



REGULAR MEETING CAPITOLA LIBRARY ADVISORY COMMITTEE

TUESDAY, FEBRUARY 16, 2016

3:30 PM

COMMUNITY ROOM
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

1. ROLL CALL

Committee Members Toni Campbell, Barbara Gorson, Ariel Gray, David Kraemer, Gayle Ortiz, Lisa Steingrube, Michael Termini, and Jamie Goldstein (Ex Officio)

2. PRESENTATIONS

A. Oath of Office Ceremony for the Capitola Library Advisory Members

3. APPOINTMENT OF CHAIR AND VICE CHAIR

A. Appoint a Chair and Vice Chair to the Library Advisory Committee
RECOMMENDED ACTION: Make Appointments.

4. ADDITIONAL MATERIALS

Additional information submitted to the City after distribution of the agenda packet.

5. CHANGES TO AGENDA

6. ORAL COMMUNICATION

Oral Communications allows time for members of the Public to address the Committee 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 Communication. All speakers must address the entire Committee and will not be permitted to engage in dialogue. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

7. REPORT FROM FRIENDS OF THE CAPITOLA LIBRARY CHAPTER

8. REPORT FROM JOINT POWERS BOARD

9. COMMITTEE / STAFF COMMENTS

Library Advisory Members / Staff may comment on matters of a general nature or identify issues for staff response or future committee consideration.

10. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Committee votes on the action unless members of the public or the Committee request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

- A. Receive the City of Capitola Board, Commission and Committee Guide
RECOMMENDED ACTION: Receive Guide.

11. GENERAL BUSINESS

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

- A. Approve the Library Advisory Committee Agenda Format
RECOMMENDED ACTION: Approve Agenda Format.
- B. Annual Meeting Schedule for the Library Advisory Committee
RECOMMENDED ACTION: Approve Schedule.
- C. Consider the Library Advisory Committee Guidelines
RECOMMENDED ACTION: Approve Guidelines.
- D. Receive an Update Regarding the Santa Cruz Libraries Tax Revenue Ballot Measure
RECOMMENDED ACTION: Receive update.
- E. Receive Report and Discuss the Capitola Branch Library Birthday Event
RECOMMENDED ACTION: Receive report, discuss and provide direction.

12. ADJOURNMENT

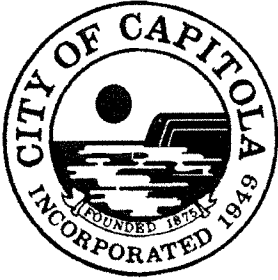
Adjourned to a Regular Meeting of the Library Advisory Committee to be held on Tuesday, April 16, 2016, at 3:30 p.m. at the Community Room located at 420 Capitola Avenue, Capitola.

Note: The Capitola Library Advisory Committee meets on the Tuesday every other month at 3:30 p.m. in the Community Room located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Capitola Library Advisory Committee Agenda is available on the City's website: www.cityofcapitola.org on Friday prior to the Tuesday meeting. If you need additional information please contact the City Clerk at (831) 475-7300.

Any person seeking to challenge a Committee 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 Committee, 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 Committee'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 Committee decision in court.

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 Committee 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.



LIBRARY ADVISORY COMMITTEE AGENDA REPORT

MEETING OF FEBRUARY 16, 2016


FROM: CITY MANAGER

SUBJECT: APPOINTMENT OF CHAIR AND VICE CHAIR

RECOMMENDED ACTION: Make appointments.

DISCUSSION: This matter is before the Committee to select a Chair and Vice Chair. Pursuant to City's Board, Commission and Committee Guide (Item 11.A.) each advisory body elects a Chair and a Vice Chair annually, generally at the first meeting held in a new calendar year, or as specified in the guidelines. The Chair presides at all advisory body meetings, and the Vice Chair presides in the Chair's absence.

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager 



LIBRARY ADVISORY COMMITTEE AGENDA REPORT

MEETING OF FEBRUARY 16, 2016

FROM: CITY MANAGER

SUBJECT: BOARD, COMMISSION AND COMMITTEE GUIDE

RECOMMENDED ACTION: Receive the City Board, Commission and Committee Guide (Guide).

DISCUSSION: Advisory bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit between citizens, City staff and departments, and the City Council. This Guide has been prepared to serve as a reference for the basic protocols that apply generally to all City advisory bodies.

ATTACHMENT:

1. City Board, Commission and Committee Guide

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager 

CITY OF CAPITOLA

BOARD, COMMISSION AND COMMITTEE GUIDE

A Reference Guide for City Advisory Bodies



CITY OF CAPITOLA

420 Capitola Avenue
Capitola, CA 95010
www.cityofcapitola.org/
(831) 475-7300

Prepared by the Office of the City Clerk

ISSUED: March 1, 2005

Revised April 18, 2014

Revised April 17, 2015

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Exhibits

1. Agenda Format;
2. Notice of Adjournment;
3. Attendance Policy and Leave of Absence Policy for City Advisory Bodies; Resolution No. 3223
4. Resolution No. 3611 Designating Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century as the Rules of Order for City Meetings;
5. Ordinance No. 847 Establishing Capitola Municipal Code Section 2.24.055: Prohibiting member of the City Council, Planning Commission or Architectural and Site Review Committee from soliciting employment;
6. Memorandum from City Attorney John G. Barisone regarding Advisory Body Powers and Duties;
7. Teleconference Request Form.

WELCOME

Welcome and thank you for your willingness to serve as a member of a City of Capitola advisory body. Advisory bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit between citizens, City staff and departments, and the City Council.

The City of Capitola has a varying number of advisory bodies, each with distinct responsibilities. As a new advisory body member, you should familiarize yourself with the documents governing your particular body: These may include City Ordinances, Resolutions, advisory body bylaws, relevant element(s) of the General Plan, and other documents, all available from your City staff representative. Review of these documents will help you get a sense of what your responsibilities are.

This Guide has been prepared to serve as a reference for the basic protocols that apply generally to all City advisory bodies. Orientation is necessarily an active process. As a new member you may want to meet with the Chair of your advisory body to get a better sense of your role and the business of the body, as well as with the City staff representative assigned to the body. Along with familiarizing yourself with your advisory body's foundational documents, you may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the advisory body's work program to familiarize yourself with current goals.

Your participation is appreciated by the members of the City Council, by City staff, as well as by your community. Learning your role and developing an effective voice takes time and familiarity with your particular advisory body. We hope this Guide will assist you towards a satisfying and productive experience.

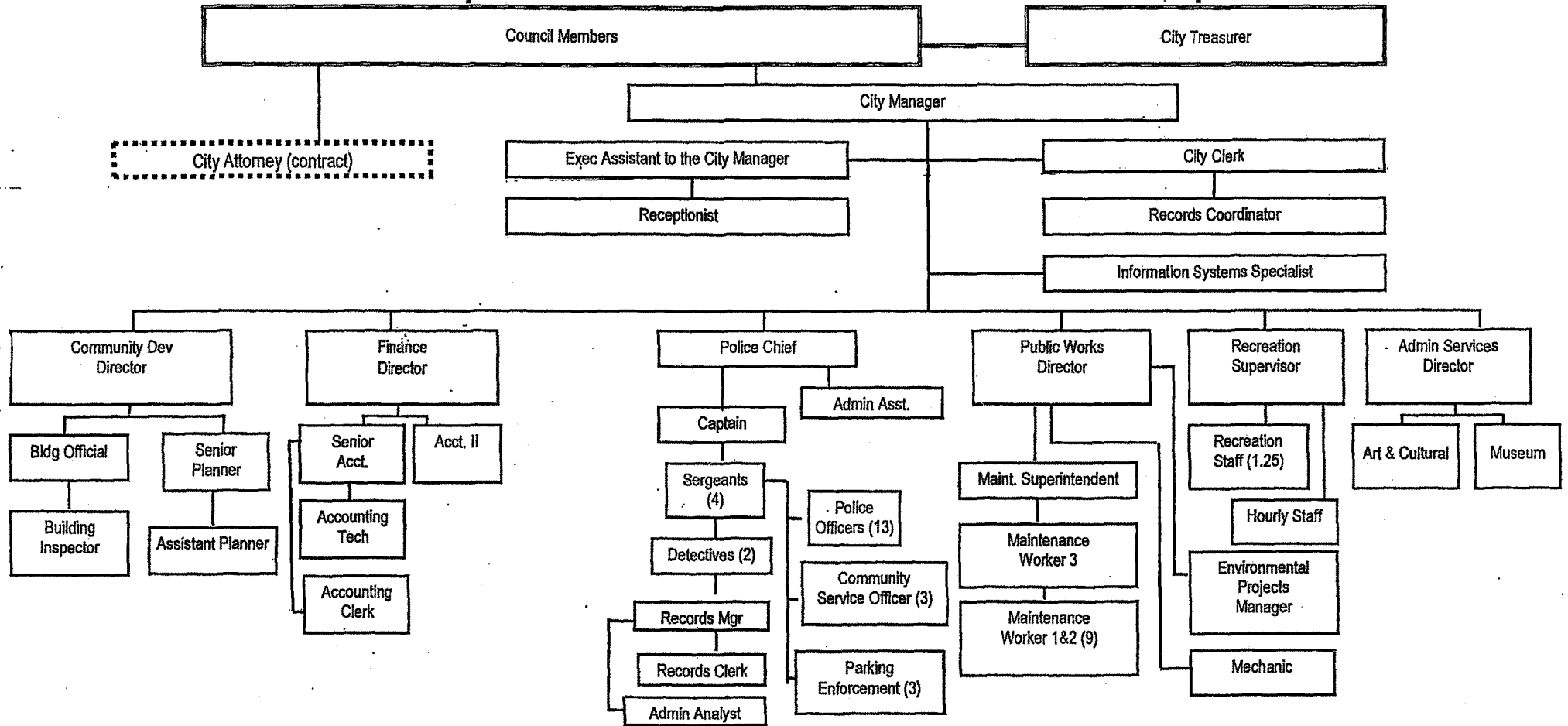
CAPITOLA CITY COUNCIL

ADVISORY BODIES BY DEPARTMENTS

Advisory Body	Department
Architectural and Site Review Committee	Community Development
Art & Cultural Commission	City Manager
Commission on the Environment *	Public Works
Finance Advisory Committee *	Finance
Historical Museum Board	City Manager
Planning Commission *	Community Development
Traffic and Parking Commission *	Public Works

