

COUNCIL/ADMINISTRATIVE POLICY

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CITY OF BRENTWOOD
MEETING
RULES AND PROCEDURES

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1. PURPOSE; APPLICABILITY

1.1 Purpose. The purpose of the Council Meeting Rules and Procedures (these “Rules”) is to establish protocols that will be convenient for the public and contribute to the orderly conduct of City business. These Rules apply in addition to:

- the Ralph M. Brown Act Open Meeting Law (Brown Act, Gov’t. Code §55950 and following);
- the Political Reform Act (Gov’t. Code §81000 and following); and
- any other California laws that govern the conduct of City Council meetings.

1.2 Applicability. These Rules apply to meetings of the City Council and all City Commissions (unless: a provision is clearly not applicable, stated otherwise in the ordinance establishing a particular commission, or stated otherwise in state law). Reference to *Mayor, Council, Council Member,* and *City Clerk* shall respectively mean *Chairperson, Commission, Commissioner* and *Secretary*, when applicable to a City commission.

1.3 Effect. Failure to observe these Rules does not invalidate any otherwise lawful action.

2. MEETINGS: GENERAL RULES

2.1 Meeting – Definition. The term *meeting* means the gathering together of three or more members of the City Council (or a majority of the total members of any commission) to hear, discuss, deliberate, or take action on any matter within its jurisdiction. (Gov’t. Code §54952.2(a).)¹

2.2 Meetings Open to the Public. Unless otherwise authorized by law to be held in closed session, all City Council meetings are open and public. (Cal. Const. art I, §3(b)(1); Gov’t. Code §54953(a).)

2.3 Time and Place of City Council Meetings. The City Council shall hold regular meetings at the dates, time, and location set forth in Municipal Code Chapter 2.04 and any related resolutions, or as modified by the Council.

2.4 Quorum. A majority of the total members of the Council shall constitute a quorum and is sufficient to transact regular business. A Council Member present but abstaining is counted for purposes of constituting a quorum. A Council Member disqualified from voting by law is not counted for purposes of constituting a quorum. (See Section 3.4a below.) If there is no quorum, the Mayor or City Clerk shall adjourn the meeting to a stated time and place.

2.5 Presiding Officer. The Mayor is the presiding officer of the Council. In the absence of the Mayor or in case of conflict under Section 3.4a, the Vice-Mayor shall preside. In the absence of the Mayor and Vice-Mayor, the City Manager shall preside over the election of a temporary chair. The temporary chair will preside until the return of one of the officers.

¹ The Brown Act prohibits a majority of a city council, outside an open and noticed meeting, from using a series of communications of any kind (including telephone or email, or through intermediaries) to discuss, deliberate or take any action on city business. (Gov’t. Code §54952.2(b)(2).)

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2.6 Types of meetings.

- a. Regular meetings.** This is the regular City Council meeting generally held twice per month, as established by the Municipal Code (Chapter 2.04) and City Council Resolution.
- b. Special Meetings.** A special meeting may be called by the Mayor or by a majority of the City Council. Notice must be given in conformance with Government Code §54956 at least 24 hours before the special meeting.
- c. Closed Sessions.** The City Council may meet in closed session (not open to the public), as provided by California law. No member of the City Council, City employee or person present during a Closed Session may disclose to anyone not present at the Closed Session the content or substance of any confidential written materials or confidential discussions which took place during the session, unless the City Council votes to authorize disclosure of such information by a majority vote, except as otherwise required by law. (Gov't. Code § 54956.5.)
- d. Adjourned Meetings.** The City Council may adjourn a regular or special meeting to a specific time and place. (If there is less than a quorum at any scheduled meeting or if all members are absent, the Mayor or City Clerk may declare the meeting adjourned to a stated time and place and post notice of that fact consistent with Government Code § 54955.
- e. Continued Hearings.** The City Council may continue any hearing to a subsequent meeting, stating the specific date, time, and place. (Government Code § 54955.1).
- f. Emergency Meetings.** The City Council may hold an emergency meeting under Government Code section 54956.5 if a majority of the members of the City Council determine that there is 1) a work stoppage or other activity which severely impairs public health, safety, or both, or 2) a crippling disaster which severely impairs public health, safety, or both. Notice shall be given as provided in Government Code section 54956.5.
- g. Teleconferences.** The City Council may use teleconferencing for any City Council meeting. Each teleconference location must be open to the public, and an agenda posted at each location. Each teleconference location shall be identified in the notice and agenda of the meeting. At least a quorum of the Council Members must be present at locations within the City. All votes taken during a teleconferenced meeting shall be by roll call vote. (Gov't. Code § 54953.)
- h. Meetings with City Commissions.** The City Council may hold a joint meeting with a City Commission, or with another public agency, in conformance with the Brown Act.

