time.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

RESOLUTION NO. 94-31

PAGE 5

In any hearings before the City Council, notice of which is to be published or posted, if the City Council, or any member thereof, or a proponent or opponent of the matter requests that any or all participants in the proceedings testify under oath or affirmation, the making of such requests shall be set forth in the notice of hearing. Additionally, the notice of hearing shall state that the giving of testimony under oath or affirmation in any such proceeding shall, before testifying, state on the record that he/she agrees to testify under oath or affirmation in the matter and has had an opportunity to consult with an attorney of his/her own choosing in respect thereto.

2.6 PUBLIC COMMENTS

Subject to the limitations set forth in 5.4, any person may address the Council on any subject pertaining to City business not otherwise listed on the agenda, during the Public Comment portion of the meeting. A time limit of three (3) minutes shall be set for each person desiring to address the Council during the Public Comment designation on the Agenda (See 5.2).

2.7 CONSENT AGENDA

Items of routine nature, and non-controversial, shall be placed on the consent agenda. All items may be approved by one blanket motion upon majority vote. Any Council Member may request that any item be withdrawn from the consent agenda for separate consideration. However, any Council Member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, and the City Clerk shall record such abstentions in the minutes.

Section 3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

(a) The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and Mayor Pro Tem, the Council shall elect a temporary officer to serve until the arrival of the Mayor or the Mayor Pro Tempore or until adjournment, whichever first occurs.

(b) The Council shall meet annually to choose one of its members as Mayor and another of its members as Mayor Pro Tempore. In the years in which a general municipal election is scheduled, such meeting shall be held no later than the first regularly scheduled meeting in December after noon on the first Friday in December next following the General municipal election. In years in which no general municipal election is scheduled, such meeting shall be held the last meeting in November with offices to be in effect in December.

RESOLUTION NO. 94-31

PAGE 6

(c) Selection of the Mayor and Mayor Pro Tempore shall occur at a regularly scheduled meeting of the Council. The City Clerk shall preside at the portion of the Council meeting which is concerned with the nomination for and selection of the Mayor and Mayor Pro Tempore.

(d) Nominations for the office of Mayor and Mayor Pro Tempore may be made by any member of the Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately, provided, however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tempore, no person has received three affirmative votes for such office, the Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the Council.

(e) Except as provided in subsection (f) of this Section 3.1, the Mayor and Mayor Pro Tempore selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tempore pursuant to subsection (b) of this Section 3.1, and thereafter until their successors have been duly selected.

(f) The office of Mayor and Mayor Pro Tempore shall be deemed vacant upon the happening of any of the following:

- (1) The death of the holder of such office;
- (2) The loss or resignation from membership on the Council by the holder of such office;
- (3) The acceptance by the Council of the resignation from such office by the holder thereof.

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the Council shall select a successor to such office pursuant to the selection procedures established by this Section 3.1.

3.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the Council, he/she should consider turning the Chair over to another member.

RESOLUTION NO. 94-31
PAGE 7

3.3 QUESTION OR MOTION TO BE STATED

The Presiding Officer shall verbally restate or request the City Clerk to restate each question or motion immediately prior to calling for the vote. Following the vote the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next time of business.

3.4 SIGNING OF DOCUMENTS

The Mayor or Mayor Pro Tempore, in the absence of the Mayor, shall sign ordinances adopted by the City Council. The City Clerk or Deputy City Clerk shall attest to the signature of the Mayor or Mayor Pro Tempore.

3.5 MAINTENANCE OF ORDER

The Mayor or Presiding Officer is responsible for the maintenance of the order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

Section 4. RULES, DECORUM, AND ORDER

4.1 POINT OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" In which event, a majority vote shall govern and conclusively determine such question of order.

4.2 DECORUM AND ORDER - COUNCIL MEMBERS

(a) Any Council Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate.

(b) A Council Member desiring to question the staff shall address his/her question to the City Manager or City Attorney, in appropriate cases, who shall be entitled either to answer the inquiry himself/herself or to designate some members of his/her staff for that purpose.

(c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

RESOLUTION NO. 94-31

PAGE 8

(d) Any Council Member called to order while he/she is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with the rules of the Council.

(e) Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

(f) Any Council Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

4.3 DECORUM AND ORDER - EMPLOYEES

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall ensure that all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Council Member or member of the public.

4.4 DECORUM AND ORDER - PUBLIC

Member of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting may be ordered to leave the room by the Presiding Officer and such person may be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may order such offenders to leave the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

4.5 ENFORCEMENT OF DECORUM

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue the session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be

RESOLUTION NO. 94-31

PAGE 9

allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully distributing the orderly conduct of the meeting.

4.6 PERSONAL PRIVILEGE

The right of a 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 assailed, questioned or impugned.