**Committees/Commissions with direct appointments made by individual Council Members*

Citizens of the City of Capitola



INTRODUCTION

Purpose for Advisory Bodies: Advisory bodies play an important role in City government by assisting and advising the City Council and staff in formulating and implementing policy. Advisory bodies also develop recommendations and present supporting information to the City Council. Certain advisory bodies have the authority to make final decisions, though such decisions may be appealed to the City Council.

The City Council establishes Advisory Boards, Commissions, and Committees by Ordinance or Resolution. These are considered "legislative bodies" and are defined as governing bodies of a local agency that are subject to the Ralph M. Brown¹; in contrast to Task Forces or Ad hoc Committees which are usually established by a motion or Resolution to address particular projects or specific areas of concern, and generally are given a defined period of time to accomplish their tasks.

How appointments are made: Any citizen interested in serving on an advisory body is invited to complete an application 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 Members for action.

Eligibility Requirements/Qualifications: Unless otherwise specified, applicants are required to be 18 years of age or older and residents and/or qualified electors of the City of Capitola. Upon appointment, all new members are sworn in by the deputized City staff representative.

Authorizing Documents: The City Council approves the formation, composition, and responsibilities of all advisory bodies. Some advisory bodies, such as the Architectural and Site Review Committee, Art & Cultural Commission, and the Planning Commission, have responsibilities under State law. All advisory bodies operate under Council auspices and are responsible to the Council for compliance with Council Policy, the Municipal Code, and the Ralph M. Brown Act (Brown Act – California Government Code, Sections 54950-54963).

Bylaws: The operations, procedures, and duties of city advisory bodies are established in adopted bylaws. Not all city advisory bodies have adopted bylaws. In Capitola, the Capitola Historical Museum Board and Art and Cultural Commission have bylaws. Bylaws are reviewed by the City Attorney and approved by the City Council.

Term of Office: The term of office for members of Board, Commissions, and Committees is established by the implementing Resolution or bylaws of the Board, Commission, or Committee. The term of office for members of Task Forces or Ad hoc Committees is generally for the life of the Task Force/Ad hoc Committee.

¹ Ralph M. Brown Act (California Government Code, Sections 54950-54963); refer to "Legal Matters" on page 15.

MEETING PROTOCOL

No advisory body business is transacted without a quorum. A quorum is the number or proportion of the members of an advisory body that must be present at a meeting in order to transact business legally. This would be a majority of members. In a 7-member advisory body, 4 members must be in attendance. Until a quorum is present there can be no meeting. For that reason it is important that a member who is unable to attend a meeting notify the advisory body and City staff representative at the earliest possible time. Advisory group meetings are generally held at the City Hall complex located at 420 Capitola Avenue, Capitola. Meetings may be held outside City facilities when City space is not available. Neighborhood meetings will be held outside City facilities.

Meeting Times: City advisory bodies meet on a regular basis, usually monthly or bi-monthly. All meetings are open to the public. The calling of a Regular or Special meeting, or the cancellation of one, must be coordinated between the advisory body and the City staff representative, and shall be subject to legal notice under the Brown Act.

Regular Meetings: Regular meetings are meetings occurring at the dates, times and location set by Resolution, Ordinance, or other formal action by the legislative body. The City staff representative will prepare the Regular meeting notice/agenda and make sure it is delivered to each member of the advisory body and local media at least 72-hours prior to the meeting. The City staff representative will also post the notice at City Hall, on the City's website, and send the notice to the City Clerk.

Special Meetings: Special meetings may be called by the advisory body or majority of the legislative body and coordinated with the City staff representative. Only matters specified on the agenda may be discussed and considered by the advisory body. No items may be added to the agenda at the special meeting. The City staff representative will prepare the Special meeting notice/agenda and make sure it is delivered to each member of the advisory body and the local media at least 24-hours prior to the meeting. The City staff representative will also post the notice at City Hall, on the City's website, and send the notice to the City Clerk.

Attendance: For advisory bodies to function effectively and accomplish their goals, all members must be active participants. This means all members must be present at all meetings. Members are allowed three (3) non-consecutive absences per calendar year in accordance with Administrative Policy No. I-5 Attendance and Leaves of Absence for City Advisory Bodies, Resolution No. 3223, adopted by the City Council on June 13, 2002 (Exhibit 3). Except under the most unusual circumstances, extended leaves of absence for advisory members will not be allowed. A member who is unable to attend a meeting must notify the advisory body and City staff representative at the earliest possible time for the purpose of determining a quorum.

Oath of Office: Each newly appointed member of an Advisory Body is required to take the Oath of Office as administered by the staff representative. Upon completion of the Oath the member is authorized to attend meetings and vote.

Resignation Procedure: An advisory body member wishing to resign shall submit an email or letter of resignation to the City Clerk. Once submitted, an email or letter of resignation cannot be withdrawn. The effective date of the resignation is the date it is received by the Clerk unless a future date is indicated.

Other: A complete listing of all City of Capitola advisory bodies are available in the City Clerk's Office and is public record. Please notify advisory body City staff representative promptly of any changes in your address, phone number, email address or other personal information.

AGENDA PREPARATION AND POSTING

Agendas for advisory body meetings shall be prepared by the City staff representative in consultation with the advisory body. Following are the descriptions of agenda items. See the attached standard agenda (Exhibit 1). The agenda shall be posted at least 72-hours prior to the meeting, unless specified "Special" then 24-hours prior to the meeting. All Capitola advisory body agendas are posted in the City Hall foyer and on the City's website.

Call to Order/Roll Call: Each advisory body elects a Chair and a Vice Chair annually, generally at the first meeting held in a new calendar year, or as specified in the bylaws. The Chair presides at all advisory body meetings, and the Vice Chair presides in the Chair's absence.

To open the meeting a roll call is taken. If a quorum is present (a simple majority of the advisory body) the Chair will call the meeting to order and announce that "The meeting of the (name of advisory body) will come to order." If a quorum is not present, the Chair announces, "As there is no quorum, a motion to adjourn is in order." The motion to adjourn is made by a member, seconded, and the Chair then adjourns the meeting to a specific date and time.

The City staff representative is responsible for posting a notice of adjournment at the meeting room entrance door when no quorum exists (Exhibit 2).

Approval of Minutes: Minutes of the previous meeting are reviewed and approved at the opening of each meeting to establish continuity of action.

Presentations: This is the time when a presentation may be made to the advisory body. Such presentations must be scheduled through the Chair and City staff representative for placement on the agenda. This category may be deleted from the agenda if there are no presentations to be made.

Oral Communications (or Public Comment): This is the time when members of the public may address the advisory body on matters not on the posted agenda. No action or discussion may be taken on oral communication items. The Chair may announce and set time limits at the beginning of each agenda item. The Committee Members may not discuss Oral Communications to any significant degree, but may request issues raised be placed on a future agenda.

Consent Agenda: Items considered to be routine and to be enacted by one motion are placed on the Consent Agenda. Members of the advisory body or the public may request separate discussion of Consent items.

General Government/Public Hearings/Other Business: These types of items are intended to provide an opportunity for public discussion of each item listed.

Reports of Advisory Body Members and Standing Subcommittees: These reports offer an opportunity for the entire advisory body to hear firsthand exactly what members of the advisory body have accomplished.

Reports of Special Committees: Special Committees are appointed by the Chair to study a proposal suggested by the advisory body, resident, or another body. Reports include the problem assigned, approach used in seeking solution, information gathered, and recommendations. All Special Committees should keep the Chair informed of their progress, and should report at the meeting that coincides with completion of their work. The advisory body should be informed prior to the end of a meeting that specific reports will be presented at the next meeting, and a listing should appear on the agenda. A copy of written reports should be filed with the City staff representative prior to preparation of the agenda. These reports will be advisory in nature and if any recommendations are to be utilized, it will take advisory body approval.

Information Items: This is the time the Chair or other advisory body member may make announcements on items of interest and events submitted. This is also the time the Chair and/or members of the advisory body may submit items for future agendas.

Items Not Listed on the Agenda: If an advisory body member or City staff representative intends to bring up an item for discussion or action, the item must be included on the agenda. Members of advisory bodies may request that the Chair or City staff representative place any item within the purview of the advisory body on a future agenda.