- 2.7 Minutes; Record-keeping.** The City Clerk or his or her designee will take action minutes, consisting of the names of individuals speaking about an item, and the action taken by Council on each item including the motion and the vote. City Council and Planning Commission meetings are generally broadcast live and are also available for viewing later on the City's website. The City maintains audio recordings for other commission meetings. Copies or transcripts are available upon request, with prior payment of fees established by City Council resolution.

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3 ELECTION OF CITY COUNCIL OFFICERS; DUTIES

3.1 Election of Vice Mayor. The City Council shall elect a Vice Mayor for a two-year term, at the meeting when new Council Members are sworn in after a general municipal election. If the office of Vice Mayor becomes vacant for any reason (including resignation, incapacity, death, recall, municipal election, or removal by majority vote), the City Council shall elect one of its members to fill the vacancy at the next regular meeting. The election or removal of the Vice-Mayor requires three affirmative votes.

3.2 Duties of Mayor. The Mayor has the power, authority, and discretion, without a vote of the majority of the Council (except as noted) to:

a. Preside over Council meetings:

- 1) maintain order and proper decorum (See Rule 5 below);
- 2) announce the business before the Council in the order set forth in the agenda (or as such order may be changed per Rule 4.3 below);
- 3) call for votes on each matter requiring a decision, and announce the results. The Mayor may make a motion, second and debate matters, subject only to the same limitations of debate as are imposed upon all members.);
- 4) when requested, make these Rules known and decide questions of order, subject to an appeal of the Council;
- 5) set time limits on Council discussion (subject to Council concurrence) and on communications from members of the public, consistent with the Brown Act; and
- 6) open public hearings.”

b. Agendas. Work with the City Manager in the preparation of agendas, and place items on a future Council meeting agenda, under Rule Sections 4.2 and 4.4 below.

c. Signing. Sign all documents as authorized by the City Council, and ceremonial documents.

d. Subcommittees. Create subcommittees, with a concurrence of the Council, under Section 3.4b.

e. Appointments. Make appointments to a public office or position, with the confirmation of a majority of the City Council.

f. City Spokesperson. Serve as the chief spokesperson and representative for the City and City Council for matters concerning public policy.

g. Other duties. Perform other duties as are required by law or as pertain to the office of Mayor.

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3.3 Duties of Vice Mayor. The Vice Mayor has the power and authority to:

- a. Exercise the duties and powers of the Mayor, in the Mayor's absence.
- b. Serve with the Mayor as spokesperson and representative for the Council.
- c. Assist the Mayor in anticipating an issue that may warrant a special meeting.

3.4 Duties of all Council Members. It is the duty of each Council Member to attend Council meetings, adhere to these Rules, and to cast votes as outlined below.

a. Abstention from voting. A Council Member must abstain from voting if:

- 1) the Council Member has a personal or financial interest in the matter as defined in the California Political Reform Act (Government Code §§ 81000 et seq.)²; or
- 2) the law otherwise declares the Council Member's participation to be a conflict of interest (e.g., Government Code §§ 1090, 1126, 81000 et seq.; or case law); or
- 3) the member is disqualified as to a particular matter because of his or her absence from a prior public hearing and inability or failure to review the prior testimony and evidence presented.

If a Council Member is disqualified, he or she shall declare this fact and the reason for it on the record, and shall leave the room until the matter is concluded. However, if the matter on which the Council Member is disqualified is on the Consent Calendar, and is not pulled from the Consent Calendar, the Council member does not need to step down from the dais during the vote. Rather, before the Consent Calendar vote, he or she should declare this fact and the reason for it on the record and state that he or she is not voting on that item.

b. Committees and Boards. The business of the City Council will from time to time require work in Council committees (either a standing committee or ad hoc committee), and through Council Member participation on boards of other governmental agencies.

The Mayor, a majority of the Council, or staff may recommend formation of a committee. A committee assists in the resolution or study of issues arising from a specific area of Council concern. All communications and advice from a committee shall be made to the Council. A committee serves until discharged by a majority of the Council.

It is the duty of any Council Member sitting on such a committee, or outside board, to make periodic reports to the City Council as a whole and to the general public at regular City Council meetings. It is also the duty of a Council Member to timely advise his or her alternate, if any, if the Council Member will be absent from any committee or board meeting.

3.5 Absences. A Council Member should endeavor to give notice to the Mayor, City Manager, or City Clerk in advance if he or she will be absent or late to a Council meeting. If a Council Member is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy. (Gov't. Code §36513.)

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4 MEETING AGENDA: PREPARATION AND CONTENTS

4.1 General. The City Council will not discuss any item of business not appearing on the written agenda, except as provided in Government Code section 54954.2.

