

# City of Capitola Agenda

Mayor: Stephanie Harlan  
Vice Mayor: Sam Storey  
Council Members: Ed Bottorff  
Dennis Norton  
Michael Termini  
Treasurer: Kym DeWitt



## CAPITOLA CITY COUNCIL SPECIAL CITY COUNCIL WORKSHOP AGENDA

THURSDAY, JANUARY 3, 2013

6:00 PM

CAPTIOLA COMMUNITY CENTER  
4400 JADE STREET, CAPITOLA

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Dennis Norton, Sam Storey, Ed Bottorff, Michael Termini, and Mayor Stephanie Harlan

### 2. GENERAL GOVERNMENT

*General Government items are intended to provide an opportunity for public discussion of each item listed. The following procedure is followed for each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

- A. Review of the City Council Handbook.
- B. Presentation by City Attorney John Barisone regarding City Councils' legal powers/obligations, and the essentials of municipal law and open government issues.
- C. Presentation by Don Miller, Santa Cruz Sentinel Editor, regarding dealing and succeeding with the media.
- D. Presentation by Dave Mora, International City/County Management Association (ICMA) Senior Advisor/California Range Rider, regarding the role as a local elected official.
- E. Council operational goals.

### 3. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, January 10, 2013 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

**Note:** Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

**Notice regarding City Council:** The Capitola City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete agenda packet are available on the Internet at the City’s website: [www.ci.capitola.ca.us](http://www.ci.capitola.ca.us). Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola.

**Agenda Document Review:** The complete agenda packet is available at City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the City Clerk’s office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**Televised Meetings:** City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at [www.ci.capitola.ca.us](http://www.ci.capitola.ca.us) by clicking on the Home Page link “**View Capitola Meeting Live On-Line.**” Archived meetings can be viewed from the website at anytime.

# **CITY OF CAPITOLA**

## **City Council Member Handbook**



**Approved on March 27, 2003  
Revised October 2012**

**CITY OF CAPITOLA  
420 Capitola Avenue  
Capitola, CA 95010**

# **CITY COUNCIL MEMBER HANDBOOK**

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## **CHAPTER 1**

### **GENERAL POWERS AND RESPONSIBILITIES**

#### **CITY COUNCIL & SUCCESSOR AGENCY OVERVIEW**

Subject to the provisions of law and the delegation of power to any person, officer, Board or Commission, the Council shall have the power in the name of the City to do and perform all acts and actions appropriate to a municipal corporation that are not specifically forbidden by the Constitution and laws of the State of California or the United States Government.

The City Council is composed of five Council Members, all of whom are directly elected by the voters in the City of Capitola to serve a four-year term. The Council elects the Mayor and Vice-Mayor annually. Although not granted special decision-making powers, the Mayor does represent the City in all ceremonial and official affairs.

MUNICIPAL ELECTIONS: The City's Municipal elections are held the first Tuesday of November in each even-numbered year.

TERM LIMITS: The people of the City of Capitola elected to adopt an ordinance limiting the terms of elected officials to two (2) consecutive terms. Ordinance No. 844. implementing the term limits, was adopted on November 26, 2002.

FREQUENCY OF REGULAR COUNCIL MEETINGS: The City Council meets regularly, twice monthly on the second and fourth Thursdays. The purpose of the City Council is to establish local laws, set policy, reject or approve programs, allocate funds and provide direction, through the City Manager, to City staff.

MUNICIPAL CODE: Since the City of Capitola is a General Law City, as opposed to a charter city, its Council must act within the framework of limitations and procedures established by State Law such as the California Government Code or the Election Code. Local laws are established by ordinance and are compiled in a book called the Municipal Code. These laws are enforceable by the City, and violations thereof can constitute a misdemeanor or an infraction. Other directives and policies of the City Council are recorded in Council resolutions, City policies and Council minutes.

CAPITOLA SUCCESSOR AGENCY: The City Council also acts in the capacity of the Board of Directors for the City of Capitola, as Successor Agency to the Former Capitola Redevelopment Agency. The Capitola Successor Agency was formed on January 12, 2012, with the adoption of Resolution No. 3906 electing the City of Capitola to serve as both the Successor Agency and Successor Housing Agency to the former Redevelopment Agency. The Successor Agency to the former Redevelopment Agency is responsible for retiring former obligations and winding down the affairs of the former Agency; while the Successor Housing Agency will continue to perform affordable housing activities.

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## CHAPTER 1 – GENERAL POWERS AND RESPONSIBILITIES

### ROLE OF MAYOR AND MAYOR PRO TEM

MAYOR AND VICE MAYOR APPOINTMENT: After each general municipal election, the City Council reorganizes and selects its mayor and mayor pro tempore. In off-election years Capitola Municipal Code (CMC) Section 2.04.150 provides that, “At a regular meeting, which falls approximately one year after the last general municipal election, the City Council shall consider choosing a new mayor and a new mayor pro tempore. Any City Council member is eligible for either of those two positions.”

VICE MAYOR (MAYOR PRO TEMPORE): In case of the temporary absence or inability of the Mayor to act as presiding officer, the Mayor Pro Tempore or “Vice Mayor” shall preside. In case of the absence or disability of both the mayor and Mayor Pro Tempore, the Council shall elect one of its members to act as Mayor Pro Tempore (CMC 2.04.160). It has been the practice of the Council to select the immediate Past Mayor as Presiding Officer.

MAYOR (PRESIDING OFFICER): The Mayor is the Presiding Officer and acts as Chair at Council meetings and Successor Agency meetings, and performs such other duties consistent with the office as may be imposed by the Council. The Mayor can place matters on the agenda. The Mayor shall be entitled to, and must vote when present, but shall possess no veto power. In the absence or incapacity of the Mayor, the Vice Mayor will serve as Presiding Officer. The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

COUNCIL CHAMBERS SEATING ARRANGEMENT: Following the annual reorganization of the City Council, the Mayor, with the approval of individual Council Members, shall establish seating arrangements for regular Council meetings.