Discussion or action on items that are not included in the posted agenda may only occur in very limited circumstances. To discuss or act on an item *not* included in the posted agenda, an advisory body must:

- Determine that "the need to take action" arose after the agenda was posted, and that the action is required prior to the next meeting.
- Approve the determination by a vote of at least two-thirds of the members of the body or by a unanimous vote if less than two-thirds of the members are present.
- Move, second, and vote on the item once the determination is approved.
- Include that action in the meeting's minutes along with a brief explanation of the circumstances stating the need for action and the reason the need arose after posting the agenda.

Informational items placed on an agenda may not be acted upon at the meeting. Any member may, however, request that the informational item be placed on a future agenda for action.

Notice of Adjournment: If no members attend, the City staff representative may declare the meeting adjourned to a stated time and place. In that case, written notice of the adjournment must be given in the same manner as notice of special meetings (GC 54956), and a notice of adjournment must be posted on or near the door of the meeting room with 24 hours of the adjournment (GC 54955). The City staff representative shall cause a written notice of the adjournment to be delivered electronically to each member of the legislative body at least three hours before the adjourned meeting. A copy is also provided to the City Clerk.

PREPARATION FOR MEETINGS

- Thoroughly review the agenda packet, including agenda reports, meeting minutes to be approved, and any other materials *before* the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your consistent attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.
- Understand what action you are being called on to take regarding each particular agenda item.
- If you have questions regarding the agenda or agenda report, contact your City staff representative *before* the meeting to clarify questions or request further information.
- Know the responsibilities of your advisory body, as well as the limitations of your individual authority. The advisory body has been created to provide recommendations to the City Council about specific issues.
- Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant, and those which are secondary or irrelevant to the issue at hand. It is important to make your decision on any matter brought before the advisory body based upon the information in the public record. Usually this includes the information in the staff report and information presented during testimony. Upon occasion, however, a member of an advisory body will have access to information that has not been put in the public record. That member should then place such information into the record. This can be accomplished in several ways. If the information is a written or published document, then a copy of that document should be given to the City staff representative during the meeting. If the member obtained the information through discussion with another individual, or through observation, then that member should verbally recount that discussion or observation for the record.
- Strive to appreciate differences in approach and points of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas; remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue. It is also important to note that often times successful policy recommendations come through compromise. Debate and compromise is often the foundation of policy in a democratic society.
- If you are unsure about something during the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff representative to provide information to assist the members throughout the decision-making process.

TECHNOLOGICAL CONFERENCING

"Teleconference" is defined as "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both." In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act.

- A. Commissioner must complete a form (Exhibit 7) requesting the ability to teleconference and confirm the following:
1. Agenda is posted at least 72 hours in advance.
 2. The teleconference location is public, accessible to the disabled, and has the technology, such as a speakerphone, to enable the public to participate.
 3. The location is specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable.
 4. At least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

ADVISORY BODY MEMBERS

Every advisory body member desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine comments to the question under debate, avoiding all indecorous or inappropriate language and references to personalities. Abiding by the following rules of civil debate is fundamental to a properly run public meeting. A member, once recognized, shall not be interrupted except according to the "Rules of Order" parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege, or appeal of Chair's procedural ruling). Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- (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 shall be avoided.

Addressing the Advisory Body from the Floor – Securing Permission to Speak

Any person desiring to address the advisory body shall first secure permission from the Chair. Any advisory body member may also request of the Chair that a member of the public be recognized to speak. Remarks should be directed to the matter being considered.

Individuals: Persons addressing the advisory body are requested to give their name for the record, although it is not required. If there is a sign-up sheet provided, individuals may sign in when they speak. The time limit shall be as stated in the agenda, or as directed by the Chair.

All remarks shall be addressed to the advisory body as a whole and not to any individual member or to members of the audience. Without the permission of the Chair only members and the person addressing the advisory body shall be permitted to enter into any discussion. However, while advisory body members may ask speakers questions, they should not debate matters with them. An interactive discussion between a member and an individual addressing the advisory body should be avoided. All remarks shall be delivered in a respectful manner.

ADVISORY BODY MEMBERS CONTINUED:

Spokesperson for Group Presentations: Organized groups that wish to make a presentation longer than the time allowed for in the agenda should contact the City staff representative prior to the meeting.

Addressing the Advisory Body after Motion Made: After a motion is made by the advisory body, no person shall address the advisory body except upon the request of the Chair, or a member of the advisory body through the Chair.

RULES OF DEBATE

Advisory body meetings are conducted according to a parliamentary procedure known as the Rosenberg's Rules of Order adopted by Resolution No. 3611 on February 8, 2007 (Exhibit 4). The Chair directs the meeting, and his/her rulings must be followed unless they are overruled by the body.

DECORUM IN MEETINGS

- Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending only for certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, staff, and each other. Give your full attention when others speak.
- Trust your own good judgment on decisions.
- Remember that people may be attending a meeting for the first time, and may be unfamiliar with your procedures. In your discussion, either avoid or explain technical terms.
- Listen to audience concerns. Don't engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy, and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriate after the public testimony is closed.
- The Chair will close the public testimony before deliberation begins on an issue.
- Sometimes questions can most effectively focus discussion and direct decision-making. For example,

For staff:

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?

For other advisory body members:

- What facts come to mind that influence your opinion on this item?
- What have you heard from the residents?
- What would it take for you to support this?

For the public (at a hearing):

- What are your concerns?
- How will this proposal affect you?
- What specific, constructive, alternatives can you recommend?

DECORUM IN MEETINGS CONTINUED

For yourself:

- What are we trying to accomplish—that is, what is the policy goal?
- What are the long-range interests of the community?
- What guidance can be found in our foundational documents?
- Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
- Remember that your advisory body exists to make effective policy recommendations. It is not simply a discussion group or debating society.
- Endeavor to end meetings at a reasonable hour. Short breaks may be helpful during long meetings. Extending the meeting beyond an appointed hour may be subjected to a vote when that hour nears.

ROLE OF CHAIR

The Chair shall preserve order and decorum at all meetings of the advisory body, announces the advisory body decisions, and decides questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A Chair balances moving the discussion forward with involving all of the advisory body members and allowing for adequate public participation. In the absence of the Chair the Vice Chair shall act as presiding officer.

The Chair may debate and may second motions, but may not make a motion. The Chair is subject to the limitations of debate that are imposed on all members and, except for making motions, shall not be deprived of any of the rights and privileges of a member.

Responsibilities of Chair

- Ensure that the public understands the nature of the issue being discussed (for example, reason for discussion, process to be followed, and opportunities for public input, timeline for decision).
- Keep discussion focused on the issue at hand.
- Solicit opinions from advisory body members. Encourage evaluation of new, tentative, or incomplete ideas. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- Protect advisory body members, staff, and the public from personal attacks.
- Provide structure for addressing complicated issues. This could include breaking down complex matters into component parts, then taking action on those individual parts.
- Assuring that the motion is clear and unambiguous, reflecting the desired outcome.
- Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.

PREPARING MOTIONS

1. When a member wishes to propose an action on a particular item on the posted agenda for the advisory body to consider, the member makes a motion. A motion goes through the following steps:
2. The member asks to be recognized by the Chair.
3. After being recognized the member makes the motion: "*I move that we...*"
4. Another member seconds the motion: "*I second the motion.*"
5. The Chair restates the motion and asks for discussion on the motion.
6. When the Chair determines that there has been enough discussion, the debate may be closed with: "*I call the question.*" or "*Is there any further discussion?*"

PREPARING MOTIONS CONTINUED

7. All public meetings complying with the Ralph Brown Act must publicly report the vote of its members. The Chair can comply with this requirement by conducting a roll call vote; or by simply reporting the vote on the record after it has been taken. For example the Chair, after calling for a vote on a motion, might state the following: "The motion passes 3 to 2, Committee/Commission members (name), (name), (name), in favor and Committee/Commission members (name) and (name) opposed."

Some common motions include:

- Delay consideration: *I move to continue the item until* (date specific, or date uncertain).
- End discussion—A motion to table an item is not subject to debate and must be voted on immediately.
- Close Debate: *I call for the question.*
- Limit or Extend Debate: *I move to limit or extend debate to . . .*
- Request More Study: *I move to refer this to staff or (advisory body) for further study.*
- Amend a Motion: *I move to amend the motion by...* If the maker and seconder of the main motion accept the amendment, then it's considered a "friendly amendment" and no separate vote is required. If it is not accepted, then a separate vote to amend the main motion is required. The amendment must be voted on before the main motion.
- Adopt a staff recommendation: *I move to adopt staff's recommendation to. .*
- Deny staff recommendation: *I move to deny staff's recommendation to . . .*
- Modify motion: *I move to adopt the recommendation with the following modifications: . . .*

Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it. Only motions that are voted on will appear in the minutes.

Members may wish to write out difficult motions. If a motion gets too complicated, call a recess and have staff assist with the wording.

It is best to avoid including more than one proposal in the same motion. This is especially important when advisory body members are likely to disagree.

Any member may ask the Chair to divide a motion. If others do not object, the Chair may proceed to treat each proposal as a separate motion.

