RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND DECORUM FOR CITY COUNCIL MEETINGS AND REPEALING RESOLUTION NO. 2021-02

California Law authorizes the City Council of the City of Fullerton to adopt, abolish, suspend, modify and/or waive procedural rules for the conduct of its City Council meetings.

In adopting its rules, City Council understands that it must first abide by the general laws of the State of California concerning rules of procedure for City Councils.

ROBERTS RULES ADOPTED AS A NON-BINDING GUIDE. Per Fullerton Municipal Code 2.04.040, City Council has adopted the current edition of "Robert's Rules of Order, Newly Revised" as a non-binding guide for the conduct of City Council meetings, to the degree that such rules do not conflict with State or local laws.

For purposes of this resolution the term "Presiding Officer" refers to the Council Member presiding over the City Council Meeting. In most instances the Mayor will serve as the Presiding Officer. The Mayor Pro Tem will serve as the Presiding Officer in the Mayor's absence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

The Fullerton City Council adopts the following rules as its Rules of Procedure:

1. **GENERAL LAWS.** City Council shall comply with all general laws of the State of California and all local laws which establish rules of procedure for City Councils.

2. **DECORUM.** All persons shall observe civility, decorum and good behavior. City Council encourages citizen participation and expression of all points of view. Unruly or disruptive conduct may result in removal from the Council Chamber or meeting stoppage.

   Council Members shall observe civility, decorum and good behavior, attend ethics training as required by Assembly Bill 1234 and attend harassment-prevention training as required by Resolution No. 2015-36.

3. **SIGNS**. City Council recognizes the right of free expression. To preserve decorum and not infringe upon the public's ability to view the City Council proceedings, audience members may hold signs in the backmost row of the Council Chamber provided the sign does not impede viewing or broadcasting of the meeting and does not otherwise violate meeting rules of procedure. Those wishing to hold signs during a meeting may contact the City Clerk's Office to

reserve a seat in the back row.

4. **PHOTOGRAPHY / FILMING / AUDIO RECORDING**. Media outlets planning to attend the City Council meeting should contact the City Manager's Office in advance of the meeting to ensure accommodations for broadcast and tripod cameras. The Fire Marshal, or designee, will ensure members of the media film in locations in compliance with safety regulations. Complete or partial blocking of exit aisles is prohibited.

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

5. **MEETING BROADCASTS.** The City records the video broadcast of all City Council meetings, including the public portion of the Closed Session meeting, held in the Council Chamber.

6. **COUNCIL CHAMBER CAPACITY / OVERFLOW SEATING**. The Council Chamber has a maximum capacity of 140 persons. The public may not stand in the aisles of the Chamber except as otherwise provided by this resolution. Staff may make arrangements for overflow seating in anticipation of audience attendance beyond the maximum Council Chamber capacity.

7. **REGULAR MEETINGS**. City Council shall hold regular meetings within city limits only at the time and place indicated by City Council resolution. Once convened, City Council may adjourn such meeting to another location within the City if unusually large crowds or other circumstances warrant.

   A. Open Meetings. All members of the public may attend all City Council meetings except for Closed Sessions.

   B. Closed Sessions. In accordance with the California Government Code, City Council may recess to Closed Session to consider any matter not prohibited by the Ralph M. Brown Act and amendments thereto. City Council may discuss such matters as litigation, employees / employment, property acquisition and labor negotiations during Closed Session.

8. **SPECIAL MEETINGS.** Per the California Brown Act, the Mayor or a majority of the legislative body may call and give notice of special meeting with at least 24 hours' notice.

9. **QUORUM**. A majority of the City Council constitutes a quorum for transaction of business. All resolutions, ordinances and orders for payment of money require a majority vote of the entire City Council for passage (i.e. at least three affirmative votes) (Government Code Section 36936). City Council may pass minute orders by a 2 - 1 majority vote if only three members attend the meeting. State law may

require a supermajority (4/5 of the City Council) vote for an item to pass in specific situations.

10. AGENDA. The City Clerk shall prepare an agenda for each City Council meeting. The City Manager, Mayor or any two City Council members may place items on the agenda. Due to production timelines and posting requirements, the City Clerk will not include titles received outside of a City Council meeting after Noon on the Wednesday prior to the meeting on the agenda.

The order of items on the agenda shall be:

Call to Order

Roll Call

Invocation

Pledge of Allegiance

Closed Session Report

Ex Parte Communications Report

Presentations

Public Comments

City Council / Successor Agency / Staff Communications and Reports

Appointments

Consent Calendar

Public Hearings

Regular Business

Items Pulled from the Consent Calendar

Agenda Forecast

Adjournment

11. EMERGENCY AGENDA MATTERS. Except as otherwise provided herein, City Council shall take no action on any matter not listed on the posted agenda. However, City Council may take action on an item not appearing on the agenda if either: a) City Council determines by majority vote that the item is a statutorily defined “emergency” or b) City Council 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 City Council after posting of the agenda and cannot wait until the next regular meeting.