4.7 CONFLICT OF INTEREST

All Council Members are subject to the provisions of California Law, such as Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest, and to conflict of interest codes adopted by the Council. Any Council Member prevented from voting because of a conflict of interest shall refrain from debate and voting. Such Council Member may choose to leave the Council Chambers during debate and voting on the issue.

4.8 LIMITATION OF DEBATE

Council Members normally should speak not more than once upon any one subject until every other member choosing to speak thereon has spoken. Members shall limit their statements to five (5) minutes each time they have the floor, unless the Council, by majority vote approves an extended period.

4.9 DISSENTS, PROTESTS, AND COMMENTS

Any member shall have the right to express dissent from or protest to or comment upon any action of the Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons..."

4.10 RULINGS OF CHAIR FINAL UNLESS OVERRULED

In presiding over Council meetings, the Mayor, Mayor Pro Tempore, or temporary Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. And such decision or ruling shall be final unless overridden or suspended by majority vote of the Council Members present and voting, and shall be binding and legally effective for purposes of the matter under consideration.

RESOLUTION NO. 94-31
PAGE 10

Section 5. ADDRESSING THE COUNCIL

5.1 MANNER OF ADDRESSING THE COUNCIL

(a) Any member of the public desiring to address the Council shall proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, he/she shall state his/her name and address for the record.

(b) All remarks and questions shall be addressed to the Chair and not to any individual Council Member, staff member or other person. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

(c) Any member of the Council who has been recognized by the Presiding Officer of the Council for such purpose may address or respond to a member of the public who has addressed the Council pursuant hereto. Such address or response shall not exceed three (3) minutes in length, and shall be deemed to express the individual position or opinion of the Council Member offering the same and shall not be construed to bind the Council or the City in any manner. Unless otherwise directed by the Council, the restrictions imposed by this Subsection (a) shall apply only to those portions of the Council Agenda during which members of the public are permitted to make oral communications to the Council.

5.2 TIME LIMITATION

Any member of the public desiring to address the Council shall limit his/her statement to three (3) minutes unless further time has been granted by the Presiding Officer in the individual case, or in accordance with Section 2.5.

5.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission by a majority vote of the Council.

5.4 LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

The making of oral communications to the Council by any member of the public during the "Public Comment" portion of the agenda shall be subject to the following limitations:

RESOLUTION NO. 94-31

PAGE 11

5.4.1 At any time, before or after the oral communication is commenced, the Presiding Officer may, if he deems it preferable, direct that the communication be made instead either to the City Manager or other appropriate staff members during regular business hours, or in writing for subsequent submittal to Council Members, pursuant to Section 5.5.

5.4.2 No speaker shall be permitted to address the Council on a topic which is currently before or about to be submitted for consideration by a City Commission, Board or other agency before which the speaker should make his presentation, until that latter body has completed its deliberations and taken its final action. In case the speaker should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communications to the Council outside that procedure.

5.4.3 The Presiding Officer may limit the number of speakers heard on non-agenda topics at a single meeting. Those whose presentations are postponed shall be given priority at the next meeting during the "Public Comment" agenda item.

5.4.4 If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

5.4.5 No oral communications shall be allowed to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her. All charges or complaints against employees shall be submitted to the City Manager for appropriate action, and may also be submitted to members of the Council by written communication.

5.5 WRITTEN CORRESPONDENCE

The City Manager is authorized to receive and open all mail addressed to the Council as a whole and give it immediate attention to the end that all administrative business referred to in said communications, and not necessarily requiring Council action, may be disposed of between Council meetings. A copy of such communication shall be provided to each Council Member marked "Information Only."

Any communication relating to a matter pending, or to be brought before the City Council shall be included in the agenda packet for the meeting at which such item is to be considered.

RESOLUTION NO. 94-31

PAGE 12

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of City ordinances.

Copies of all other communications sent to the Council will be transmitted to them.

Section 6. MOTIONS

6.1 PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

6.2 MOTIONS OUT OF ORDER

The Presiding Officer may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

6.3 DIVISION OF QUESTION

If the question contains two or more divisionable propositions, the Presiding Officer may, and upon request of a member shall, divide same.

6.4 PRECEDENCE OF MOTIONS

When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- a) Adjourn
- b) Fix Hour of Adjournment
- c) Table
- d) Limit or Terminate Discussion
- e) Amend
- f) Postpone

RESOLUTION NO. 94-31

PAGE 13

6.5 MOTION TO ADJOURN (Not Debatable)

A motion to adjourn shall be in order at any time, except as follows:

- a) When repeated without intervening business or discussion;
- b) When made as an interruption of a member while speaking;
- c) When discussion has been ended, and vote on motion is pending;
and
- d) While a vote is being taken.

A motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

6.6 MOTION TO FIX HOUR OF ADJOURNMENT

Such a motion shall be to set a definite time at which to adjourn and shall be undebatable and shall be unamendable except by unanimous vote.

