

RESOLUTION NO. 202~~54-001~~ XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND DECORUM FOR BOARD, COMMISSION AND COMMITTEE MEETINGS AND REPEALING RESOLUTION NO. 202~~24-001~~ 169

California Law authorizes the City Council of the City of Fullerton to adopt, abolish, suspend, modify and/or waive procedural rules for board, commission and committee meeting conduct.

In adopting these rules, City Council understands that legislative bodies must first abide by the general laws of the State of California concerning rules of procedure for legislative bodies.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESOLVES AS FOLLOWS:

The Fullerton City Council adopts the following Rules of Procedure for its appointed boards, commissions and committees:

1. *GENERAL LAWS.* Boards, commissions and committees shall comply with all general laws of the State of California and all local laws which establish rules of procedure for legislative bodies.
2. *PARLIAMENTARY PROCEDURE.* Boards, commissions and committees follow the current edition of "Robert's Rules of Order, Newly Revised" as a non-binding guide to conduct meetings to the degree that such rules do not conflict with State or local laws.
3. *PRESIDING OFFICER.* "Presiding Officer" refers to the legislative body member presiding over the legislative body meeting. The Chair serves as the Presiding Officer in most instances. The Vice-Chair serves as the Presiding Officer in the Chair's absence.
4. *DECORUM.* All persons shall observe civility, decorum and good behavior. Legislative bodies encourage citizen participation and expression of all points of view at all legislative body meetings. Unruly or disruptive conduct may result in removal from the meeting or meeting stoppage.

Legislative body members shall observe civility, decorum and good behavior, attend ethics training as required by Assembly Bill 1234 (2005) and attend harassment-prevention training as required by City of Fullerton Resolution No. 2015-36.

5. *SIGNS.* The City of Fullerton recognizes the right of free expression. To preserve decorum and not infringe upon the public's ability to view legislative body

proceedings, audience members may hold signs in the back row of the Council Chamber provided the sign does not impede viewing or broadcasting the meeting and does not otherwise violate meeting rules of procedure.

6. *PHOTOGRAPHY / FILMING / AUDIO RECORDING.* Media outlets planning to attend a legislative body meeting should contact the City's Public Information Coordinator, or designee, in advance of the meeting to make accommodations for broadcast and/or tripod cameras. The Fire Marshal, or designee, ensures members of the media film in locations that comply with safety regulations. Complete or partial blocking of exit aisles is prohibited.

The public may photograph, film and/or audio record proceedings of legislative bodies provided that the recording device operator remains in the public areas of the meeting room, keeps aisles clear (for fire safety), does not interrupt other members of the public in attendance or impede staff or legislative body members from conducting the meeting.

7. *REGULAR MEETINGS.* The legislative body shall hold regular meetings within city limits only at the time, place and location indicated by City Council resolution or other legislative action.
8. *SPECIAL MEETINGS.* Per the California Brown Act, the Chair or a legislative body majority may call and give notice of special meeting with at least 24 hours' notice.
9. *OPEN MEETINGS.* All members of the public may attend all legislative body meetings except for Closed Sessions.
10. *QUORUM.* A quorum shall equal 50% + 1 of the membership of the legislative body. For example, a quorum for a five-member body is three members. A quorum for a nine-member body is five members.
11. *AGENDA.* Secretary shall prepare an agenda for each legislative body meeting. Staff will place items on the agenda as needed or by City Council direction. Legislative bodies may add items to future agendas by majority vote, provided the item falls within the purview of the legislative body. City Council must approve use of resources for any item requiring expenditures beyond those allocated in the current budget. Staff will add requested items that fall within the purview of the legislative body to a future agenda as available resources permit.

The order of items on the agenda shall be:

Call to Order

Roll Call

Pledge of Allegiance

Public Comments

Committee Member / Staff Communications and Reports

Consent Calendar

Public Hearings

Regular Business

Items Pulled from the Consent Calendar

Agenda Forecast

Adjournment.