SIGNING OF CITY DOCUMENTS: The Mayor, unless unavailable or disqualified, shall sign all ordinances, resolutions and other documents which require an official signature, except where the City Manager has been authorized by Council to sign documents. In the event the Mayor is unavailable, the Vice Mayor’s signature may be used.

### COUNCIL MEMBERS COMPENSATION

Compensation for Council Members is \$500 per month pursuant to Capitola Municipal Code Section 2.04.275 (Ordinance No. 901 adopted 3/23/06). Compensation for expenses related to conferences, dues, memberships, subscriptions and supplies is reimbursable and must be submitted for approval and payment to the City Manager. Those expenses then must be reported by the Council Member either written or orally at the next regular Council Meeting.

CHAPTER 1 – GENERAL POWERS AND RESPONSIBILITIES

RETIREMENT, MEDICAL, DENTAL AND VISION

City Council members may obtain medical, dental and vision insurance through the City, but they must pay the entire premium. Please see the Executive Assistant to the City Manager for further information on this and eligibility for retirement benefits. City Council members have the option to be enrolled in CALPERS; if you don't choose CALPERS, then we will automatically enroll you in PARS.

**APPOINTMENT OF CITY MANAGER, CITY ATTORNEY**

The City Council appoints two positions within the City organization: the City Manager and the City Attorney. Both positions serve at the will of the City Council. City Attorney services have been provided by contract.

CITY MANAGER: The City Manager is an employee of the City and has an employment agreement which specifies terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments by the City. Under the Council-Manager form of government used by the City of Capitola, the City Council appoints a City Manager to serve as the City's chief administrative officer and to be responsible for ensuring the policies of the City Council are implemented. The City Manager provides administrative direction and leadership to all City departments. The City Manager's Office is responsible for a wide variety of activities, including general administration, budget, recreation, personnel and labor relations. The City Manager acts in several capacities for the City, including but not limited to: Personnel Officer, Employee Relations Officer, Emergency Services Director, Executive Director of the Successor Agency, and other titles of authority. Furthermore, the City Manager, in representing the City sits on several boards, including but not limited to: the Monterey Bay Area Self Insurance Authority, the Santa Cruz Consolidation Communications Center, and the Work Force Investment Board.

COUNCIL/CITY MANAGER RELATIONSHIP: The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the chief executive officer of the City. The City Council should avoid situations that can result in staff being directed, intentionally or unintentionally, by one or more members of the City Council. Regular communication between the City Council and the City Manager is important in maintaining open communications. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with the City Council in various ways. There are informal briefing meetings with individual Council Members as needed, by informational memorandum/emails.

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### CHAPTER 1 – GENERAL POWERS AND RESPONSIBILITIES

CITY ATTORNEY: The City Attorney is a contract position as of Fiscal Year 2001/2002. The City Attorney represents the City as primary Counsel in all legal matters. To this end, the City Attorney provides legal analysis and advice on a variety of matters and assists staff with legal issues, such as: Municipal code interpretation, understanding and complying with state and federal laws, drafting various legal documents such as agreements, resolutions and ordinances; providing counsel on labor matters and employee/employer relations; providing counsel on mobile home rent control; and, acting as General Counsel to the Successor Agency.

#### **ROLE IN DISASTER**

The City Council has some specific extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations.

#### **APPOINTMENT TO ADVISORY BODIES**

The City Council shall follow the Maddy Act (Government Code 54970) with regard to seeking candidates for Boards and Commissions.

Prior to the Council considering an appointment of a citizen to an advisory committee, the candidate will file a report (provided by the City Clerk) for review by the City Council. Appointments to Citizen Advisory Boards, Commissions, and Committees will be placed under “Committee Appointments” on the City Council regular meeting agenda.

The Advisory Board members shall only serve their respective term of office. Once the term of office has expired, the individual will no longer serve on the Board, unless reappointed by City Council.

#### **PARLIAMENTARY PROCEDURE**

At its February 8, 2006, meeting, the City Council adopted Resolution No. 3611 designating, “Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century,” as the city’s rules of order.



## **CHAPTER 2**

### **CITY COUNCIL SUPPORT SERVICES**

#### **INTERACTION WITH CITY STAFF/OFFICIALS**

OVERVIEW: City Council policy is implemented through professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To maintain effective relationships between members of the Council and staff, it is important that roles are clearly recognized.

DIRECTION TO STAFF: Generally, Council Members shall make requests for work, when convened in public session as a Council, to be done through the City Manager. Individual members of the Council shall make no attempt to pressure or influence staff decisions, recommendations, workloads and schedules and departmental priorities without the prior knowledge and approval of the Council as a whole.

REQUESTS FOR INFORMATION: Individual Council Members, as well as the Council as a whole shall be permitted complete freedom of access to any information requested of staff, and shall receive the full cooperation of staff in being provided with any requested information. Council Members shall make routine requests for information through the appropriate Department Head or City Manager. Complex or comprehensive requests for information shall be made through the City Manager.

GUIDELINES FOR STAFF: City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance.

INFORMATION DISTRIBUTION: In cases where a staff response to an individual Council Member request involves written material that may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members.

SUPPORT PROVIDED TO THE CITY COUNCIL: Administrative support to members of the City Council is provided through the City Manager's Department. Clerical services including scheduling of appointments and attendance at conferences, receipt of phone messages, and word processing are available as needed. Staff members who provide administration support to the five City Council Members include the City Manager's Department staff. Sensitivity to the workload of staff, as well as, all City departments is appreciated.

*Clerical Support*: General administrative support to the Council Members is provided through the City Manager and the City Clerk.