If other matters (not on the agenda) are raised by the public, the City Council or staff may refer the matter to staff or to a subsequent meeting.³ (Gov't. Code §54954.2.)

4.2 Agenda Preparation; Distribution. There shall be a written agenda for each City Council meeting. The agenda shall contain a brief general description of each item of business to be transacted or discussed and shall include other matters as set forth in this Section 4. The City Clerk shall prepare the agenda in conjunction with the City Manager's office. Anonymous communications will not be considered nor placed on the agenda. Only the City Manager, City Attorney, the Mayor and Council Members may add items to a Council agenda. If a member of the public wishes an item to be added, he or she must have a Council Member sponsor the item. The agenda will be posted and distributed as required by the Brown Act. (Gov't. Code §§54954.2, 54954.1.)

4.3. Agenda Contents; Order of Business. The agenda shall include general information, a brief description of items of business, and the order of business (See Government Code § 54954.2).

The order of business is as follows, subject to change by the Mayor, Vice-Mayor (in the Mayor's absence), City Manager or a majority vote of the City Council:

- Call to Order and Roll Call
- Pledge of Allegiance
- Presentations (and Proclamations) (these may also be included on the Consent Calendar.)
- Public Comments (for items *not* on the public hearings or business items portions of the agenda, or requests for future agenda items)
- Informational Reports from Council Members, committees, liaisons, and staff
- Consent Calendar
- Public Hearings⁴
- Business Items
- Request for Future Agenda Items (by Council Members)
- Adjournment

² A Council Member may not make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which they know (or have reason to know) they have a financial interest. (Gov't. Code § 81000.)

³ No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights, ask a question for clarification, or provide a reference to staff or other resource for factual information. (Gov't. Code §54954.2)

⁴ Public Hearings. Public hearings are those having specific notice requirements by state law or City ordinance. At the hearing, the Council shall afford any interested person (and his or her representative) the opportunity to speak, present witnesses and evidence, subject to these Rules. Public hearings will be conducted in the following order: (1) Staff Reports and Council Member questions to staff; (2) Public hearing opened by Mayor; (3) Public testimony; (4) Mayor closes the public hearing, by majority vote; (5) Discussion among Council Members; and (6) Action by majority vote

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4.4 Adding Future Agenda Items.

An item may be added to a future agenda, and staff time authorized, in either of the following ways:

- a. Standard agenda process for agenda preparation, under Rule Section 4.2 above, including:
 - 1) by the City Manager, City Attorney, or staff; or
 - 2) by written request to the City Manager by the Mayor or two Council Members at least one week before the publication of the next agenda (Thursday by 5:00 p.m.) and the City Manager determines that there is adequate staff time to prepare discussion and recommendation materials; or
- b. By an individual Council Member making:
 - 1) a written request to the City Manager at least one week before the publication of the next agenda to place the item under Request for Future Agenda Items on the next agenda; or
 - 2) a verbal request at a Council meeting to have an item placed on the next agenda under Request for Future Agenda Items.

In either case (b.1 or b.2), the listed item will identify the Council Member making the request and briefly describe the nature of the request. Council discussion will be limited to whether staff time and City resources should be spent on the item and the time period for scheduling. Staff will not spend time on the requested item unless and until the Council wishes additional information, except that if staff has already worked on a matter or the City Manager deems an item to be urgent, he or she may place it on the next agenda as an action item.

5 DECORUM

5.1 Decorum Generally - City Council Members. The Mayor and Council Members shall preserve order and decorum at City Council meetings. Council Members shall confine their remarks to the agenda item under consideration and speak only when recognized by the Mayor, except as otherwise provided in these Rules. Once a Council Member is recognized, he or she will not be interrupted unless called to order by the Mayor. A Council Member may not, by conversation or otherwise, disturb or disrupt the proceedings or the peace of the City Council in any way, nor disturb any other Council Member or member of the public while speaking, nor refuse to obey the instruction of the Mayor or City Council.

During a quasi-judicial hearing⁵, an applicant or appellant is entitled to due process of law, including a meaningful opportunity to be heard. Council Members should not receive information outside of the hearing on the matter unless they disclose the nature of the communications. Council Members will give full attention to speakers at the hearing.

⁵ A *quasi-judicial hearing* is one that involves the application of rules to a specific project or set of existing circumstances. Examples include land use matters (but not legislative decisions such as General Plan or zoning amendments, or development agreements), employee disciplinary proceedings, and proceedings for the revocation, suspension, or reinstatement of permits, licenses, and franchises.

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Council meetings will be governed by common sense and good taste. In case of a dispute concerning a procedural matter not specifically covered in these Rules, the majority vote of the Council will control.