12. *EMERGENCY AGENDA MATTERS.* Except as otherwise provided, the legislative body shall take no action on any matter not listed on the posted agenda. However, the legislative body may take action on an item not appearing on the agenda if either: a) the legislative body determines by majority vote that the item qualifies as a statutorily defined “emergency” or b) the legislative body determines by a two-thirds vote that the need exists for immediate action on an item and the item only came to the attention of the members after posting of the agenda and cannot wait until the next regular meeting.
13. *AGENDA PACKET.* Staff will prepare a staff report for agenda items when necessary and make the agenda packet available to public at the same time the legislative body receives the agenda packet by posting the materials online and making available to the public at City Hall (or Library, in the case of the Library Board of Trustees) during regular business hours.
14. *COMMUNICATIONS / MATERIALS TO THE LEGISLATIVE BODY FROM THE PUBLIC.* Members of the public may submit materials and/or communications for distribution to legislative body members by emailing the legislative body secretary in advance of the meeting or by submitting sufficient copies of the materials for all members plus two additional copies to the Secretary before the start of the meeting. All materials submitted to the legislative body become part of the meeting record.
15. *SUPPLEMENTAL COMMUNICATIONS.* Staff will post online all materials and communications provided to a majority of the legislative body regarding items on the agenda after posting of the agenda through consideration of the item at the same time staff provides those materials to the legislative body members. Staff will post items received after Noon on the meeting day as soon as possible but no later than the next business day following the meeting.
16. *PUBLIC COMMENT.* Members of the public will have no more than three minutes each to comment on non-agendized items and consent calendar items during the public comment section of the agenda. Members of the public will have no more than three minutes each to comment on each individual business items (public hearing and regular business items).

17. *LEGISLATIVE BODY MEMBER / STAFF COMMUNICATIONS AND REPORTS.* Staff and members may provide brief reports, queries and updates within the purview of the legislative body that require no action and fall within constraints of the California Brown Act during this section of the agenda. Legislative body members shall have up to five minutes each to make reports. Staff should agendize any items requiring a presentation and/or discussion as a business item on a future agenda.
18. *PRESENTATIONS.* Staff will make presentations to the legislative body for agendized items. Staff may invite a consultant to assist with presentations when warranted.
19. *AUDIO-VISUAL EQUIPMENT.* Only staff or consultants making presentations may utilize the Council Chamber audio-visual equipment.
20. *CONSENT CALENDAR.* The agenda group s routine matters together for action, listed under the heading "Consent Calendar." The agenda will contain a concise recommendation for each of these items in summary form. The legislative body may act on all Consent Calendar items on the agenda with one motion unless a member of the legislative body pulls one or more items from the Consent Calendar for further discussion and/or clarification. In that event, the Presiding Officer will ask the legislative body to vote on the remainder of the Consent Calendar and then individually consider each item pulled from the Consent Calendar later on the agenda.
21. *PUBLIC HEARINGS.* In the event the City Attorney or staff requests continuation of a noticed public hearing item, the legislative body will continue the item to a date-certain, regularly scheduled meeting. Commission staff will post the notice.
22. *MOTIONS.* The legislative body uses motions to conduct general business unless the law specifically requires action by resolution or a good reason exists to formalize the action by resolution.
23. *PROCESSING MOTIONS.* When a member makes a motion, another member must second the motion to proceed and the Presiding Officer may so state. Once the Presiding Officer has stated the motion, the maker of the motion may not modify or withdraw the motion without consent of the legislative body. The legislative body may amend the motion with the approval of the maker. The maker of a motion has the first right of debate.
  - A. *Motions Out of Sequence:* The Presiding Officer may permit a member to propose a motion out of the agenda sequence at any time by majority consent of the legislative body.
  - B. *Division of the Question:* If the question contains two or more complete propositions, each capable of standing alone, the legislative body may, by

majority vote, divide the question into separate parts for consideration and vote.

- C. **Substitute Motions:** A substitute motion seeks to replace a paragraph, section, article or the entirety of a main motion with new language and takes precedence over the main motion. The legislative body considers a substitute motion before considering the main motion. Members consider one substitute motion at a time and will dispense with the substitute motion on the floor before making a new substitute motion.

24. **VOTING.** The Presiding Officer shall call for the vote by voice or roll call on the passage of every motion. The recording secretary shall enter the results of the vote in the minutes. Any member may change their vote before the next order of business.

- A. **Voice Vote.** The Presiding Officer shall ask, in this order, those in favor to state "Aye", those opposed to state "Nay" and those abstaining to state "Abstain". After calling for the vote, the Presiding Officer will state whether the motion passes or fails and the tally of the votes in favor, opposed and abstaining.
- B. **Roll Call Voting.** The legislative body shall take a roll call vote in any of the following circumstances:
- when required by law, upon demand of any member made before or after a voice vote upon any question
  - when voting on an appeal of the Presiding Officer decision or action
  - when utilizing teleconference technology to conduct the meeting.