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### CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

*Office Equipment/Supplies:* Council Members are authorized to use City printing and reproduction facilities, stationery, postage and other similar services and supplies provided that the use is for City purposes. The use should not interfere with the performance of duties by the City's employees.

*Mail:* City Council Members receive a large volume of mail and other materials from the public and staff. The City maintains mailboxes for each Council Member. Meeting agenda materials are delivered on Fridays before Council meetings.

*Email:* Each Council Member can choose to provide their personal email address to be listed on the city's website. Email addresses are also included on the Council Member List, which is provided to members of the public upon request. In addition to an individual email address, a "citycouncil@ci.capitola.ca.us" email address is set up, which includes all Council Members, City Manager, and the City Clerk. A link to this email address is included on the website.

*Council Member Personal Information Available to the Public:* Council Member information is included on the City's website, Community Channel 8 scroll, lists provided to the public upon request, etc. The City Clerk will contact each Council Member to determine what personal information they want available to the public.

#### OTHER CITY SERVICES:

*Office of the City Clerk:* The City Clerk is appointed by the City Manager. The City Clerk serves as Clerk to the City Council and Secretary to the Successor Agency. The City Clerk is responsible for the administration of all municipal elections; maintains all official records and documents such as Agendas, Minutes, and Resolutions of the City Council and the Successor Agency; maintains all Ordinances codified in the Capitola Municipal Code – CMC. The City Clerk is the main communication point between citizens and the municipal government.

*Personnel:* Although Personnel is not a separate department, it is a function of the City Manager's Department. Personnel includes employee recruitment, employee relations and labor negotiations.

## CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

### **CITY DEPARTMENTS**

The City Departments are: Finance, Public Works, Police, Community Development, Recreation, and City Manager. These Departments provide expertise and service to the members of the public, the business community and the City Council.

FINANCE: The Finance Department provides assurance and compliance for the City's financial records and provides financial services to internal departments, City Council, and the public. The department maintains a standard of excellence in financial reporting and oversight, and administers all of the City & Successor Agency funds and accounts, as well as the Comprehensive Annual Financial Report. Finance directs the City's finance functions including: Accounts payable; payroll; accounts receivable; cash receipts; bank statement reconciliation; business licenses; collection of Transient Occupancy Tax; operating budget; preparation of financial reports and fiscal analysis

POLICE: The Police Department carries out implementation of its mission to prevent and deter crime by the utilization of patrol in response to calls for service; Problem Oriented Policing, a high level of customer service, projects and directed patrol; Detectives performing comprehensive investigations and liaison with other local law enforcement agencies; parking enforcement; Diversion programs, and city-wide traffic enforcement.

COMMUNITY DEVELOPMENT: The Community Development Department (CDD) advises, administers and implements policies established by the Planning Commission and the City Council on matters concerning the orderly growth and physical and economic development of the City. CDD is responsible for: development services including current planning, zoning administration and implementation of the California Environmental Quality Act; Advanced planning, the City General Plan, and its Housing Element; reviewing and processing of development applications, neighborhood conservation in terms of zoning code compliance; the facilitation of provisions for affordable housing, CDBG (Community Development Block Grant) funding, and HOME loans; provides staff to the Planning Commission, and the Architectural and Site Review Committee. The CDD provides plan checking and building inspection services to assure compliance with the California Building Code. The CDD also enforces the provisions of the State Housing Code and Abatement of Dangerous Building Code. In addition, the Building Official serves as the City of Capitola's Americans with Disabilities Act compliance officer and staff to the City's Americans with Disabilities Act Advisory Committee.

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### CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

PUBLIC WORKS: The Public Works Department is composed of four divisions: Streets, Parks, Facilities and Fleet Maintenance.

*The Street Division* provides for maintenance and improvement of the City's streets and highways. It also provides maintenance of Soquel Creek, Capitola Lagoon, City-owned buildings and the municipal wharf. Project design and construction, along with a pavement management program and grant writing, is also performed by this department.

*The Facilities Division* provides for maintenance and operation of all City-owned buildings, including City Hall, Jade Street Community Center, and the Municipal Wharf.

*The Parks Division* is committed to developing and maintaining the City parks in such a manner as to allow all members of our community to enjoy these jewels. Using professional staff and technologies to maintain top-rated playing surfaces, beautiful landscaping and safe facilities are top priorities for this division.

*The Fleet Division* maintains all mobile equipment for the City in the safest operating condition possible while striving to minimize repair times and costs.

RECREATION: The Recreation Department is under the City Manager Department and plans, organizes, schedules, markets, oversees and evaluates recreation and leisure services offered to the City of Capitola and the broader community beyond the City's borders. These services come in a variety of formats, including City-staffed programs such as the Junior Lifeguard program, Camp Capitola, and approximately 35 Adult Sports Leagues, as well as over 1,050 classes offered by contract instructors. The department also handles rentals for the Capitola Community Center, the Jade Street Park tennis courts, the softball field and soccer field, the Capitola Community Gymnasium adjacent to New Brighton Middle School, and Monterey Park.

## CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

### **BOARDS, COMMISSIONS AND COMMITTEES**

Staff support and assistance may be provided to commissions and task forces, however, advisory bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the boards/commissions/committees are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with any Council policies.

Staff support may include preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate backup materials, if necessary. Advisory bodies should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person serves as secretary, taking minutes as needed.

It is important that advisory bodies wishing to communicate recommendation to the City Council do so through adopted or approved Council agenda procedures. Members of the public that who would like a commission to review a particular issue that will involve significant staff and commission time, should bring the request to the City Council, who then can refer the matter to the advisory body. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

The purpose of most committees, commissions or boards (advisory bodies) is to serve as advisory bodies to the City Council. Commissions and boards focus on one area of interest (i.e. planning issues, financial issues, Village issues, Art programs, etc.), and through legislation, are given specific duties and powers relating to the particular subject area. Advisory Bodies are either mandated by law or established by the City Council by adoption of an ordinance or resolution. Ad-hoc committees are generally short-term bodies, which may be formed by the Council to provide information or assistance on a special task. Ad-hoc committees generally are dissolved after their specific task is completed.

