

CITY OF LAKE ELSINORE, CALIFORNIA

COUNCIL POLICY MANUAL

**SUBJECT: Meeting
Rules & Procedures**

**Policy No. 200-1
Effective Date: 5/27/86
Revised: 4/24/01
Revised: 9/12/06
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BACKGROUND

The City is required to comply with the Ralph M. Brown Act (Government Code Sections 54950 *et seq.*) and other applicable laws in the conduct of City Council and other meetings. However, state law does not address all aspects of such meetings. Accordingly, Government Code Section 36813 provides that a City Council may establish its own rules of procedures for meetings.

PURPOSE

The purpose of this policy is to assist Council members in conducting effective and efficient Council meetings and to provide guidelines and procedural rules where there are no controlling rules of law.

POLICY

SECTION 1. DEFINITIONS; MEETING DEFINED

- 1.1 **Definitions Generally.** All terms used herein, if defined in the Brown Act or other applicable law, shall, for purposes of this Policy, be interpreted to have the meaning set forth in the Brown Act or other applicable law, as such law may be amended from time to time.
- 1.2 **“Meeting” Defined:** The Brown Act defines the term “meeting” as including any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.
- 1.3 **Meetings to be Public:** Except as provided by the Brown Act and other applicable law, all meetings of the City Council shall be open and public, and all persons shall be permitted to attend any City Council meeting required to be open and public. The Minutes of such meetings shall be open to public inspection.

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- 1.4 Quorum: A majority of the members of the Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.
- 1.5 Adjourned Meetings. Any regular or special meeting, or any adjourned regular or special meeting, may be adjourned to a time and place specified in the order of adjournment.
- 1.6 Journal of Proceedings (Minutes): An account of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

SECTION 2. TYPES OF MEETINGS

- 2.1 Regular Meetings: Regular meetings of the City Council are held on the second and fourth Tuesday of each month in the Council Chambers located at the Lake Elsinore Cultural Center at 183 North Main Street. Unless changed by Resolution of the City Council, Regular Council Meetings commence at 5:00 p.m. for purposes of Closed Session. While the public may be in attendance during the oral announcements proceeding the closed sessions, the closed sessions are not open to the public. The public session of the Regular Meeting during which the business of the Agenda will be conducted commences at 7:00 p.m.
- 2.2 Special Meetings: Special meetings may be called by the Mayor or by a majority of the members of the Council. The call for a special meeting shall be filed with the City Clerk in written form, except that announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, the hour, and the location of a special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least twenty four (24) hours after the call is issued, but every effort will be made to provide forty eight (48) hours notice. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or an incident thereto.
- 2.3 Adjourned Meetings: Any meeting of the Council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next Regular Meeting.

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- 2.4 Study Sessions: The Council may meet informally in Study Sessions (open to the public), at the call of the Mayor or of any three members of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager or other appropriate parties, provided that all discussions and conclusions thereon shall be informal.

Agenda items dealing with ongoing City business that have gone through normal channels will be listed on the agenda of Regular City Council Meetings. Upon the request of any Councilmember or at the discretion of the City Manager, any new items, policies or issues shall first be scheduled on a Study Session Agenda before being placed on a regular agenda for City Council action.

- 2.5 Closed Sessions: Closed sessions or closed meetings may be held in accordance with the provisions of the Brown Act. Topics that may be discussed include: (1) Personnel Matters, (2) Consideration of acquisition or disposition of property for public purposes, (3) Potential or pending litigation in which the City has an interest.

The City Clerk shall include as part of the Regular City Council Agenda the topic(s) for closed session.

Prior to the closed session, the City Attorney shall state publicly the code section pursuant to which the closed session is being held and, as to matters of pending litigation, the title and case number of the litigation.

SECTION 3. RULES, DECORUM AND ORDER

- 3.1 Rules of Order: The American Institute of Parliamentarians Standard Code of Parliamentary Procedure © 2012 (as amended from time to time) shall govern the proceedings of the Council, except to the extent such Rules conflict with the rules set forth herein or in any applicable law.

Proceedings of the Council shall be governed by common sense and good taste. In the event of a dispute concerning procedural matters not specifically covered herein or by any applicable law, the majority vote of the Council shall prevail.