5.2 Decorum Generally - Public.

Members of the public wishing to speak during the public discussion are requested to fill out the speaker form provided and hand the card to the City Clerk at the beginning of (or during) the meeting. Comments by members of the public are generally limited to five minutes, or less time if a large number of speakers is anticipated, or if approved by the Mayor. A speaker may not allocate his or her time to another speaker. The Mayor will invite public testimony on each item at the appropriate time. Written documents or messages to the City Council or any Council Member while the City Council is in session, which pertain to the Council's business, shall be made only through the City Clerk.

A member of the audience must come forward to the lectern so that their remarks may be accurately recorded. All remarks shall be addressed to the Mayor, except that answers to questions posed by a City Council Member recognized by the Mayor may be addressed to the questioner. No person other than a member of the City Council and the person having the floor shall enter into any discussion, either directly or through a Council Member, without the permission of the Mayor. The comments must be pertinent to the agenda item under discussion. A member of the public may not ask a question of a Council Member or staff member, except through the Mayor. Speakers are urged to avoid unnecessary repetition in their remarks and instead simply indicate agreement with previous speakers.

If a meeting is willfully interrupted by any individual, group or groups of people so as to render the orderly conduct of the meeting unfeasible, the Mayor may recess the meeting and require the removal of individuals who are interrupting the meeting, or clear the room and continue the meeting allowing only members of the press to remain. (Gov't. Code §§ 54957.9.)”

6 VOTING AND DECISION; RECONSIDERATION

6.1 Voting and Decision. Ordinances, resolutions and other matters submitted to the Council must be adopted by a majority vote of the total membership of the Council unless a greater number of votes is required by law. A *majority* means three votes for the City Council (and for each City commission with a total of five members). If one or more Council Members is absent and a majority vote cannot be obtained, and no additional action is taken, the matter shall automatically be added to a future agenda, to be considered at least once with all Council Members present.

If a member (qualified to vote) does not vote in the affirmative or negative, the member shall be deemed to have voted in the affirmative.

A tie vote means the motion is not approved.

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After a vote is taken on a matter, if an appropriate resolution is not already prepared, the Council may direct the staff to prepare a resolution reflecting the City Council's findings and decision. A resolution brought back to the Council may be placed on the Consent Calendar. (No public comments can be received or considered unless a public hearing is re-noticed.) The vote is not considered final until the City Council reviews and approves the resolution at a later meeting.

6.2 Reconsideration. This section 6.2 does not apply to City Commissions.

a. Reconsideration of Quasi-Judicial Actions. (See footnote 5.) A motion to reconsider any quasi-judicial action taken by the City Council may be made by any Council Member who voted with the majority on a question, and may be seconded by any Council Member. The motion must be approved by a majority vote of the entire City Council. The City Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

1) Timing. The motion must be made at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting, or at any intervening special meeting. If a request for reconsideration is communicated to the City Manager by any Council Member who voted in the majority, at least 24 hours before the state law deadline for posting the City Council meeting agenda, then the request shall appear on the posted agenda for the next regular meeting or intervening special meeting. Otherwise, no City Council discussion or action on reconsideration may occur unless the item is appropriately added to the agenda under Government Code section 54954.2(b) which addresses adding items that are not listed on a posted agenda, when immediate action is necessary. (See Rule Section 4.1b.)

2) Effect of Approval of Motion; Notice. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters, and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with state law and the Municipal Code. In certain circumstances, a right may have vested after the initial decision, precluding reconsideration.

b. Reconsideration of Legislative or Other Non-Quasi-Judicial Actions. The City Council may rescind, repeal or amend its prior legislative or other non-quasi-judicial actions (unless precluded from doing so under applicable laws) at any regular or special meeting of the City Council. Noticing and scheduling of such actions shall be consistent with Rule Section 4 (Meeting Agenda: Preparation and Contents) and any required notice provisions.

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Revision History

Date	Resolution
11/13/2001	2399 adopted policy
04/27/2004	2004-97 amended Rules 1-27 added rules 28-36
05/25/2005	2005-260 deleted Rule 8
04/11/2006	2006-73 deleted Rule 36
01/23/2007	2007-15 added Rule 13A
10/09/2007	2007-225 amended Rule 13A
05/24/2011	2011-67 deleted a portion of Rule 32 & amended Rule 28H
01/22/2013	2013-11 amended Rule 26 Priority of Business
12/10/2013	2013-174 amended Rule 35 in its entirety
12/09/2014	2014-182 amended Rule 13 A
6/14/2016	2016-74 Re-adopting new Meeting Rules and Procedures
12/12/2017	2017-162 Quorums and reconsideration of matters by City commissions
10/10/2023	2023-123 – Amended Rule 3.2 and 5.2