The following information offers a *brief synopsis* of the City's Commissions, Committees & Boards.

**ARCHITECTURAL & SITE REVIEW COMMITTEE:** The Architectural and Site Review committee consists of five members as follows: an Architect; Landscape Architect; Historian; Building Official; Associate Planner and the Public Works Director. The Mayor, with the concurrence of the Council, appoints the Architect, Historian and the Landscape Architect; however, a majority of the Council may remove them. Pursuant to CMC 17.63.020 B, the member's term expires one month after the certification of any regular election of City Council members. Architectural & Site Review members are compensated \$25 per meeting. City staff serving on the Committee are not provided additional compensation beyond their normal salary. Committee members are required to receive AB1234 Ethics training every 2 years as well as file a Statement of Economic Interest form with the City Clerk's office.

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### CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

The purpose of this committee as defined in Capitola Municipal Code Section 17.63.010, is "...to maintain the character and integrity of the neighborhood by promoting excellence of development, preventing undue traffic hazards or congestion, encouraging the utilization of solar energy, and encouraging the most appropriate development and use of land in harmony with the neighborhood. In fulfilling its intent, architectural and site approval may contain reasonable conditions which exceed the basic development standards listed elsewhere in this title."

This committee meets the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 3:30 p.m. in the City Council Chambers. The staff contact is the Senior Planner.

ART & CULTURAL COMMISSION: The Art & Cultural Commission meets the 2<sup>nd</sup> Tuesday of the month at 6:30 p.m. in the City Council Chambers. The Art & Cultural Commission consists of seven members: 1 Council Member, 1 Planning Commissioner, 1 Artist or Art Organization Representative, 1 Art Professional and 3 "At-Large" members. Appointments to the commission shall be made by the City Council. The term of a commissioner is two years. Members are required to submit a Statement of Economic Interest form annually to the City Clerk.

The duties of the Art & Cultural Commission are defined in Section 2.56.050 the Capitola Municipal Code as follows:

The Art & Cultural Commission shall have the following duties and responsibilities:

- (a) Advise the City Council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts, and for the acquisition by purchase, gift or otherwise, of works of art;
- (b) Subject to City Council approval, initiate, sponsor or direct special programs which will enhance the cultural climate of the City;
- (c) Establish a close liaison with other commissions and civic organizations in order to foster public interest in the arts;
- (d) Advise the City Council concerning the interpretation and implementation of the City's established policies and practices, including the Art & Cultural Master Plan, as they relate to the Art & Cultural Commission's objectives;
- (e) In February of each year, prepare for City Council review an assessment of the Art & Cultural Commission's goals, plans and objectives from the prior fiscal year and recommend for Council approval the Art & Cultural Commission's goals, plans and objectives for the next fiscal year.
- (f) Perform such other functions and duties as may be directed by the City Council.
- (g) The staff liaison is the Administrative Services Director.

## CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

COMMISSION ON THE ENVIRONMENT: This commission provides advice and recommendations to the City Council on matters affecting the various environmental assets in and about the City. The commission has broad discretion on determining which assets are environmental, but does not have the ability to consider matters considered by other standing committees or commissions.

The Commission on the Environment (COE) is to be comprised of seven members: the Mayor, an appointee of the Mayor, an appointee from each Council Member, and an appointee from the Planning Commission. Although the COE is required to meet quarterly at a minimum, it generally meets monthly on the first Tuesday of the month. The staff liaison is the Community Development Director.

FINANCE ADVISORY COMMITTEE: The Finance Advisory Committee advises the City Council on financial matters pertaining to the governing of the City, as well as on the use of fiscal resources. The Committee consists of the following 7 members: Mayor; Vice-Mayor; the City Treasurer; 3 public members by the Council Members not on the committee; and 1 member representing the business community appointed by the City Council with a recommendation by the Capitola/Soquel Chamber of Commerce. Members are selected by the City Council on the basis of their knowledge, experience, and qualifications in financial management and related areas.

The Finance Committee's purpose is:

1. To provide financial and budget alternatives to the city Council
2. To provide financial and budget advice to the City Manager
3. To conduct financial studies at the request of the City Council or the City Manager
4. To review the budget and financial reports of the City and Redevelopment Agency.

The Finance Committee meets the third Tuesday of the month at 6:30 p.m. in the City Council Chambers. The staff liaison is the Finance Director.

HISTORICAL MUSEUM BOARD: The Historical Museum Board consists of seven members who are appointed by the Mayor subject to the approval of three council members (may include the Mayor) for a term of 3 years. The Capitola Museum's purpose is to promote, through the establishment and maintenance of a museum and allied projects, a program that will bring a better understanding and appreciation by the Capitola community of its history, architecture, culture, technology, and its creative and natural environments.

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### CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

The duties of the board as specified in Section 2.28.030 of the Municipal code are: “to advise the council and the City Manager on the following and related items: financial affairs of the museum; general museum administration; formulation of long term museum plans; formulation of written policies for acquisition by the city of museum objects; and steps that can be taken to bring about a better understanding and appreciation by the Capitola community of its history, architecture, culture, technology, and its creative and natural environment through the promotion of the City’s museum and allied projects.” The Historical Museum Board meets the first Thursday of the month at 5:30 p.m. in the City Council Chambers.