ADVISORY BODY ROLE AND RELATIONSHIPS

Work Program: A work program is an advisory body's plan and statement of goals for the year, prepared in cooperation with staff. It identifies important problems, challenges, and opportunities, offers a jointly developed plan to address these over the course of the year, and furthers a sense of shared purpose and responsibility among advisory body members. An adopted and published work program will:

- Establish viable short-range objectives that further the long-range goals of the advisory body.
- Provide group direction, and keep the advisory body on course.
- Provide a basis for measuring accomplishment.
- Assist in the allocation of time, energy, and resources.
- Promote continuity of action, and help keep the big picture focused.

For example, a work program may include community outreach, a plan for addressing critical community issues, an education component, or any other tasks the advisory body identifies as key work challenges for the upcoming year.

City Council-Advisory Body Relationship: The primary purpose of all advisory bodies is to provide well-considered advice to the City Council, the elected policy-making body of the City. The advisory body's role can include hearing public testimony on the Council's behalf, building community consensus for proposals or projects, reviewing written material, facilitating study of critical issues, guiding the implementation of new or regulating established programs, assessing the alternatives regarding issues of community concern, and ultimately forwarding recommendations to the Council for consideration. There are times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important to recognize this not as a rejection of the integrity of the recommendation, but as an inevitable part of the process of community decision-making.

Throughout this process, the form and formality of the relationship between advisory body members and Council members will vary. Some advisory body members will have regular contact with individual Council members, while others may serve solely in the group context. This relationship will depend on your advisory body as much as on you and the Council. For example, there are times when the Chair may address the Council formally on behalf of the advisory body, and other times when an advisory body member may meet with a Councilmember individually. At all times it is important to aim for clarity and mutual respect for the different responsibilities and roles.

Advisory Body Jurisdiction: The role of an advisory body member is different from that of a private citizen in that ideas expressed and decisions made must be supported by those documents which guide our City. An individual advisory body member is not simply present to voice a personal opinion, but is responsible to exercise discretion within the limitations of the General Plan and the other relevant guiding documents. In other words, the advisory body member offers a citizen's interpretation of the values, goals, and procedures defined by, and bases decisions on, these underlying principles and documents.

ADVISORY BODY ROLE AND RELATIONSHIPS CONTINUED

City Staff-Advisory Body Relationship: The relationship of the advisory body and staff is an active and continuous one. Both advisory body and staff are motivated by the shared goal of furthering the City's best interests. Yet while the goal is shared, there are times when the approach and responsibility toward implementing the goal are significantly different. Some things that one can do, the other cannot.

In order to recognize the range of roles and responsibilities, some of the issues to clarify are:

- It is important to understand that all City staff provides a report to the City Manager, and the City Manager reports to the City Council. There is certainly plenty of room within this relationship for staff to be responsive to the advisory body, but it is important for members to understand that if direction to staff from the advisory body occasionally conflicts with direction from the City Manager or City Council, time will be needed to work out the conflict.
- How is direction given? Can a study be directed to the staff from an advisory body or must it be given through an administrator or elected body? Any significant demand for staff time should be directed from the advisory body to the City Manager, who will make a determination if there are existing resources available for the task, or if the item should be referred to the City Manager or City Council.
- How are staff proposals and recommendations handled? The staff must strive to provide the advisory body with its best professional judgment, and this should be continuously encouraged.
- How are disputes between advisory body members and staff handled? Proper lines of communication should be established beforehand to deal with problems.

LEGAL MATTERS

The Ralph M. Brown Act: City of Capitola advisory bodies are subject to State law governing open meetings and records. The California law governing open meetings is found in the California Government Code, Sections 54950-54963. It is popularly referred to as the "Brown Act." The general intent is that advisory bodies act openly in publicly noticed meetings and that their records be open to the public. Exemptions may exist and each body should orient new members on what, if any, exemptions exist for their meetings and records.

The Brown Act generally requires Boards, Commissions and Committees to conduct public meetings. A "meeting" is considered to take place any time that a quorum of the advisory body gathers to discuss that body's business; the Brown Act prohibits a quorum from meeting privately. To this end, the Brown Act specifically prohibits "any use of direct communication, personal intermediaries or technological devices . . . employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body." Hence, the prohibition extends not only to personal contacts of the advisory body members among themselves outside the public meeting context, but also prohibits "serial" meetings whereby information is ultimately exchanged among a quorum of advisory body members whether or not simultaneously in one another's presence. Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the "reply to all" button that may inadvertently result in a Brown Act violation.

LEGAL MATTERS CONTINUED

NOTE: Ad hoc or Task Force Committees are treated differently under the Brown Act and are not subject to the notice and posting requirements (see the following section entitled "Ad hoc Committee.")

AB 1234 - Local Agencies: Compensation and Ethics: If the City provides compensation, salary, or expense reimbursement to members of an advisory body it is required that they receive ethics training pursuant to Assembly Bill 1234. This training is available online through the California Fair Political Practices Commission (FPPC) website at <http://www.fppc.ca.gov>. After initial training, members must renew their training every two years thereafter.

E-mail Communications between Advisory Body Members: E-mail communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of advisory body members; therefore, e-mail communications between advisory body members relative to advisory body business should be avoided. While three members of a seven-member board, for example, may appropriately communicate with one another by way of e-mail, the "forwarding" of such an e-mail message on to a fourth member would result in a Brown Act violation. Use caution at all times when using the advisory body's group email and the "reply all" option.

Ad hoc or Task Force Committees: Most Boards, Commissions and Committees, can create Ad hoc or Task Force Committees consisting of less than a quorum of their members to deal with specific issues. Such Ad hoc Committees are not required to comply with the notice and open meeting requirements of the Brown Act. This is often referred to as the "less-than-a-quorum exception." An Ad hoc Committee has a defined purpose and a time frame to accomplish that purpose and is advisory. An Ad hoc Committee is not delegated any decision-making power and must return to the full board with its recommendation.

Advisory Body Powers & Duties: The City Attorney has addressed the Powers & Duties of Advisory Bodies in a Memorandum to all Capitola Board, Commission and Committee Members (Exhibit 4).

CONFLICT OF INTEREST

Recusing Yourself: In order to avoid the appearance of impropriety that may raise ethics questions an advisory body member must publicly identify in detail the economic interest that creates the conflict, step down from the dais and must then leave the room. This identification must be following the announcement of the agenda item to be discussed or voted upon, but before either the discussion or vote commences. The City of Capitola has adopted a Conflict of Interest Code incorporating, by reference, the Fair Political Practices Commission regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code that states "No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally." In addition, the California Government Code prohibits the City of Capitola from entering into contracts in which a City Official might have an interest, and likewise, prohibits City Officials from influencing the City to enter into contracts that may benefit the City Official.

CONFLICT OF INTEREST CONTINUED

The City Attorney is available to help advisory body members decide if they should declare a disqualification on any issue. There may be instances where financial conflict of interest is not the issue, and again, the City Attorney will provide guidance in determining whether an advisory body member should disqualify him/herself from acting on the item. In these instances, members should recuse themselves from a vote using the phrase, "*...to avoid the appearance of impropriety.*"

The City's Conflict of Interest Code requires members of the Planning Commission, the Art & Cultural Commission, and the Architectural & Site Review Commission to declare personal financial information by filing a Statement of Economic Interest (FPPC Form 700). Other advisory bodies are not required to file statements. The City Clerk is the filing officer for the City and will provide advisory body members with the documents necessary for filing.

Acceptance of Employment Prohibited: Capitola Municipal Code Section 2.24.055, Ordinance No. 847, adopted by the City Council on February 27, 2003 (Exhibit 5), prohibits a member of the City Council, Planning Commission or Architectural and Site Review Committee from soliciting employment relative to a project which has previously come before that member's Council, Commission or Committee for hearing.

CITY STAFF REPRESENTATIVE RESPONSIBILITIES

- Providing administrative support, including agenda preparation and distribution, minutes, scheduling meeting room, posting notices/agendas, adjournments, cancellations, etc., and providing copies of advisory body documents to the City Clerk's Office.
- Being informed about the latest developments in their fields.
- Providing background and expressing views to the advisory body on important issues.
- Maintaining a professional position on all topics.
- Assisting the advisory body to stay on track and focused.
- Interpreting City Council, City department, and relevant State and Federal actions and policies.
- Making sure the intent of the advisory body is not lost after a decision.
- Presenting advisory body recommendations to the City Council.

In the event that the recommendation of City staff representative and the recommendation of the advisory body differ regarding a given issue, both recommendations should be presented to the City Council. The City staff representative and the advisory body will decide together how to handle presentation of the alternatives to the Council. The format may vary. For example, both City staff representative and the advisory body can each present a report. Or, the City staff representative can present both alternatives, with the advisory body Chair or chosen member delegate present to answer Council's questions.

CITY STAFF REPRESENTATIVE RESPONSIBILITIES CONTINUED

When there is a significant minority opinion, it can also be brought to the attention of the Council, either as a separate report, or as testimony from an advisory body member. Regardless of the approach chosen, every effort should be made by City staff representative to include the approved advisory body minutes of the relevant meeting(s) as part of the Council agenda report.

City Clerk: The City Clerk is a resource for advisory bodies. The City Clerk's Office accepts and maintains applications, processes appointments, updates membership rosters, bylaws, informational booklets, guidelines, etc. The City Clerk is also a resource with respect to the Brown Act, agenda processing, and meeting procedural questions. The City Clerk is the filing officer for Statements of Economic Interests, and any other required filings as identified by the City Council and by the State.