12. INVOCATION. City Council may include an invocation on the agenda in compliance with the Town of Greece, New York v. Galloway decision.

13. PRESENTATIONS. Presentations to City Council under the presentations section

of the agenda shall not exceed five minutes per presentation, unless extended by the Presiding Officer.

14. ADDRESSING CITY COUNCIL.

A. Speaker Registration. Those wishing to address City Council will register with City Staff before the start of the public comment section of the agenda. Staff may collect a speaker's name and contact information, subject or agenda item on which the speaker will address City Council and the date of the City Council meeting. All speakers must register for each agenda item they wish to comment on but are not required to provide identifying information. In the event that a large number of speakers wish to speak on the same item, Staff may assign a number to each speaker.

B. Public Comments on Closed Session Items. The public may comment on Closed Session items at the beginning of the Closed Session meeting. Speakers will register with staff prior to the start of the public comment section on the Closed Session agenda. Speakers should line up on north wall the Council Chamber when the Mayor announces the Public Comments item. The City Clerk will call those who have registered to the microphone when it is their time to address City Council.

Each speaker addressing City Council regarding Closed Session items shall have three minutes to make their remarks.

C. Public Comments on Items Not on the Agenda. During the Public Comments section of the regular session agenda, members of the public may address City Council regarding items not appearing on the agenda, but within the subject matter jurisdiction of the City Council and on Consent Calendar items.

Those wishing to address City Council will register with City Staff prior to start of the public comment section on the Regular Session agenda. Those who have registered will line up on the north wall in the Council Chamber when it is time for the Regular Session Public Comments item. The City Clerk will call those who have registered to the microphone when it is their time to address City Council.

Each speaker addressing City Council during Public Comments shall have three minutes to make their remarks.

City Council may limit non-agenda public comments to 30 minutes at the beginning of the Regular Session but shall hear all comments on Consent Calendar items prior to taking action on the Consent Calendar. If more speakers wish to address City Council than can be accommodated in the allotted time, the remaining speakers will have the opportunity to address City Council before the meeting adjourns.

City Council may not take action on unagendized items except as authorized by law.

D. Public Comments on Agenda Items. City Council will hear comments from the public on agenda items at the time City Council considers the item.

Those wishing to address City Council will register with City Staff prior to the public comment section of the item they wish to address. Those who have registered should line up on the north wall in the Council Chamber when the Mayor calls for public comment on the agenda item. The City Clerk will call those who have registered to the microphone when it is their time to address City Council.

Those speaking on agenda items shall have no more than three minutes per item to address City Council. No person shall speak more than once during the same meeting to the same question or issue.

E. Extension of Time. The Mayor or majority of the City Council may grant an extension of time for a speaker. No speaker may yield their time to another speaker.

F. Presiding Officer. The Presiding Officer will control debate as to repetitive or irrelevant remarks, so that everyone has a chance to speak and to expedite the business at hand. Whenever a group of people wish to address City Council on the same subject matter, the Presiding Officer may request that the group select a spokesperson to represent the group and, in case any other member of the group presents additional matters, to limit the number of persons addressing City Council, to avoid unnecessary repetition.

15. PROVIDING MATERIALS TO CITY COUNCIL AT THE MEETING.
Members of the public may submit materials for distribution to Council Members at the meeting by submitting seven copies of the materials to the City Clerk or City Clerk staff before or at the beginning of the meeting. All materials submitted to City Council become part of the meeting record. The public may not utilize Council Chamber audio-visual equipment during the meeting.

16. COUNCIL COMMUNICATIONS. Council Members shall, during City Council / Successor Agency / Staff Communications, report on information or activities resulting from participation on City Council appointed regional boards, commissions or committees as a means of informing City Council and public on such items. Additionally, Council Members shall provide a report regarding attendance at any function that falls under AB 1234 reporting requirements at this time.

17. CONSENT CALENDAR. City Council will act on the Consent Calendar following Appointments and prior to Public Hearings. The agenda shall have routine matters grouped together for action before regular business items, listed under the heading of “Consent Calendar.” The agenda will contain a concise recommendation for each of these items in summary form. City Council may take action on all Consent Calendar items on the agenda by one motion, provided that the Presiding Officer shall first advise the audience that City Council will act upon Consent Calendar items by one motion unless any Council Member requests that City Council pull one or more items from the Consent Calendar for further discussion and/or clarification. In that event, the Presiding Officer will ask City Council to vote on the

remainder of the Consent Calendar. City Council will consider each item pulled from the Consent Calendar for individual consideration following Regular Business.

18. PUBLIC HEARINGS. In the event the City Attorney or staff requests continuation of a noticed public hearing item, City Council will continue the item to a date certain, regularly scheduled meeting.

19. MOTIONS. City Council uses motions to conduct its general business unless the law specifically requires action by ordinance or resolution or a good reason exists for formalizing the action by resolution.

20. PROCESSING OF MOTIONS. When a Council Member makes a motion, another Council 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 City Council. City Council 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 at any time, by majority consent of City Council, permit a Council Member to propose an ordinance, resolution or motion out of the published agenda sequence.