PLANNING COMMISSION: The Planning Commission is a five-member body primarily responsible for making decisions about discretionary land use permits. The Planning Commission also makes recommendations to the City Council regarding General Plan, Zoning Ordinance and other legislative policy matters, and carries out certain code enforcement duties. The commission implements local land use policy through its decisions about whether to approve, conditionally approve, or deny applications for use and development of land located within the City limits. It is also responsible for other duties consistent with State Planning, Zoning and Development Law.

Each Council member appoints a Planning Commissioner. Planning Commissioners are compensated \$250 per month. The term of the commissioners terminates fourteen days after the next regular election of Council Members. Planning Commissioners are required to file Statements of Economic Interest forms annually and to receive AB1234 (ethics) training every 2 years. The staff liaison is the Community Development Director.

The Planning Commission meets the first and third Thursday of the month at 7:00 p.m. in the Council Chambers. Planning Commission meetings are televised “live” on Capitola Community Channel 8 and re-broadcast at a later time.

WHARF WORKING GROUP: The Wharf Working Group's purpose is the discussion of issues relevant to the operation, maintenance, and livelihood of the Capitola Municipal Wharf. Members include the Public Works Director, two council members and wharf business owners. The group meets on an as needed basis at 12 Noon at the Wharf House Restaurant or as determined by the members of the group.



## CHAPTER 2 – CITY COUNCIL SUPPORT SERVICES

### **COUNCIL CHAMBERS/COMMUNITY CENTER**

The Executive Assistant to the City Manager is responsible for maintaining a calendar and request for the use of the Council Chambers. Requests for usage of the Jade Street Community Center are made through the Recreation Department. Use of the Council Chambers for regular meetings by City commissions, committees and other advisory bodies shall take precedence over any other group or agency. Use of the rooms is available for other Community Groups on a first-come first-serve basis after City, City-affiliated and other regular uses are scheduled.

### **MAIL AND DELIVERIES**

The City attempts to publicize matters of significant neighborhood or community public interest which appear on the City Council or Planning Commission agenda, as well as all matters where advertising is required by law.

NOTICE OF MEETINGS: Notice of regular meetings is not required unless special notice has been requested. Mailed or personally delivered notice to Council members, members of the media, and others who have previously requested such notice, is required for special meetings. Mailed and posted notice is required for meetings adjourned by the City Clerk for more than 24 hours. Posted notice is required for all other adjourned meetings (Section 54955 Government Code).

NOTIFICATION (TO MAIL AND DELIVERY): Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements (Government Code Section 54954.2). Agendas are posted in the Council Chambers foyer, the Capitola Library, Post Office, City Hall and the City web site [www.ci.capitola.ca.us](http://www.ci.capitola.ca.us).

CITY COUNCIL MAIL: The City Receptionist is authorized to open the City Council mail and the Executive Assistant reviews the contents before it is distributed to the Council. Mail that is City Department specific is copied to the appropriate Department. Copies of certain pieces of mail are given to all Council Members and the City Manager when appropriate.

## **CHAPTER 3**

### **CITY COUNCIL MEETINGS**

#### **CITY COUNCIL MEETING TYPES**

Capitola City Council holds a variety of public meetings in its role as a forum for public representatives as follows:

REGULAR CITY COUNCIL MEETINGS: Regular meetings of the City Council are held in the City Hall Council Chambers, 420 Capitola Avenue, on the second and fourth Thursday of each month beginning at 7:00 p.m. In the event that a regular meeting of the Council falls on a legal holiday, the meeting may be rescheduled or cancelled. The City Council has typically taken one or both meetings in August off to accommodate vacations. Regular meetings of the City Council are generally followed by a meeting of the Successor Agency to the former Capitola Redevelopment Agency.

CLOSED SESSION MEETINGS: Closed Session Meetings are regulated pursuant to the Brown Act. Closed sessions are typically held prior to a City Council Meeting and are closed to the public. Certain defined circumstances exist wherein the Council may meet in closed session without the public in attendance. Such circumstances include:

1. Real Property. The purchase, sale, exchange or lease of real property with the City's negotiator (Cal Govt. Code Section 54956.8)
2. Litigation Pending or a significant exposure to litigation, or the decision to initiate litigation; the litigation or title must be identified in open session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process (Cal Govt. Code Section 54956.9)
3. Compensation (salaries and benefits) of employees; to review its position and instruct designated representatives (Cal Govt. Section 54957.6).
4. Personnel. The appointment, employment, evaluation of performance or dismissal of a public employee, or to hear complaint against the employee, unless the employee requests a public hearing (Cal Govt. Code Section 54957.6).

No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion which takes place in a closed session.

STUDY SESSIONS: Often referred to as "work sessions", the purpose of these meetings is for informal discussions between staff, advisory bodies or consultants, the public and the City Council regarding specific programs, projects or policies. These meetings are public and subject to the Brown Act.

## CHAPTER 3 – CITY COUNCIL MEETINGS

SPECIAL MEETINGS: Special Meetings may be called, in consultation with the City Attorney, by the Mayor or majority of Council Members on 24-hour notice, as set forth in the Government Code of the State of California in Section 54956. Only matters contained in the notice may be considered and no ordinances (other than urgency ordinances) may be adopted. Written notice must be posted and given to the media twenty-four hours prior to a special meeting. No business other than that announced and posted shall be discussed.

ADJOURNED MEETINGS: Any meeting may be adjourned to a time, place, and date certain. Once adjourned, the meeting may not be reconvened.

EMERGENCY AND NON-AGENDIZED ITEMS: Given certain emergencies as defined by the Brown Act, the City Council may meet without notice. Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the Council would like to act on. Non-agendized items may be added to the agenda only if the Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a 4/5th vote (pursuant to Government Code § 54954.2; if less than five members of Council are present, the findings require a unanimous vote of those present.

### **COUNCIL COMMUNICATIONS**

Any communication relating to a matter pending, or to be brought before the City Council shall be included in the agenda packet for the meeting at which such item is to be considered, and emailed to the entire City Council.