The recording secretary shall take the roll call vote in the following order: members of the legislative body in alphabetic order by last name, Vice Chair, Chair.

- C. **Failure to Vote.** Every member should vote unless disqualified for cause or by decision of the City Attorney. Members should avoid self-disqualification which results in a tie vote thwarting action.
- D. **Abstention.** A member cannot be compelled to vote. A member may abstain from voting but, in doing so, consents that a majority of the quorum may act for them.
- E. **Tie Vote.** A tie vote on any matter under consideration constitutes denial of the motion except for appeals of a decision of the Presiding Officer where a tie vote sustains the Presiding Officer's decision.

25. *RECONSIDERATION.* Any member voting with the majority on a matter may move for reconsideration of any action taken on that matter at the same meeting or have the matter entered into the minutes for reconsideration at the next succeeding meeting, providing no legal rights have intervened between said meetings to create estoppel. After the legislative body has acted on a motion for reconsideration of a matter, it may not consider any other motion for reconsideration thereof without unanimous consent.
26. *APPEAL.* Any member may appeal any Presiding Officer decision or ruling. The Presiding Officer shall call for a roll call vote to determine if legislative body desires to sustain the decision. A majority or tie vote shall sustain the Presiding Officer's decision.
27. *MINUTES.* The recording secretary will record action minutes of the legislative body meeting and present a final draft of the minutes to the legislative body for approval. The legislative body may then, by motion, make corrections that conform to fact and action minute format before approving the draft minutes.
  - A. Action minutes should contain a clear and concise statement of legislative body actions generally limited to call to order, roll call, all motions and seconds made, the roll call vote, all public comments received during the meeting as specified in Section 27B and adjournment.
  - B. For all items, including when the legislative body may act in a quasi-judicial proceeding such as on an assessment or zoning matter, the recording secretary shall record in the minutes the names and city of residence (if provided) of persons addressing the legislative body, the subject matter of the remarks and whether the person spoke in support or opposition to the subject matter.
  - C. The recording secretary shall retain recordings of meetings in accordance with the City Records Retention Schedule.
  - D. Recusals: Members recusing themselves from discussion on a particular agenda item shall publicly state the reason for recusal and exit the meeting room. The recording secretary will include the reason for recusal and the time the member exited and returned to the meeting room in the minutes.
28. *SUBCOMMITTEES, WORK GROUPS AND AD-HOC COMMITTEES.* Legislative bodies must conduct the public's business during a public meeting. Brown Act regulations generally apply to subcommittees, work groups and ad-hoc committees created by a legislative body. Legislative bodies may not form subcommittees, work groups or ad-hoc committees that require expenditure of city resources not allocated in work plans or approved by City Council.

29. *BUSINESS CARDS.* City Council voted on July 5, 2022 to not allow business cards for legislative body members.
30. *CITY SEAL.* Fullerton Municipal Code 2.01.020 states, "It shall be unlawful for any person to make or use the seal of the City of Fullerton, or reproduction thereof, for any purpose other than for the official business of the City of Fullerton, its Council, officers or departments." Only City staff may request approval from the City Clerk to use the City Seal Per City of Fullerton Administrative Policy No. 34. Legislative body members may not use or reproduce the City Seal without prior authorization from the City Clerk requested through their city staff liaison.
31. *CHAIR / VICE CHAIR ROTATION.* Boards, commissions and committees select a Chair and Vice Chair at their first meeting of the calendar year using the following process:
- Chair asks members to make nominations for Chair.
  - When members have offered all nominations, the Chair asks for a motion, second and vote to close the nominations process.
  - The nominations end when the legislative body votes in the affirmative to close nominations.
  - The Chair asks members to state their preferred nominee using the roll call vote process.
  - If a nominee receives majority support, the nominee becomes Chair.
  - If no nominee receives majority support, the legislative body continues discussion and voting until one member receives majority support and becomes Chair. Nominees may withdraw from consideration during this process to facilitate consensus.
  - The incoming Chair repeats the nominations process for the Vice Chair selection.
32. *ADDRESSING OTHER CITY LEGISLATIVE BODIES.* Board, Commission and Committee Members may address other legislative bodies as members of the public. Members may only make represent their board, commission or committee when so directed by a majority of their legislative body.

ADOPTED BY THE FULLERTON CITY COUNCIL ON \_\_\_\_

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Nicholas Dunlap  
Mayor

ATTEST:

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Lucinda Williams, MMC  
City Clerk

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Date