City Attorney: The City Attorney is a resource for understanding compliance with the Brown Act, for agenda legality issues, meeting process questions, and conflict of interest determinations. If such questions arise for a member of an advisory body, that member is encouraged to contact the City Attorney directly.

FINAL COMMENTS

Thank you for participating in local government. Government works best when its constituents become engaged. Now that you are part of the City of Capitola policy-making family, please use the City as a resource to help you do the best job that you can for the City. The City Attorney will be glad to discuss matters of conflict or the Brown Act with you. The City Clerk is also an excellent resource. The City staff representative assigned to your advisory body is often times the best first place to begin if you have a question. The City Manager is also available to help you with any matter over which you may have concerns. We want you to be comfortable in your role as Advisory Body member and also receive satisfaction from your efforts on the City's behalf.

Once again, congratulations on your appointment. Good luck, and enjoy your time with the City of Capitola.



AGENDA

(Advisory Body Name)
 Regular Meeting
(Day - Date)
(Time)
(Meeting Room & Address)

CALL TO ORDER AND ROLL CALL *(List Board Members)*

APPROVAL OF MINUTES

PRESENTATIONS *(If applicable)*

ORAL COMMUNICATIONS *(No action may be taken)*

*The Chair may announce and set time limits at the beginning of each agenda item.
 The Committee Members may not discuss Oral Communications to any significant degree,
 but may request issues raised be placed on a future agenda.*

CONSENT AGENDA *(If applicable)*

OTHER BUSINESS

COMMISSION REPORTS *(If applicable/No action may be taken)*

INFORMATION ITEMS *(Members may initiate items for future agendas at this time)*

ADJOURNMENT

Notice: The *(Advisory Body)* meets on the *(day of week)* of each month at *(time)*, in *(the Community Room or the City Council Chambers)* located at 420 Capitola Avenue, Capitola.

Agenda: The *(Advisory Body)* Agenda is available on the City's website: www.cityofcapitola.org/

Agenda and Agenda Packet Materials: The *(Advisory Body)* Agenda is available on the City's website: www.cityofcapitola.org/ on Friday prior to the *(day of the week)*. If you need additional information please contact the City Hall Department at (831) 475-7330.

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.

Appeals: Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing and delivered to the City Clerk's Office within ten (10) working days from the time of the boards' decision. The notice of appeal shall set forth appellant's name, phone number, address to which notices may be sent to the appellant, and the grounds upon which the appeal is made.



**CITY OF CAPITOLA
(Advisory Body)**

Notice of Adjournment

NOTICE IS HEREBY GIVEN that the (Regular/Adjourned/Special) of the (Advisory body) will not have a quorum present at their meeting schedule for (date). Based on that information, the (date), will be adjourned to the next regular meeting (date) at (time) in (location).

Date: _____

(Staff Representative Signature)



ADMINISTRATIVE POLICY

Number: I-5
Issued: 6/14/02
Jurisdiction: City Council

ATTENDANCE POLICY AND LEAVES OF ABSENCE FOR CITY ADVISORY BODIES

I. PURPOSE: To facilitate continuous attendance at meetings of City Council advisory bodies.

A. This policy pertains to all meetings of City Council appointed advisory bodies.

1. The staff representative of each city advisory body shall maintain attendance records for each meeting of the advisory body, and such record shall be recorded in the minutes for each meeting.
2. It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly, and each member of an advisory body is allowed three (3) non-consecutive absences per calendar year.
3. It is the responsibility of the chair or staff of an advisory body to bring attendance issues to the attention of the Mayor. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member and the chairperson that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

B. Leaves of Absence for City Advisory Body Members

Except under the most unusual circumstances, extended leaves of absence for members of city advisory body will not be allowed. Exceptions to this rule may be granted only by City Council.

Approved:

Richard Hill
City Manager

RESOLUTION NO. 3223

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING AN ATTENDANCE POLICY AND LEAVES OF ABSENCE
FOR CITY ADVISORY BODIES

BE IT RESOLVED by the City Council of the City of Capitola as follows:

WHEREAS, there exists a continuing and growing need to provide for active participation in the affairs of local government by an ever increasing number of the public; and

WHEREAS, the welfare and progress of the City of Capitola can be assured and enhanced by a continuing infusion of new thought, talent, enthusiasm and dedication; and

WHEREAS, it is the desire of the City Council to establish an attendance policy for all City advisory bodies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola, that the Attendance Policy and Leaves of Absence for City Advisory Bodies, attached hereto as Exhibit A, is hereby approved and effective immediately.

BE IT FURTHER RESOLVED that the City Clerk is directed to provide copies of this policy to the staff representative of each of the city's advisory boards for distribution to their members.

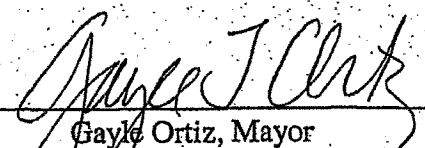
I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 13th day of June, 2002, by the following vote:

AYES: Council Members Norton, Gualtieri, Harlan, Arthur and Mayor Ortiz

NOES: None

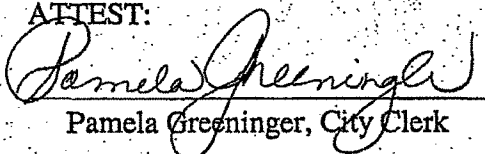
ABSENT: None

ABSTAIN: None



Gayle Ortiz, Mayor

ATTEST:


_____, CMC
Pamela Greeninger, City Clerk

RESOLUTION NO. 3611

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
DESIGNATING "ROSENBERG'S RULES OF ORDER: SIMPLE
PARLIAMENTARY PROCEDURES FOR TH 21ST CENTURY" AS THE
RULES OF ORDER GOVERNING CITY MEETINGS PURSUANT TO
MUNICIPAL CODE SECTION 2.04.210 G.

WHEREAS, the City Council of the City of Capitola enacted Ordinance No. 914, An Ordinance Amending Municipal Code Section 2.04.210, Paragraph G., to stipulate that the rules of order for the city council, as well as city advisory bodies, be designated by resolution rather than established by ordinance; and

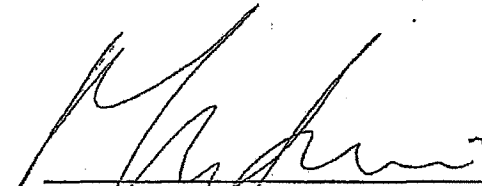
WHEREAS, it is the desire of the City Council to designate "*Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century*" as the Rules of Order for City Meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that "*Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century*" are hereby adopted as the Rules of Order for City Meetings.

BE IT FURTHER RESOLVED that said rules of order shall take effect March 10, 2007; the effective date of the ordinance.

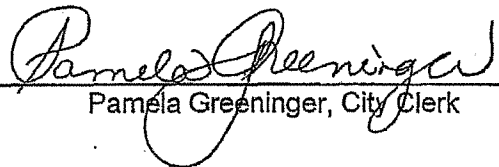
I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 8th day of February, 2007, by the following vote:

- AYES: Council Members Begun, Nicol, Graves, Storey, and Mayor Termini
- NOES: None
- ABSENT: None
- ABSTAIN: None



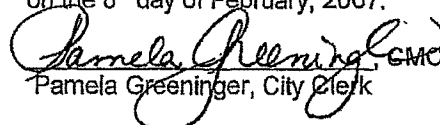
Michael Termini, Mayor

ATTEST:



Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3611 passed and adopted by the Capitola City Council on the 8th day of February, 2007.



Pamela Greeninger, City Clerk



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."


The chair usually initiates the motion in one of three ways:

1. Inviting the members of the body to make a motion, for example, "A motion at this time would be in order."
2. Suggesting a motion to the members of the body, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. Making the motion. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be

as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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ORDINANCE NO. 847

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
 ADDING SECTION 2.24.055 TO THE CAPITOLA MUNICIPAL CODE
 PERTAINING TO CONFLICTS OF INTEREST**

BE IT ORDAINED by the City Council of the City of Capitola as follows:

Section 1. Section 2.24.055 is hereby added to the Capitola Municipal Code to read as follows:

"Section 2.24.055 Acceptance of Employment Prohibited. A member of the City Council, Planning Commission or Architectural and Site Review Committee shall not solicit employment relative to a project which has previously come before that member's Council, Commission or Committee for hearing.

Section 2. This Ordinance shall take effect and be in force thirty (30) days after final adoption."

This ordinance was introduced on the 13th day of February, 2003, and was passed and adopted by the City Council of the City of Capitola on the 27th day of February, 2003, by the following vote:

AYES: Council Members Norton, Ortiz, Harlan, Arthur and Mayor Gualtieri

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED: _____

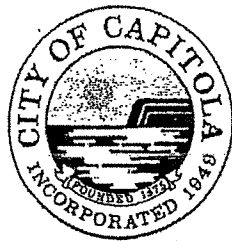
Tony Gualtieri
 Tony Gualtieri, Mayor

ATTEST:

Pamela Greeninger, CMC
 Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is the original document: Ordinance No. 847, and that it has been published or posted pursuant to law. (California Government Code §40806)

Pamela Greeninger
 City of Capitola, City Clerk



Office of the City Attorney

M E M O R A N D U M

TO: Capitola Board, Commission and Committee Members

FROM: John G. Barisone, City Attorney

DATE: March 1, 2005

RE: Advisory Body - Powers and Duties

In conjunction with the City of Capitola Board, Commission and Committee Guide issued March 1, 2005, this memorandum explains how boards, commissions and committees are intended to function in a city council-style municipal government such as Capitola's.