### **CITY COUNCIL AGENDA**

ESTABLISHING THE COUNCIL AGENDA: The purpose of the agenda is to publicly announce and disclose the City's business before the Council and to provide a framework within which Council meetings are to be conducted. The complete agenda packet is usually published before the close of business on the Friday prior to the Council meeting. Agendas are posted on the City Web Site ([www.ci.capitola.ca.us](http://www.ci.capitola.ca.us)), the Capitola Post Office and the Capitola Library.

PLACING AN ITEM ON THE AGENDA: The Mayor or any member of the City Council, and the City Manager, have the authority to place an item on the Council agenda (CMC 2.04.140). Any Council Member may order an item placed on the agenda. The City Council may place a matter on the agenda after the 72-hour posting period in the manner provided for by the Government Code. All others must direct their agenda request to the City Council, the Mayor, or the City Manager.

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### CHAPTER 3 – CITY COUNCIL MEETINGS

DELIVERY AND DISTRIBUTION OF AGENDA PACKETS: The City Council Agenda packets are prepared by the City Manager’s Department. Barring unavoidable difficulties or holidays, the agenda packets will be distributed to members of the City Council on the Friday evening preceding the Thursday City Council Meeting. All Council Members will receive an e-mail notifying them that an agenda packet is available for download. Council Members may also request a hard copy of the agenda packet to be delivered to them, or may choose to use iPads eliminating use of paper agenda packets. Each agenda item shall be composed of the agenda report and all backup material needed for the City Council to take its action.

### **ORDER OF BUSINESS ON CITY COUNCIL AGENDA**

Following is the order of business for the City Council Regular Meeting as reflected in the City Council Agenda. Frequently there are City Council Closed Sessions scheduled which are not open to the public. In order to provide an opportunity for the public to comment on items on the Closed Session Agenda, the Mayor will publicly announce that comments may be received prior to the City Council Closed Session.

#### ROLL CALL AND PLEDGE OF ALLEGIANCE

PRESENTATIONS: Presentations shall be scheduled as necessary to recognize persons or groups, promote events or to provide an update on matters of community interest. These are informational, ceremonial and other activities before the Council that do not require any decision on the part of the Council. The Mayor approves all presentation requests. Presentations are limited to 15 minutes.

REPORT ON CLOSED SESSION: Actions taken by the City Council during closed session usually reported by the City Attorney.

ADDITIONS AND DELETIONS TO THE AGENDA: Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Council.<sup>1</sup>

PUBLIC COMMENTS: Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. A maximum of 30 minutes is set aside for public comments.

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<sup>1</sup> Refer to Emergency and Non-Agendized Items listed on previous page

CHAPTER 3 – CITY COUNCIL MEETINGS

COUNCIL/STAFF ANNOUNCEMENTS: These items are generally short updates intended to inform the public about upcoming events Council/Staff announcements.

COMMITTEE APPOINTMENTS: Any citizen interested in serving on an advisory body is invited to complete an application form and submit it to the City Clerk's Office. Applications remain on file for one year. When a vacancy occurs, it is publicized, and applications of persons interested in serving on the particular body are accepted. The applications are forwarded to the appointing Council Member and/or the Mayor for action. Appointment are made by the Mayor and ratified by the City Council at a regular meeting.

CONSENT CALENDAR: Consent items are the first items on the agenda. Only items that are routine and usually not controversial or have been addressed by the Council at prior meetings or are ministerial in nature are to be placed on the Consent Agenda. A Council Member, Treasurer, Staff or a member of the public may pull any item for discussion. Pulled items are placed after Other Business or the Mayor may reorder to another place on the agenda. A Council Member may ask questions on any item on the Consent Agenda without it being pulled. When a Council Member has a minor question for clarification concerning a consent item that will not involve extended discussion, the item may be discussed prior to action on the consent calendar for clarification. Council Members are encouraged to seek clarifications from staff prior to the meeting.

GENERAL GOVERNMENT/PUBLIC HEARINGS: All matters listed on the regular meeting of the City Council Agenda shall be considered as public hearings. The City Council conducts public hearings on applications, projects and other matters as required to provide due process of law or, as may be determined by Council or staff of such an interest to the public that the solicitation of public comment is desired. Other General Government items are acted upon individually. The public may address the Council on a General Government item. Persons addressing the Council on an item shall confine their remarks to the matter under consideration by the Council.

CONTINUED CONSENT CALENDAR: Consent Calendar items that have been previously pulled for separate discussion

COUNCIL/STAFF COMMUNICATIONS: These items can include discussions regarding future agenda items, requests for information, comments or observations by the Council and staff.

ADJOURNMENT: The adjournment includes the meeting date, time, and location of the next City Council.

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### CHAPTER 3 – CITY COUNCIL MEETINGS

#### GENERAL PROCEDURES AND RULES OF ORDER

NOTIFICATION OF MEETING ABSENCES: Members of the City Council shall notify the City Manager or City Clerk when they are unable to attend a City Council Meeting by email or telephone.

CITY COUNCIL MEETING CURFEW: The City Council meeting curfew is 11:30 p.m. At 11:15 p.m., the City Council will review the remaining Agenda items and make a decision regarding continuing with the meeting or terminating the meeting. If the meeting is terminated, the Council shall decide which items will be considered before the 11:30 p.m. curfew, which items will be continued, and to what meeting the continued items would be considered.

REORDERING AGENDA ITEMS: The Mayor may, with Council concurrence, reorder items on the Agenda to accommodate the public or to address other concerns (2.04.190).

MEETING DECORUM: Requirements: While the City Council is in session, all persons shall preserve order and decorum. Every member of the public and every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate.

1. We may disagree, but we will be respectful of one another;
2. All comments will be directed to the issue at hand;
3. Personal attacks should be avoided.