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Rules adopted to expedite the transaction of 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 the law.

- 3.2 Right of Floor: Any Councilmember desiring to speak shall be recognized by the Mayor, and shall confine his or her remarks to one subject under consideration or to be considered.

SECTION 5. PRESIDING OFFICER

- 5.1 Presiding Officer: The Presiding Officer of the Council shall be the Mayor or, when absent, the Mayor Pro Tem. Said officer shall take the chair at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor or Mayor Pro Tem, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the members of the Council present. Upon arrival of the Mayor or Mayor Pro Tem, the temporary Presiding Officer shall immediately relinquish the chair upon the conclusion of the particular business before Council at that time. Wherever in this chapter the term "Mayor" is used, it shall apply equally to the Presiding Officer as defined in this section.
- 5.2 Duties and Authority: The Mayor shall have a vote but no veto powers, and may move, second and debate from the chair. In the event of the taking of a roll call for the purpose of voting or otherwise, the Mayor's name shall be called last. The Mayor shall (i) sign all ordinances, resolutions and other documents necessitating said officer's signature which may have been adopted in the Mayor's presence; (ii) preserve strict order and decorum at all regular and special meetings of the Council; (iii) state, or call upon Staff to state, every question before the Council; (iv) call for the vote and announce the decision of the Council on all subjects; (v) decide all questions of order, subject, however, to an appeal by the Council or any Council member, in which event a majority vote of the Council shall govern and conclusively determine such question of order; and (vi) have and exercise such other powers and duties as are authorized by law.

The Mayor shall have the power, authority and discretion, without a vote of the Council, to:

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- A. Set time limits on Council discussion on any matter
 - B. Set time limits on any communications from members of the public to the Council. In no event shall any individual public communication exceed three (3) minutes without the consent of a majority of the Council present.
 - C. Declare the opening of public hearings.
 - D. Rule any motion on a subject not on the agenda as being out of order, in which case the motion shall thereafter be void.
 - E. Table any motion on any matter until the next regular or special Council Meeting.
 - F. Rule any speaker out of order, terminate any communication with the Council from a member of the public and/or declare a recess in order to establish order to any meetings. The Mayor, or such other member of the Council as may be presiding, may move, second and debate from the chair subject only to such limitations of debate as are by these rules imposed upon all members. The Mayor shall not be deprived of any of the rights and privileges of a Council member by reason of being Mayor or acting as the Presiding Officer.
- 5.3 Questions to be Stated: The Mayor shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member in the manner provided in Section 7.9 of these rules.
- 5.4 Substitution for Chairman: The Mayor may call any other member to temporarily chair the meeting in order to take part in debate, to make a motion, or to cover a temporary absence, such substitution not to continue beyond adjournment.

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SECTION 6. ORDER OF BUSINESS AND AGENDA

- 6.1 Order of Business: The General rule as to the order of business in regular meeting shall be as follows:
- A. Closed Session (5:00 p.m. or such other time as indicated on the agenda)
 - B. Call to Order
 - C. Roll Call
 - D. Recess into Closed Session
 - E. Reconvene/Call to Order Public Session (7:00 p.m.)
 - F. Pledge of Allegiance
 - G. Invocation/Moment of Silence
 - H. Roll Call
 - I. Closed Session Report
 - J. Presentations/Ceremonials
 - K. Public Comments – Non-Agendized Items – one minute
 - L. Consent Calendar
 - M. Public Hearings
 - N. Business Items
 - O. Public Comments – Non-Agendized Items – three minutes
 - P. City Manager Comments
 - Q. City Attorney Comments
 - R. City Council Comments/Reports on Meetings Attended
 - S. Adjournment
- 6.2 Agenda: The order of business of each meeting shall be as contained in the Agenda prepared by the City Clerk. The Agenda shall list by topic the subjects to be considered by the Council, and shall be delivered to members of the Council at least seventy-two (72) hours preceding the meeting to which it pertains.
- 6.3 Presentation by Members of Council: The Agenda shall provide a time when the Mayor or any Councilmember may bring before the Council any business that he/she feels should be addressed by the Council. Other than under special circumstances as outlined in the Brown Act; all proposed matters must be submitted to the City Clerk by noon on the Wednesday preceding the Regular Council Meeting, for inclusion on the agenda under “City Council Matters”.