6.7 MOTION TO TABLE

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

6.8 MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

6.9 MOTION TO AMEND

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

RESOLUTION NO. 94-31

PAGE 14

6.10 MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

Section 7. VOTING PROCEDURE

7.1 VOTING PROCEDURE

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The City Clerk shall call the names of all members seated when a roll call vote is ordered or required. The order of voting shall be alphabetical with the Mayor voting last. Members shall respond "aye", "noe" or "abstain," provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council Member not audibly and clearly responding "noe" or "abstain" or otherwise registering an objection shall have his vote recorded as "aye."

Every ordinance (other than urgency ordinances) or any resolution ordering franchises or orders for payment of money require three (3) affirmative votes. Urgency ordinances require four (4) affirmative votes. A roll call vote shall be used for urgency ordinances, other actions requiring a 4/5 vote, and consent agenda. Any other question before the Council shall not require a roll call vote unless demanded by any member. It shall not be in order for members to explain their vote during roll call. Any member may change his/her vote before the next order of business.

7.2 FAILURE TO VOTE

Every Council Member should vote unless disqualified for cause.

7.3 RECONSIDERATION

Any Council Member who voted with the majority may move a reconsideration of any action at the same meeting. After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the Council.

7.4 TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal unless the Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the next regular meeting of the Council, unless otherwise ordered by the Council.

Section 8. RESOLUTIONS

8.1 DEFINITIONS

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by resolutions. The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance. As used in this City, however, three terms are in general use to denote such (non-ordinance) actions: "resolution," "minute order," and "motion" (thereafter recorded by minute entry). Technically, all three are equally as legally effective and binding; they vary in the formality of respective memorialization. The most formal is referred to locally as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such "resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate identical document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "minute order" as used locally denotes a separate document which is also maintained in a separate set of books, under a system of sequential numbering, and is referenced in the minutes; however, the "minute order" is drafted far more briefly than a "resolution" and is distinguished from a mere minute entry only by the need, in general, to have a separate document to facilitate certain administrative processes to which it pertains.

A "motion" (assuming it was one which passed) is Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

RESOLUTION NO. 94-31
PAGE 16

8.2 RESOLUTIONS PREPARED IN ADVANCE

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

8.3 RESOLUTIONS NOT PREPARED IN ADVANCE

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

8.4 URGENCY RESOLUTIONS

In matters of urgency, a resolution may be presented verbally, in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in 8.2 above shall be followed.

Urgency resolutions shall be avoided except when absolutely necessary; and shall be avoided entirely when resolutions are required by law, in improvement acts, zoning matters, or force account work on public projects. Where the resolution has been drafted in written form, either before or during the meeting, this paragraph shall not be deemed applicable.

Section 9. ORDINANCES

9.1 INTRODUCTION AND ADOPTION OF ORDINANCES

Ordinances shall not be passed within five days of their introduction, or at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council Members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned meeting held at least five days after alternation.

Corrections of typographical or clerical errors are not alternations within the meaning of this section.

RESOLUTION NO. 94-31
PAGE 17

9.2 EFFECTIVE DATE

All ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

9.3 PUBLISHING

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within 15 days after adoption.

9.4 URGENCY ORDINANCES

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

Section 10. STUDY SESSIONS

10.1 STUDY SESSIONS

Council Members able to attend scheduled study sessions will meet for the purpose of discussion of special subjects of immediate concern and meeting and conferring with City Commissions, Civic Organizations and City Officials relative to pending City business.

The time for study sessions will be as specified by the Council or by the Mayor on individual occasions when appropriate to the convenience of the Council Members, provided that when this occurs, written notice shall be provided in accordance with the Government Code.

10.2 OPEN TO THE PUBLIC

Study sessions shall at all times be open to the public and the news media, except: a) closed sessions held at such times pursuant to Government Code Section 54947.6 whereat the Council meets with its designated representatives of employee organizations; b) closed sessions to consider possible or pending litigation in which the City is or could be a party; or c) closed sessions to consider the purchase, lease, or sale of property.

RESOLUTION NO. 94-31
PAGE 18

10.3 PURPOSE

Study sessions are not intended to constitute a meeting of the City Council and they shall be carried on regardless of the number of Council Members in attendance.

At such study sessions, no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings being to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions. This shall not, however, be deemed to apply with respect to closed sessions referred to in Section 10.2.

10.4 AGENDA

The City Manager shall be responsible for preparing an agenda, along with any available supporting information, of items for discussion at each Study Session.

Any Council Member may request that a matter be placed on the agenda for either a study session or Council meeting. Except in urgent situations, Council Members should submit, on the appropriate form, such requests three (3) working days before a study session, along with any available supporting information.

PASSED, APPROVED AND ADOPTED this 12th day of September 1994.



DAN CRAIN, MAYOR

ATTEST:



NITA BROWN, CITY CLERK