ENFORCEMENT: The chief of police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The police chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions of the presiding officer it shall be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who, in a disruptive manner, uses boisterous or profane language, or language tending to bring the Council or any Council Member into contempt, or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the presiding officer or otherwise disrupts and proceedings of the Council. Those who refuse to leave or follow orders after being instructed by the presiding officer to leave, may be subject to arrest under California Penal Code Section 403.

CHAPTER 3 – CITY COUNCIL MEETINGS

**VOTING PROCEDURES**

When present, all Council Members shall vote. The votes shall be one of the following: Aye, No, Abstain or Disqualified (if a council member has a conflict of interest and recuses him/herself). If a member of the body does not vote, they “Abstain”. No member of the Council shall be allowed to explain his/her vote or discuss the question while the roll is being called, and no member shall be allowed to change his vote after the vote is announced by the presiding officer (CMC 2.04.250). Rules of Order, however, do allow for the reconsideration of a matter at the same meeting or at the very next meeting of the body, where the item was first voted upon. A motion to reconsider must be made by a member who voted in the majority on the original motion. Under reconsideration votes can change.

No ordinance, resolution or motion shall be passed or become effective without receiving the affirmative vote of the majority of the Council quorum, which is present. A conflict of interest shall be declared whenever appropriate and in compliance with State law. The Council Member who has a conflict will briefly explain the conflict, step down and leave the room. The Council Member shall not make, participate in making or influence the decision. The Council Member will be disqualified in the recorded vote.

TIE VOTES: Should a tie vote occur, the Mayor, unless overridden by a majority of present council members, may continue the matter to another meeting. When there is a tie council vote on an appeal from a board or commission action, unless the matter is continued, the appeal will be deemed denied and the board or commission action becomes final (CMC 2.04.180).

**CONFLICT OF INTEREST**

All Council members are subject to the provisions of California Law, including, but not limited to Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest the City’s Code of Ethics contained these Council Protocols, and to conflicts of interest codes adopted by the Council. Any Councilmember prevented from voting because of a conflict of interest shall refrain from debate and voting. Councilmembers that have declared such a conflict of interest shall physically remove themselves from the meeting room, and avoid any actions that would influence the outcome of the vote.

The California Government Code provides that, "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use an official position to influence a governmental decision in which there is a financial interest."

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As of January 1, 2003, the California Government Code requires a public official who has a disqualifying conflict of interest to take the following steps: (1) Publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public (however, in so doing, the Council Member is not required to specifically identify his or her residence address); (2) recuse him or herself from discussing and voting on the matter; and (3) leave the room until after the discussion, vote and any other disposition of the matter is concluded unless the matter has been placed on the Council's consent agenda and is not pulled for discussion.

There are two primary laws that govern conflicts of interest for public officials in California – the Political Reform Act and Government Code Section 1090. Annual disclosure statements are required of all Council Members by the Fair Political Practice Commission (Government Code Section 81000 et seq.) that indicates potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. The City Clerk provides Council Members with the necessary forms by February of each year. These statements are required upon assuming office within 30 days, annually and upon leaving office within 30 days and are open to public inspection.

Generally speaking, when a matter comes before a commission or committee in which a member knows or has reason to know that there is a financial interest, the financial interest should be disclosed for the record, the member must disqualify himself or herself and leave the room during the discussion. Once disqualified, the member may not be counted toward establishment of a quorum, may not vote and must refrain from attempting to use his or her official position to influence the decision. An official does not influence or attempt to influence a governmental decision by appearing before an agency, including the one from which the official is disqualified, in the same manner as any other member of the general public, i.e., the official may represent himself or herself in speaking to the commission or committee from the floor.

A member does not have a financial interest in a decision unless it is reasonably foreseeable that the decision of the council, commission or committee will have a material effect on: (Refer to Government Code § 87103 et al.

1. Any business entity in which the member or the member's spouse has a direct or indirect interest worth more than \$2,000.
2. Any real property in which the member or the member's spouse has a direct or indirect interest worth more than \$2,000.
3. Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$500 or more in value received by or promised to the member or member's spouse within 12 months prior to the time when the decision is made.
4. Any business entity in which the member or member's spouse is a director, officer, partner, trustee, employee or holds any position of management.



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5. The rules for determining whether the effect of a decision is material are rather complicated as they relate to the effect on a business entity and depend on the dollar amount and the relationship to the business. The rules relating to the effect on real property are also somewhat complex, but may be summarized as follows:
6. If the member or the member's spouse has an interest in real property within 500 feet of the property, which is the subject of the decision, the effect is material unless there is no financial effect.

It should be pointed out that the above situation does not constitute a conflict of interest when the effect of the decision on the member's financial interest is no different than the affect on other members of the public generally. It should be mentioned also that a member does not have a conflict of interest due to membership in a non-profit organization such as the American Legion, Rotary, Kiwanis, etc., even when the decision would effect that organization unless the member either receives income from the organization or can sell his or her interest in the property.

The above is a brief summary of the conflict of interest law. While it is hoped that this informal advice will assist members, it does not provide immunity from prosecution, civil or criminal, under the Act if the advice should later prove to be incorrect. Only the Fair Political Practices Commission can provide such immunity, and only if a member submits a question to them in writing and receives a written response. If there is any doubt in a member's mind as to whether or not a conflict situation exists, the member should disqualify him or herself and not participate in the matter. They may also consult with the City Attorney.

**OPEN MEETING LAW**

The Ralph M. Brown Act, which was passed in 1953, has become a public meeting law for the State. The opening section of the law states that:

"In enacting this chapter, the California legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

The Act extends to any advisory commission, committee or body of a local agency. Its relevant provisions include the following: with some exceptions, meetings of advisory bodies must be held within the territory of the local agency, meetings must be open to the public, and notice of meetings must be delivered prior to the meeting to the press and public pursuant to the provisions of the California Government Code.