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- 6.4 Reading of Minutes: Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading as a Consent Calendar Item.
- 6.5 Procedure for Public Hearing: Whenever a public hearing must be held pursuant to any provision of law, the City Council shall observe the following procedural requirements. A public hearing shall be opened by the Mayor. Once opened, the City staff shall first present their reports, comments and responses to Council inquiries on the subject of the public hearing. Next, public testimony on the matter shall be invited and heard. Following public comments, the City Council may discuss the matter. After the public hearing is closed, no new information may be introduced by the City staff or the public unless the public hearing is reopened. A public hearing upon which the Council has acted by majority vote may only be reopened upon the motion of a member of the City Council, and only if all persons who spoke during the hearing are still present.

SECTION 7. ORDINANCES, RESOLUTIONS AND MOTIONS

- 7.1 Ordinances, Resolutions and Motions: Ordinances and resolutions shall be presented to the Council only in printed or typewritten form. No ordinance shall relate to more than one subject, which shall be clearly stated in its title, except as permitted by law.
- 7.2 City Attorney to Approve: All ordinances and resolutions shall be “Approved as to Legal Form” by the City Attorney. Such approval shall be so indicated by signature on the last page of the ordinance before presentation to Council.
- 7.3 Distribution of Ordinances: The City Clerk shall prepare copies of all proposed ordinances for distribution to all members of the Council at least twenty-four (24) hours before the Council meeting at which the ordinance is to be introduced. If the ordinance carries an emergency clause, copies of the ordinance shall be available at the meeting of the Council at which said ordinance is to be considered.

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- 7.4 Urgency Ordinances: Ordinances introduced at a Council meeting shall not be finally acted upon until at least the next official meeting, except emergency ordinances which may be acted on immediately, provided that an affirmative vote of at least four (4) members of the Council shall be required for the final passage of an emergency ordinance.
- 7.5 Reading by Title Only: Upon being introduced and prior to final passage, each proposed ordinance shall be read by title only, unless any member of Council requests a full reading of the ordinance.
- 7.6 Consideration of Ordinances: Except for urgency or appropriation ordinances, two readings are required to pass an ordinance: the first reading introduces the ordinance for adoption and the second reading adopts the ordinance. Not more than one such reading shall be on the same day, and at least five days shall elapse between introduction and final passage. Ordinances must be adopted by a majority of three members at a regular or adjourned regular meeting.
- After introduction and approval of an ordinance at first reading, the ordinance will be placed on the next Council agenda under Business Items. Anyone wishing to speak on the proposed ordinance must complete the "Request to Address Council" form available at the speaker's podium in the City Council Chamber. At the next Council meeting, those persons who have submitted requests to the City Clerk prior to the meeting will be called upon to comment, prior to final adoption of the proposed ordinance.
- 7.7 Recording of Votes: The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official records of the Council.
- 7.8 [Reserved]

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- 7.9 Majority vote required: Unless otherwise required by applicable law, an affirmative vote of at least a majority of the total members of the Council shall be necessary to pass an ordinance or to appropriate funds. A resolution, motion or other proposition may be adopted by the affirmative vote of a majority of the Council members voting on the issue. When a voice or roll-call vote is called, each Council- member shall respond, “yes (aye)”, “no”, “abstain”, or “pass”. Any Councilmember who responds “pass” shall be given an opportunity, at the end of the roll call, to register his or her vote to “yes (aye)”, “no”, or “abstain”. Any “pass” response not so changed shall be recorded as an abstention.
- 7.10 Tie Vote: In the event of a tie in votes on any motion, the motion shall fail. In instances where a majority vote cannot be obtained and there have been no abstentions on the item and no additional action is taken, such matters shall automatically be added to the agenda for the next meeting of the Council.
- 7.11 Ordinance Passage Procedure: When passed by the Council, an ordinance shall be signed by the Presiding Officer, attested by the City Clerk, and shall take effect in accordance with applicable law. Before the expiration of fifteen (15) days, after its passage, it shall be published once with the names and members voting for and against the same in the Press Enterprise newspaper, a newspaper of general circulation published in the County of Riverside.
- 7.12 Requests for Ordinances or Legal Opinions: Any member of the City Council may request the City Manager to have prepared proposed ordinances, with such ordinances to be placed on the agenda of the next scheduled council meeting, provided the ordinance can be drafted and distributed to members of the Council in accordance with time schedules set forth in Section 7.3 of these rules. Any member of the City Council may request written legal opinions, relating to City business, from the City Manager. Upon receiving requests for a proposed ordinance or a written legal opinion, the City Manager shall forthwith request same from the City Attorney; and upon return receipt thereof, the City Manager shall forthwith cause to have distributed the subject ordinance or written legal opinion to all members of the Council so that all members of the Council may, for purposes of inquiry, request verbal opinion or advice of City legal matters directly from the City Attorney.