B. Division of the Question: If the question contains two or more complete propositions, each capable of standing alone, City Council may, by majority vote, divide the questions 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. City Council considers a substitute motion before considering the main motion. Council Members consider one substitute motion at a time and will dispense with the substitute motion on the floor before making a new substitute motion.

21. VOTING. On the passage of every motion, the Presiding Officer shall call for the vote by voice or roll call. The City Clerk shall enter the results of the vote in the minutes. Any Council 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. City Council shall take a roll call vote when required by law or upon demand of any Council Member made before or after a voice vote upon any question before City Council. The City Clerk shall conduct the roll call vote.

C. Failure to Vote. Every Council Member should vote unless disqualified for

cause or by the decision of the City Attorney. Council Members should avoid self disqualification which results in a tie vote thwarting City Council action.

D. Abstention. A Council Member cannot be compelled to vote. A Council Member may abstain from voting, but in doing so, consents that a majority of the quorum may act for them.

E. Tie Vote. Per Fullerton Municipal Code 2.04.040, a tie vote of City Council on any matter under consideration constitutes denial of the motion except for appeals of a decision of the Presiding Officer (as described in #21) where a tie vote sustains the Presiding Officer's decision.

22. RECONSIDERATION. Any Council Member who voted 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 City Council has acted on a motion for reconsideration of a matter, City Council may not consider any other motion for reconsideration thereof without unanimous consent. However, Fullerton Municipal Codes Sections 15.68.060 and 15.70.060 authorize City Council by a majority vote, to set aside any action taken at a meeting relating to variances and conditional use permits before the adjournment of the meeting.

23. APPEAL. Any City Council Member may appeal any decision or ruling of the Presiding Officer. The Presiding Officer shall call for a roll call vote to determine if City Council desires to sustain the decision. A majority or tie vote shall sustain the Presiding Officer's decision.

24. ORDINANCES. City Council enacts ordinances for the purpose of establishing City of Fullerton municipal laws.

A. City Council shall introduce an ordinance by motion as a Public Hearing or Regular Business item.

B. City Council shall direct the City Clerk to read all ordinances in full either at the time of introduction or passage except when, after the City Clerk reads the title, City Council waives further reading of the ordinance by regular motion adopted by a majority vote of the Council.

C. City Council shall not pass an ordinance within five days of introduction of the ordinance, nor at other than a regular meeting or an adjourned regular meeting. However, City Council may pass urgency ordinances immediately upon introduction either at a regular or special meeting.

D. When City Council alters an ordinance, other than an urgency ordinance, after introduction, City Council shall reintroduce the ordinance and then adopt the ordinance at a regular or adjourned regular meeting held at least five days after alteration. Corrections of typographical formatting or clerical errors are not alterations.

E. Ordinances require the affirmative vote of at least three Council Members for passage.

F. Codification. The City Clerk's Office shall codify and incorporate all ordinances of a general nature amending the municipal code into the Fullerton Municipal Code.

G. Effective Date. All ordinances, except as otherwise provided by law, take effect 30 days after passage or upon such later date as designated in the ordinance.

H. Publication. The City Clerk shall publish or post each ordinance within 15 days after its passage. Failure to do so will invalidate the ordinance. The City Clerk may publish the ordinance in summary form as provided by law.

25. RESOLUTIONS. A resolution constitutes a written action or decision. The enacting clause shall contain either the word "resolves" or "resolved," depending on the format of the resolution.

A. Resolutions require the affirmative vote of at least three Council Members for adoption. City Council must adopt a resolution in such matters as assessment proceedings or rezonings.

B. City Council shall adopt resolutions for the payment of money only at regular meetings or a special meeting for which the notice of such special meeting specifies the business City Council will transact.

26. MINUTES. The City Clerk will record the action minutes of the City Council meeting and present a final draft of the minutes to City Council for approval. City Council may then, by motion, make such corrections as conform to fact before approving the draft minutes.

A. The minutes should contain a clear and concise statement of City Council actions, including all motions made and the vote thereon. City Council may choose to direct the City Clerk to include reasons for making a motion, City Council debate and public speaker comments.

B. For all items, including when City Council acts in a quasi-judicial proceeding, such as on an assessment or zoning matter, the City Clerk shall record in the minutes the names and city of residence (if provided) of persons addressing City Council, the subject matter to which the remarks relate and whether the person spoke in support or opposition to a matter.

C. The City Clerk shall retain recordings of City Council meetings in accordance with the City's Records Retention Schedule.

D. Recusals: Council Members recusing themselves from discussion on a particular agenda item shall publicly state the reason for recusal and exit the Council Chambers. The City Clerk will include the reason for recusal and the time the Council Member exited and returned to the Council Chambers in the minutes.

27. Resolution No. 2021-02 is hereby repealed.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JANUARY 18, 2022.

_____
Fred Jung,
Mayor

ATTEST:

_____
Lucinda Williams, MMC
City Clerk

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Date