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No action shall be taken on any item not appearing on the posted agenda. Exceptions:

1. An emergency situation exists, (determined by a majority of the Council)
2. That the need to take action arose subsequent to the agenda being posted (determined by 4/5 of the Council; or if less than 4/5 are present, by unanimous vote.)
3. The item was continued to another meeting that was scheduled and posted within five days of the original agenda (Cal Govt. Code Section 54954.2).

A "meeting" takes place whenever a quorum of the commission is present, no matter how informal, and business is discussed or transacted. This includes study sessions and other informal gatherings, but will normally not apply to a social gathering. Attendance at general conferences involving discussion of broad issues and which officials attend from a variety of jurisdictions such as the League of California Cities are not generally considered to be "meetings."

Existing law provides that any member of a legislative body who attends a meeting of the legislative body where action is taken in violation of the Brown Act, with knowledge of the fact that a violation occurred, is guilty of a misdemeanor. The new provisions limit the penalty to any member who attends a meeting where action is taken in violation of the Act", with wrongful intent to deprive the public of information to which it is entitled..."

"Action taken" means a collective decision made by a majority of the members of the legislative body, a collective commitment or promise to make a positive or negative decision, or an actual vote by the majority of the members on a motion, proposal, resolution, order or ordinance.

Any questions concerning the effect of the Brown Act should be directed to the City Attorney, City Manager or City Clerk.

### **QUORUM**

Unless otherwise provided for in the Municipal Code, a majority of the Council shall be sufficient to do business and motions may be passed 2-1 if only three (3) attend. The following matters, however, require three affirmative votes: a) adoption of ordinances, b) resolutions granting franchises, and c) orders for payment of money. Legally Required Participation ("Rule of Necessity"): If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum.

CHAPTER 3 – CITY COUNCIL MEETINGS

**MOTIONS**

PROCESSING OF MOTIONS: When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

MOTIONS OUT OF ORDER: The Presiding Officer may at any time, by majority consent of the Council, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

DIVISION OF QUESTION: If the question contains two or more dividable propositions, the Presiding Officer may, and upon request of a member shall, divide the same.

MOTION TO ADJOURN (not debatable): A motion to adjourn shall be in order at any time, except as follows:

1. when repeated without intervening business or discussion;
2. when made as an interruption of a member while speaking;
3. when discussion has been ended, and vote on the motion is pending; and
4. while a vote is being taken.

A motion to adjourn to another time" shall be debatable only as to the time to which the meeting is adjourned.

MOTION TO FIX HOUR OF ADJOURNMENT: Such a motion shall be to set a definite time to adjourn and shall be undebatable and shall be unamendable except by unanimous vote.

MOTION TO TABLE: A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be taken from the table" at any time prior to the end of the next regular meeting; if not heard at that time, the item is no longer before the City Council.

MOTION TO LIMIT OR TERMINATE DISCUSSION: Such a motion shall be used to limit or close debate on, or further amendments to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

MOTION TO AMEND: A motion shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, and then the main motion amended.

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### CHAPTER 3 – CITY COUNCIL MEETINGS

#### ORDINANCES & RESOLUTIONS

Ordinances are the laws of a municipality. City Councils are given the power to adopt ordinances by Government Code Section 37100 as long as those ordinances are not in conflict with the laws and the Constitution of the State of California or the United States.

An ordinance is the most binding form of action taken by the City Council; the violation may be a misdemeanor. It is an act of law. Ordinances are generally introduced at one Council Meeting and adopted at the next, becoming effective 30 days after adoption. If an ordinance relates to zoning and is included in the Local Coastal Plan (LCP), such ordinances do not become effective until approval by the California Coastal Commission.

INTRODUCTION AND ADOPTION OF ORDINANCES: Ordinances shall not be adopted within five (5) days of their introduction, and may only be adopted at a Regular Meeting or an adjourned regular meeting. However, an urgency ordinance may be adopted immediately upon introduction and either at a regular or special meeting. All ordinances shall be read in full either at the time of introduction or adoption, except when further reading is waived by regular motion adopted unanimously by all Councilmembers present.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be adopted only at a regular or at an adjourned regular meeting held at least five (5) days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this Section.

EFFECTIVE DATE: All ordinances, except as provided in section 36937 of the Government Code, shall take effect thirty (30) days after adoption, but may be made operative at such later date as may be designated in the ordinance.

PUBLISHING: It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within fifteen (15) days after adoption.

URGENCY ORDINANCES: Urgency ordinances shall only be enacted when necessary to protect the public health, safety or welfare, or as otherwise permitted by State law. All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

RESOLUTIONS: A resolution constitutes a written action or decision. However, it usually does not demand the legal processing required of an ordinance. A resolution is generally introduced and adopted at the same meeting and becomes effective immediately.

CHAPTER 3 – CITY COUNCIL MEETINGS

**MINUTES**

CITY COUNCIL MINUTES: The City Clerk prepares the action minutes for all regular and special meetings of the City Council and submits for approval and/or correction on the Consent Calendar at a regular City Council Meeting. The minutes of a preceding Council Meeting may be approved without reading; provided that the City Clerk has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading. The primary purpose of City Council Meeting Minutes is to record the actions taken by the City Council. The Minutes shall also include a record of all persons addressing the City Council by name, city of residence, and subject or position.

CORRECTION OF COUNCIL MINUTES: When a Council Member wishes to correct the minutes, he/she should contact the City Clerk in advance of the meeting with the correction. The City Clerk will then verify the correction by listening to the recording of the meeting. Upon verification of an error in the minutes, the City Clerk will provide the corrections to the Council at the meeting. If time constraints prevent this procedure, the Council should continue the approval of the minutes to the next meeting and direct the City Clerk to verify the error.

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