

RESOLUTION NO. 2020-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. 2019-10

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, the City Council understands that it must first of all 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 to 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.** The 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. The City Council encourages citizen participation and expression of all points of view. Unruly or disruptive conduct may result in removal from Council Chambers 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

City Council Chambers provided the sign does not impede viewing or broadcasting of the City Council 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 the City Council proceedings provided that the recording device operator remains in the public areas of the Council Chambers, 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 meetings, including the public portion of the Closed Session meeting, of the City Council held in the Council Chamber.

6. **USE OF CHAMBERS AUDIO-VISUAL EQUIPMENT.** Public speakers wishing to make PowerPoint, video or other presentations requiring use of Council Chambers equipment other than the podium microphone at a regular meeting must submit their request and materials to the City Clerk's Office no later than Noon on the business day preceding the meeting. If City Hall is closed on the business day preceding a regular meeting, the public may submit their request by Noon on the day of the meeting. If City Council calls a special meeting with 24 hours' notice, the public should submit their request to staff as soon as possible before the start of the meeting.

7. **CITY COUNCIL CHAMBERS CAPACITY / OVERFLOW SEATING.** The maximum capacity of the Council Chamber is 140 persons. The public may not stand in the aisles of the Chambers except as otherwise provided by this resolution. Staff may make arrangements for overflow seating in anticipation of audience attendance beyond the anticipated capacity of the Council Chambers.

8. **REGULAR MEETINGS.** The City Council shall hold regular meetings within city limits only at the time and place indicated by City Council resolution. Once convened, the 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.

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 members of the City Council 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 Pursuant to FMC 2.33.040 0-
Transparency and Accountability in Labor Negotiations
- 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, the City Council shall take no action on any matter not listed on the posted agenda. However, the City Council may take action on an item not appearing on the agenda if either: a) the City Council determines by majority vote that the item is a statutorily defined "emergency" or b) the 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 the 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 the City Council under the presentations section of the agenda shall not exceed five minutes per presentation, unless extended by the Presiding Officer.
14. **ADDRESSING THE CITY COUNCIL.**

- A. **Speaker Forms.** Those wishing to address the City Council should submit a speaker form to City Staff in the City Hall lobby before the start of the public comment section of the agenda. Speaker Forms shall contain an area for the speaker's name and contact information, subject or agenda item on which the speaker will address the City Council and the date of the City Council meeting. All speakers must submit a speaker form for each agenda item they wish to comment on but are not required to provide identifying information on the speaker form. 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 should submit speaker forms to the City Clerk prior to the start of the public comment section on the Closed Session agenda. Speakers should line up on the wall near the City Clerk's desk in the Council Chambers when it is time for the Public Comments item. The City Clerk will call those who have submitted a speaker form to the podium when it is their time to address the 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 agenda, members of the public may address the City Council regarding items not appearing on the agenda, but within the subject matter jurisdiction of the City Council, express support or opposition for Consent Calendar items and / or request to pull a Consent Calendar item for further discussion.

Those wishing to address the City Council should submit a speaker form to City Staff in the lobby prior to start of the public comment section on the Regular Session agenda. Those who have submitted speaker slips should line up on the wall near the City Clerk's desk in the Council Chambers when it is time for the Regular Session Public Comments item. The City Clerk will call those who have submitted a speaker slip to the podium when it is their time to address the 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 the 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 each item is considered.

Those wishing to address the City Council should submit speaker forms to City Staff in the lobby prior to the public comment section of the item they wish to address. Those who have submitted speaker forms should line up on the wall near the City Clerk's desk in the Council Chambers when it is time for public comments on the item they wish to speak on. The City Clerk will call those who have submitted a speaker form to the podium when it is their time to address the City Council.

Those speaking on items pulled from the Consent Calendar, regular business items and public hearing items shall have no more than three minutes per item to address the 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 the 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 additional matters are to be presented at the time by any other member of said group, to limit the number of persons addressing the City Council, so as to avoid unnecessary repetition.

- 15. **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 the City Council and public on such items. Additionally, Council Members shall provide a report at this time regarding attendance at any function that falls under AB 1234 reporting requirements.
- 16. **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, individual or organization 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.

17. **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.
18. **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 the 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 the 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, the City Council may, by majority vote, divide the questions into separate parts for consideration and vote.
19. **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 the City Council. The City Clerk shall take 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 the 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.

20. **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 the City Council by a majority vote, before the adjournment of any meeting, to set aside any action taken at that meeting relating to variances and conditional use permits.

21. **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.

22. **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.

23. **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.

24. **MINUTES.** The City Clerk will record the action minutes of the City Council meeting and present a final draft of the minutes to the City Council for approval. The 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. The 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 the 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 the 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.

25. Resolution No. 2019-10 is hereby repealed.

PASSED, APPROVED AND ADOPTED ON JANUARY 21, 2020.

Jennifer Fitzgerald, Mayor

ATTEST:

Lucinda Williams, City Clerk

Date