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SECTION 8. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

- 8.1 Citizen Committees, Boards and Commissions: The Council may create committees, boards and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the Lake Elsinore Municipal Code or any other applicable law.
- 8.2 Membership and Selections: Membership and selection of members shall be made in accordance with all applicable laws and City Council Policy No. 200-5A, Commission Appointments, and Policy No. 200-5B, Ad Hoc Committee Appointments.
- 8.3 Compliance with Other Policies and Laws: Such committees, boards and commissions shall at all times comply with any applicable City Council Policies and all applicable local, state or federal law.

SECTION 9. CITIZEN'S RIGHTS

- 9.1 Addressing the Council: Any person desiring to address the Council by oral communication shall submit a written request to the City Clerk prior to the meeting at which they wish to speak. Request forms shall be available in the City Clerk's Office and the Council Meeting facility. No member of the audience will be called upon to address the Council on any subject during the time that the Council members are discussing the item. Following the discussion and prior to a vote, the Mayor will recognize any member of the audience who wishes to speak on the subject, provided that person has submitted a written request form.
- 9.2 Manner of Addressing the Council – Time Limit: After being recognized by the Mayor, each person shall step up to the podium and state his or her name in an audible tone. Each person may be requested to state his or her address, but statement of such address shall not be required to permit any party to speak. Unless additional time is granted by the Mayor, speakers shall limit their remarks to three (3) minutes. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Council members, except through the Presiding Officer.

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- 9.3 Rules of Decorum – Enforcement: While the Council is in session, all persons shall preserve the order and decorum of the session. The standards of order and decorum shall be governed by common sense. All persons must conduct themselves in a manner consistent with good taste and generally accepted standards of appropriate behavior. Any person who does not comply with the above rules or who otherwise disrupts the orderly course of the meeting is guilty of an infraction and may be called out of order by the Mayor and barred from further audience before that session of the Council.
- 9.4 Mayor may appoint Committee or refer Citizen’s Complaints: Upon receipt by the Mayor of one or more citizen complaints, the Mayor may (i) appoint a committee of two (2) members of the City Council to hear such citizen’s complaints, or (ii) may refer citizens’ complaints to the City Attorney and, if justified under applicable provisions of the Brown Act, to a Closed Session of the City Council.
- 9.5 Written Communications: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City’s business or over which the Council has control at any time by direct mail or by addressing the City Clerk and copies will be distributed to the Council members.

SECTION 10. SUSPENSION AND AMENDMENT OF THESE RULES; CONFLICT WITH LAW

- 10.1 Suspension of These Rules: Any provision of these rules not governed by state law or the Lake Elsinore Municipal Code may be temporarily suspended by a vote of a majority of the Council. The vote on any such suspension shall be taken by “ayes” and “noes” and entered upon the record.
- 10.2 Amendment of These Rules: These rules may be amended or new rules adopted by a majority vote of any members of the Council, provided that the proposed amendments or new rules have been introduced into the record and properly agendized. Such votes may only be taken at regularly scheduled Council meetings.
- 10.3 Conflict with Law. In the event of a conflict between this Policy and the Lake Elsinore Municipal Code, the Brown Act, or any other applicable local, state or

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federal law, the provisions of such law shall supersede the conflicting provisions of this Policy.

HISTORY

Adopted by Resolution No. 86-33	5/27/86
Amended by Minute Action	4/24/01
Amended by Resolution No. 2006-152	9/12/06