Generally speaking, the City Council is legally vested with the authority to perform all acts necessary to govern the City and the delivery of municipal services to City residents. The Council is authorized to delegate some of this authority to City staff members and to boards and commissions; however, any authority not so delegated remains vested with the City Council. Accordingly, a Capitola advisory board or commission such as the Planning Commission, Arts Commission, Museum Board, Architectural and Site Review Committee, etc. can exercise only that authority which is expressly granted to that board or commission by the City Council and the board or commission has no legal authorization to function beyond the parameters of that delegated authority.

In Capitola, a number of boards, commissions and committees are created pursuant to provisions set forth in the Capitola Municipal Code, while others have been established pursuant to City Council resolution. In order to ascertain those tasks specifically delegated to a given board or commission, it is necessary to review the pertinent ordinance or resolution that serves to create the advisory body in question. That ordinance or resolution will generally delineate the functions and responsibilities delegated to the board or commission by the Council. In addition, in most instances boards, commissions and committees will function pursuant to bylaws which have also been approved by the City Council and these bylaws may delineate additional responsibilities or further define the responsibilities of the board or commission.

You should also note that advisory boards, commissions and committees are intended to function as a body. In other words, authority is not delegated by the City Council to individual board members and commissioners. While it is fundamental that individuals elected to legislative bodies and appointed to commissions or boards must perform their official functions as part of the full legislative body or commission (or a subcommittee appointed by the legislative body or commission), and are not authorized to perform official functions individually, members of the public do not always appreciate this fact. Accordingly, members of the public may not always be

March 1, 2005

Page 2

able to differentiate when a citizen who is also a public official is acting in his or her individual capacity. In order to avoid confusion, it is therefore often incumbent upon the public official to clarify this point. While this may seem like a fine distinction, there are practical considerations which make it an important one. Obviously when a board member or commissioner speaks on behalf of the City, a citizen has the impression and expectation that there has been a municipal policy decision made relative to the topic of discussion. Under these circumstances, the recipients of the message may take action in reliance upon their understanding that they are acting pursuant to a City policy or program. In many cases, different rules apply depending upon whether the actions of individuals are undertaken privately or pursuant to a publicly sanctioned program. It is also important to make this distinction so that a board member or commissioner does not create the impression, when speaking in his or her individual capacity, that he or she is speaking on behalf of the board or commission thereby creating an inference that the board or commission has deliberated on the topic of discussion as required by the Brown Act in an open meeting scenario.

Since being retained by the City Council in September 2001 to provide City Attorney services, I have had the opportunity to meet a number of board members and commissioners, but I have not had the opportunity to meet all of you and I have not had the opportunity to address all advisory bodies with respect to any questions you may have concerning your responsibilities as board, committee or commission members or with respect to, for example, Brown Act questions or conflict of interest questions you may have. If at any time a board, commission or committee feels that it would be beneficial for me to attend one of their meetings to answer questions, I would welcome the opportunity to do so. Of course any presentation would have to be agendaized in accordance with Brown Act requirements. It would also be helpful for the chair of the board or commission to contact me beforehand so that I can arrange my schedule to meet with you.

Thank you for your attention to the foregoing and if any board members or commissioners at any time have questions, they should feel free to call me at my office. My phone number is (831) 423-8383. If e-mail is more convenient, I can be reached at jbarisone@abc-law.com.

Very truly yours,

John G. Barisone
Capitola City Attorney

cc: Mayor and City Council Members
Richard Hill, City Manager



City of Capitola

TELECONFERENCE REQUEST FORM

PUBLIC MEETING INFORMATION

Name of Committee: _____
Committee Member Name: _____
Committee Member Contact No: _____ Email: _____
Committee Staff Member: _____ Method of teleconferencing:¹ _____
Teleconferencing Location:² _____
Meeting Date: _____

INSTRUCTIONS

Complete the following:

1. Public Meeting Information Section (above)
2. Certification Section (below)
3. Provide any additional comments if applicable
4. Sign and date

ADDITIONAL MATERIAL

Please refer to the City's *Board, Commission and Committee Guide Procedures (Administrative Procedure I-20)* regarding agenda preparation, meeting procedures, conduct and other administrative matters for City boards, commissions and committees.

Check the boxes below to certify that the following will occur:

- Agenda posted at least 72 hours in advance.
- The teleconference location is accessible to the disabled and has the technology, such as a speakerphone, to enable the public to participate.
- The location is specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable.

Additional Information: _____

(Faxed completed form to the attention of the City's staff liaison – 831-479-8879)

Signature

Date

¹ Audio (e.g. telephone), video (e.g. skype)

² Include complete address



LIBRARY ADVISORY COMMITTEE AGENDA REPORT

MEETING OF FEBRUARY 16, 2016

FROM: CITY MANAGER

SUBJECT: APPROVE LIBRARY ADVISORY COMMITTEE AGENDA FORMAT

RECOMMENDED ACTION: Approve agenda format.

DISCUSSION: Agendas for the Library Advisory Committee (Committee) meetings shall be prepared by the City staff representative in consultation with the City Manager. Following are the descriptions of agenda items for the Committee. The agenda shall be posted at least 72-hours prior to the meeting, unless specified "Special" then 24-hours prior to the meeting. The agenda is posted in the City Hall foyer and on the City's website. Following is a description of the agenda sections:

Roll Call: To open the meeting a roll call is taken. If a quorum is present (a simple majority of the advisory body) the Chair will call the meeting to order and announce that the meeting of the Library Advisory Committee will come to order." If a quorum is not present, the Chair announces, "As there is no quorum, a motion to adjourn is in order."

Presentations: This is the time when a presentation may be made to the Committee. Presentations are shorter informational items; no action may be taken. Such presentations must be scheduled through the Chair and City Manager for placement on the agenda. This category may be deleted from the agenda if there are no presentations to be made.

Additional Materials: Additional information submitted to the Committee after the distribution of the agenda packet. Copies of the additional material will be emailed to the Committee members and will be provided to each Committee member at the meeting.

Changes to the Agenda: Items may be deleted from the agenda upon request of staff or upon action of the Committee. The order of items on the agenda can be changed at this time to accommodate Committee members schedules or members of the public.

Oral Communications (or Public Comment): This is the time when members of the public may address the Committee on matters not on the posted agenda. No action or discussion may be taken on oral communication items. The Chair may announce and set time limits at the beginning of each agenda item. The Committee Members may not discuss Oral Communications to any significant degree, but may request issues raised be placed on a future agenda.

Report by Friends of the Capitola Library Chapter: This is a placeholder for a report from the Friends group to highlight activity or upcoming events. No action is taken on the Report by the Friends Chapter.

Report from Joint Powers Board: This is a placeholder for a report from the City's Library JPA Board member to update the group on recent actions, or regional library issues. No action is taken on the Report from Joint Powers Board.

LIBRARY ADVISORY COMMITTEE AGENDA REPORT — FEBRUARY 16, 2016
SUBJECT: APPROVE COMMITTEE AGENDA FORMAT

Committee / Staff Comments: Committee Members/Staff may comment on matters of a general nature or identify issues for staff response or future committee consideration. This is also the time members of the Committee may suggest items for future agendas.

Consent Calendar: All items listed in the Consent Calendar will be enacted by one motion. There will be no separate discussion on these items prior to the time the Committee votes on the action unless members of the public or the Committee request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Business.

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

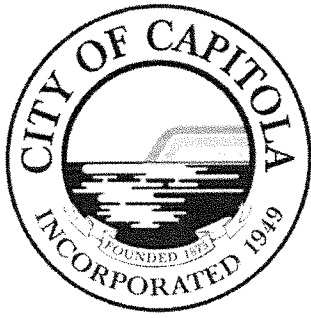
ATTACHMENTS:

1. Draft Library Advisory Committee Agenda Template

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager





**REGULAR MEETING CAPITOLA LIBRARY ADVISORY
COMMITTEE**

THURSDAY, _____, 2016

3:30 PM

**COMMUNITY ROOM
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

1. ROLL CALL

2. PRESENTATIONS

3. ADDITIONAL MATERIALS

Additional information submitted to the City after distribution of the agenda packet.

4. CHANGES TO AGENDA

5. ORAL COMMUNICATION

Oral Communications allows time for members of the Public to address the Committee 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 Communication. All speakers must address the entire Committee and will not be permitted to engage in dialogue. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

6. REPORT FROM FRIENDS OF THE CAPITOLA LIBRARY CHAPTER

7. REPORT FROM JOINT POWERS BOARD

8. COMMITTEE / STAFF COMMENTS

Library Advisory Members / Staff may comment on matters of a general nature or identify issues for staff response or future committee consideration.

9. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Committee votes on the action unless members of the public or the Committee request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

10. GENERAL BUSINESS

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

11. ADJOURNMENT

CAPITOLA LIBRARY ADVISORY COMMITTEE
_____, 2016

Adjourned to a Regular Meeting of the Library Advisory Committee to be held on Tuesday, April 16, 2016, at 3:30 p.m. at the Community Room located at 420 Capitola Avenue, Capitola.

Note: The Capitola Library Advisory Committee meets on the Tuesday every other month at 3:30 p.m. in the Community Room located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Capitola Library Advisory Committee Agenda is available on the City's website: www.cityofcapitola.org on Friday prior to the Tuesday meeting. If you need additional information please contact the City Clerk at (831) 475-7300.

Any person seeking to challenge a Committee 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 Committee, 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 Committee'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 Committee decision in court.

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 Committee 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.



LIBRARY ADVISORY COMMITTEE AGENDA REPORT

MEETING OF FEBRUARY 16, 2016

FROM: CITY MANAGER

SUBJECT: ANNUAL MEETING SCHEDULE FOR THE LIBRARY ADVISORY COMMITTEE

RECOMMENDED ACTION: Approve an Annual Meeting Schedule for the Library Advisory Committee.

DISCUSSION: The City's Library Advisory Committee meetings are proposed to be held on the third Tuesday bi-monthly at 3:30 p.m., with the exception of Tuesday, December 13th due to the Christmas holiday week. All meetings will be held in the Community Room located at 420 Capitola Avenue, Capitola.

ATTACHMENT:

1. Draft Schedule

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager



2016 CITY OF CAPITOLA

LIBRARY ADVISORY COMMITTEE MEETING DATES

MEETING DATE

Tuesday, February 16

Tuesday, April 19

Tuesday, June 21

Tuesday, August 16

Tuesday, October 18

Tuesday, December 13

All meetings will be held in the Community Room, located at 420 Capitola Avenue, Capitola, from 3:30 p.m. to 5:00 p.m., on the third Tuesday bi-monthly with the exception of the Tuesday, December 13th, meeting due to the Christmas holiday week.



LIBRARY ADVISORY COMMITTEE AGENDA REPORT

MEETING OF FEBRUARY 16, 2016

FROM: CITY MANAGER

SUBJECT: APPROVE LIBRARY ADVISORY COMMITTEE GUIDELINES

RECOMMENDED ACTION: Approve Committee Guidelines.

DISCUSSION: At the December 10, 2015, City Council meeting Resolution No. 4042 (Attachment 1) was adopted establishing the City's Library Advisory Committee (Committee) to provide advice and recommendations to the City Council, and City's representatives on the Santa Cruz Public Library System Board and Commission regarding library: services, facilities and budgetary issues, and to provide a local forum to receive community input regarding libraries.

In order to clearly establish what the Committees tasks are, and to whom the Committee is accountable staff has prepared the attached are draft Committee Guidelines for your review and adoption (Attachment 2).

ATTACHMENTS:

1. Resolution No. 4042
2. Draft Library Advisory Committee Guidelines

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager _____

RESOLUTION NO. 4042

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ESTABLISHING THE CITY OF CAPITOLA
LIBRARY ADVISORY COMMITTEE**

WHEREAS, The Capitola Branch Library is part of the Santa Cruz Public Library System; and

WHEREAS, The City of Capitola is working towards building a new public library in the City to replace the existing 4,320 square foot library, housed in a modular, temporary building which opened in 1999; and

WHEREAS, the City desires to establish a committee to advise the City Council, and City's representatives on the Santa Cruz Public Library System Board and Commission, on matters relating to library services; and

WHEREAS, it is the desire of the City Council to establish such a committee and to provide for its regular time and place of meeting and staff; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola as follows:

- Section 1. The Committee shall be called the City of Capitola Library Advisory Committee (Library Committee) and is hereby established.
- Section 2. The purpose of the Library Committee is to provide advice and recommendations to the City Council, and City's representatives on the Santa Cruz Public Library System Board and Commission regarding library: services, facilities and budgetary issues, and to provide a local forum to receive community input regarding libraries.
- Section 3. The Library Committee shall be comprised of seven (7) voting members, consisting of one City Council member and one (1) Library Commissioner appointed by the City Council, and (5) appointees from each of the City Council members, plus the City's representative on the Santa Cruz Public Library System Board who shall serve on the Committee as a nonvoting ex officio member.
- Section 4. The Library Committee members shall reside within the City of Capitola or within two miles of the Capitola Branch Library.
- Section 5. The regular meetings of the Library Committee will be held on a bi-monthly basis (once every two months). Special meetings may be scheduled as needed.
- Section 6: The City will provide staff support to the Library Committee as assigned by the City Manager. The assigned staff will be primarily responsible for assisting the Library Committee with the preparation of agendas and minutes, compilation of material for discussion at meetings and follow-up as necessary.
- Section 7: The appointed members of the Library Committee shall serve for one year terms. There shall be no limit to the number of consecutive terms a Committee member may serve.

8393

RESOLUTION NO. 4042

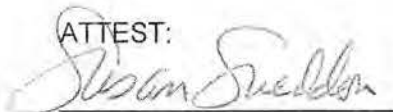
I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 10th day of December, 2015, by the following vote:

AYES: Council Members Bertrand, Harlan, Termini, Norton, and Mayor Bottorff
NOES: None
ABSENT: None
ABSTAIN: None



Ed Bottorff, Mayor

ATTEST:



Susan Sneddon, City Clerk

CMC



CAPITOLA LIBRARY ADVISORY COMMITTEE GUIDELINES

PURPOSE: The purpose of Capitola Library Advisory Committee (Committee) is to provide advice and recommendations to the City Council, and City's representatives on the Santa Cruz Public Library System Board and Commission regarding library: services, facilities and budgetary issues, and to provide a local forum to receive community input regarding libraries.

APPOINTMENTS, MEMBERSHIP AND ELIGIBILITY: The Committee shall be comprised of seven (7) voting members, consisting of one City Council member and one (1) Library Commissioner appointed by the City Council, and (5) appointees from each of the City Council members, plus the City's representative on the Santa Cruz Public Library System Board who shall serve on the Committee as a nonvoting ex officio member. The Committee members shall reside within the City of Capitola or within two miles of the Capitola Branch Library.

CHAIR AND VICE CHAIR: Pursuant to City's Board, Commission and Committee Guide each advisory body elects a Chair and a Vice Chair annually, generally at the first meeting held in a new calendar year. The Chair presides at all Committee meetings, and the Vice Chair presides in the Chair's absence. The Chair will start and end the Committee meeting on time, initiate and lead discussion, keep topics on track.

TERMS AND ATTENDANCE: The appointed members of the Committee shall serve for one year terms. There shall be no limit to the number of consecutive terms a Committee member may serve. The regular meetings of the Committee will be held on a bi-monthly basis (once every two months). Special meetings may be scheduled as needed. There shall be at least four (4) members present to hold a meeting and for business to be conducted.

PARLIAMENTARY PROCEDURE: The City Council adopted the "Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century," as the City's rules of order (Exhibit 1). These are designed to guide the discussion and decision-making process.

RALPH M. BROWN ACT: California Government Code § 54950 et. al. refers to the Ralph M. Brown Act (Act) (Exhibit 1). The Act guarantees the public's right to attend and participate in meetings of local legislative bodies. All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency. The Committee's Regular Meeting Agendas must be noticed and fully accessible to public and posted 72 hours ahead of the meeting; Special Meeting Agendas must be posted 24 hours ahead of the meeting. Action or discussion on any item not appearing on the posted agenda is generally prohibited.

STAFF SUPPORT: The City will provide staff support to the Committee as assigned by the City Manager. The assigned staff will be primarily responsible for assisting the Committee with the preparation of agendas and minutes, compilation of material for discussion at meetings and follow-up as necessary. In order to efficiently use staff time, information requested should come from the Committee rather than individual members.

EXHIBIT:

1. Ralph M. Brown Act Packet Guide

Brown Act

Govt. Code §§ 54950-54960.5

THE BASICS

Meetings of public bodies must be "open and public," actions may not be secret, and action taken in violation of open meetings laws may be voided. (§§ 54953(a), 54953(c), 54960.1(d))

WHO'S COVERED

- **Local agencies**, including counties, cities, school and special districts. (§ 54951)
- "**Legislative bodies**" of each agency, the agency's governing body, plus "covered boards," that is, any board, commission, committee, task force or other advisory body created by the agency, whether permanent or temporary. (§ 54952(b))
- Any **standing committee** of a covered board, regardless of number of members. (§ 54952(b))
- **Governing bodies of non-profit corporations formed by a public agency** or which includes a member of a covered board and receives public money from that board. (§ 54952(c))

WHO'S NOT COVERED

- **Ad hoc advisory committees** consisting of less than a quorum of the covered board (§54952(b))
- Most other **non-profit corporations**
- All **other government agencies**. State governmental agencies are covered by the Bagley-Keene Open Meeting Act. (Govt. Code §§ 11120-11132)

WHAT'S COVERED

A "meeting" is any gathering of a majority of the members of a covered board to hear, discuss, or deliberate on matters within the agency's or board's jurisdiction. (§ 54952.2(a))

Note: No vote or action is required for the gathering to be a meeting, nor must the members meet face to face. (§ 54952.2)

WHAT MUST HAPPEN

Under the Brown Act an agency must:

- **post notice and an agenda** for any regular meeting, (§§ 54954(a), 54954.2(a)); mail notice at least three days before regular meetings to those who request it, (§ 54954.1); post notice of continued meetings, (§54955.1); deliver notice of special meetings at least one day in advance to those who request it, (§ 54956); and deliver notice of emergency meetings at least one hour in advance to those who request it. (§§54956, 54956.5)
- **notify the media** of special or emergency meetings if requested, (§§ 54956, 54956.5); allow media to remain in meetings cleared due to public disturbance. (§54957.9)
- **hold meetings in the jurisdiction** of the agency except in limited circumstances, (§§ 54954(b)-(e)), and in places accessible to all, with no fee. (§ 54961(a))
- **not require a "sign in"** for anyone. (§54953.3)
- **allow non-disruptive recording** and broadcast of meetings, (§54953.5(a)), and let the public inspect any recording made by the agency of its open meetings. (§54953.5(b)) The agency may destroy recordings it made after 30 days. (§54954.3(b))
- **allow the public to address** the covered board at regular or committee meetings on any item in the agency's jurisdiction not addressed by the agency at an open earlier meeting. (§54954.3(a))
- **conduct only public votes**, with no secret ballots. (§54953(c))
- **treat documents as public** "without delay," if distributed to all or a majority of members of a board before or at the meeting, unless they are also exempt under the Public Records Act. (§54957.5)

Local Rules

Many local jurisdictions, including San Francisco, Contra Costa County, and Oakland, have adopted local "Sunshine" ordinances that grant greater access and openness. Check for local rules.

Other jurisdictions often have rules that *violate* the Brown Act. Challenge such rules or contact the agencies listed on this brochure.

WHAT IF . . .

- a council member is on a board of a non-profit corporation—is the board covered?
 - YES, if the council both appointed him or her to the board, and funds the corporation. (§54952(b),(c)(1))
- an agency delegates authority to another entity—is the entity covered?
 - YES, if it was created by the agency's elected body. (§§ 54952(b),(c)(1))
- a council committee meeting has less than a quorum—is it required to meet openly?
 - YES, if it is a standing committee and has either a set meeting schedule or a continuing subject matter jurisdiction. (§ 54952(b))
- members use individual contacts to collectively decide an issue—is that a violation?
 - YES, information communicated to a quorum through a series of contacts, individual phone calls ("daisy chain"), or a third person ("spoke and wheel") to evade the public is a "meeting" (§ 54952.2(b); 63 Ops.Atty.Gen. 820 (1980); Stockton Newspapers v. Stockton Redevelopment Agy., 171 Cal.App.3d 95 (1985); Common Cause v. Stirling, 147 Cal.App.3d 518 (1983).
- agency members attend a conference called by someone else—is this covered?
 - NO, so long as they do not discuss specific business matters within their jurisdiction (§ 54952.2(c))
- a meeting is held by video/teleconference.
 - YES, if the public's rights are protected. (§54953(b))
 - Every video/teleconference location must be accessible to the public, and at least a quorum of the members must participate from locations within the body's jurisdiction. (§ 54953(b))

CLOSED MEETINGS

Closed meetings are the exception and permitted only if they meet defined purposes and follow special requirements (§§ 54953(a), 54954.5, 54962).

EVEN AT CLOSED MEETINGS...

Special public notice and agenda requirements apply (§§ 54954, 54954.2, 54954.5, 54957.7).

All actions taken and all votes in closed session must be publicly reported orally or in writing (§ 54957.1(b)), and copies of any contracts or settlements approved must be made available promptly (§ 54957.1(b),(c)).

CLOSED MEETINGS MAY BE HELD FOR: Personnel

Only to discuss the appointment, employment, performance evaluation, discipline, complaints about or dismissal of a specific employee or potential employee (§ 54957). The employee may request a public meeting on any charges or complaints.

But closed sessions are **NOT ALLOWED** for discussing:

- general employment
- independent contractors not functioning as employees
- salaries
- the performance of any elected official, or member of the board
- the local agency's available funds
- funding priorities or budget

Pending Litigation

Only if open discussion "would prejudice the position of the agency in the litigation." The litigation must be named on the posted agenda or announced in open session unless doing so would jeopardize the board's ability to service process on an unserved party or conclude existing settlement negotiations to its advantage. (§4956.9)

To qualify, the agency must:

- be a party to pending litigation (§ 54956.9(a))
- or expect, based on certain specified facts, to be sued (§§ 54956.9(b)(1),(b)(2))
- or expect to file suit itself (§ 54956.9(c))

Labor Negotiations

Only to instruct the agency's identified negotiator on compensation issues (§ 54957.6). (Note: school districts are covered by the Rodda Act, Govt. Code §§ 3540-3549.3.)

Property Negotiations

Only to discuss, with an agency's identified bargaining agent, price or payment terms. The parcel, negotiators and the prospective seller or purchaser must be identified on the agenda. (§ 54956.8) Final price and payment terms must be disclosed when the actual lease or contract is discussed for approval. (§ 54957.1(a))

Others

License applications for people with criminal records (§54956.7); threats to public services or facilities; (§54957) insurance pooling (§54956.95).

WHAT TO DO IF:

A MEETING IS CLOSED THAT SHOULD BE OPEN

- Refuse to leave, and use this Guide to check the law, to protest, and to enforce all notice requirements.
- Leave only if ordered by law enforcement.
- Call your editor or lawyer at once.

AN ILLEGAL CLOSED MEETING HAS BEEN HELD

- Ask participants what happened, and get reports of actions taken and copies of contracts approved.
- Call FAP, SPJ or CFAC (phone numbers are on the cover of this Pocket Guide).
- Write a story or letter to the editor about it.
- Contact the District Attorney under § 4959, or take legal action under § 54960(a) against violations or a "gag rule" imposed on a body's members.
- A court may: (1) force the agency to make and preserve tapes of closed sessions (§ 54960(b)); (2) declare actions taken null and void (§ 54960.1(d)); (3) award costs and attorneys fees (§ 54960.5).

A POCKET GUIDE TO OPEN MEETING LAWS IN CALIFORNIA: THE BROWN ACT

A SERVICE OF:

**THE FIRST AMENDMENT PROJECT
SOCIETY OF PROFESSIONAL
JOURNALISTS (Nor. Cal.)**

HOW TO USE THIS GUIDE

This pocket guide is intended to be a quick reference and provide general information to journalists and citizens. It addresses some common public meetings problems, but does not substitute for research or consultation with a lawyer on detailed questions. This guide current as of December 3, 2003.

FOR MORE INFORMATION OR HELP:

FIRST AMENDMENT PROJECT.....510/208-7744
www.thefirstamendment.org

Society of Professional Journalists,
NORTHERN CALIFORNIA CHAPTER.....415/338-7434
www.spj.org/norcal

California First Amendment Coalition.....916/974-8888
www.cfac.org

*Funding provided by the Sigma Delta Chi Foundation
of the Society of Professional Journalists*



LIBRARY ADVISORY COMMITTEE AGENDA REPORT

MEETING OF FEBRUARY 16, 2016

FROM: CITY MANAGER

SUBJECT: SANTA CRUZ LIBRARIES TAX REVENUE BALLOT MEASURE UPDATE

RECOMMENDED ACTION: Receive an update regarding the Santa Cruz Libraries Tax Revenue Ballot Measure.

BACKGROUND: In 2013 Santa Cruz Public Libraries completed a report, the *Facilities Master Plan: 2014-2023*. That report called for significant investment in libraries to meet existing maintenance needs and to upgrade the region's libraries to modern standards. The costs discussed in the Master Facilities Plan ranged from a total of \$62.9 to \$83 million.

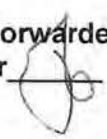
Additional funding for libraries is particularly important in Capitola as our local branch library is undersized and currently housed in a 16-year old temporary modular building. In addition, the City entered an agreement in 2004 with Santa Cruz County that committed the City to building a 7,000+ square foot permanent home for the Capitola branch, and set aside \$2.6 million in funding for the project. While the City has fully funded the \$2.6 million commitment outlined in the County agreement, additional funding will be necessary to build a new library that meets modern standards.

DISCUSSION: Over the last several years Capitola representatives have met with other local jurisdictions to discuss: the size of the potential funding measure, the appropriate division of those proceeds, and the timing of such measure. Last week the cities, in concert with the County, took one of the final steps to place a bond measure on the June 2016 ballot.

The proposed measure has been sized to net \$62 million in bond proceeds, of which Capitola would receive \$8 million to build a permanent home for the Capitola Branch Library. This \$8 million would augment the \$2.6 million the City has already set aside to build its new library bringing the total project budget to approximately \$10.6 million.

To generate \$62 million in bond proceeds, voters will be asked to consider an approximately \$49 annual parcel tax on residential units. Commercial properties would be taxed at approximately \$86 annually.

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager 



LIBRARY ADVISORY COMMITTEE AGENDA REPORT

MEETING OF FEBRUARY 16, 2016

FROM: CITY MANAGER

SUBJECT: CAPITOLA BRANCH LIBRARY BIRTHDAY EVENT

RECOMMENDED ACTION: Receive report and discuss the Capitola Library Birthday Event.

DISCUSSION: Planning has been initiated for the Capitola Branch Library's 16th Birthday Celebration. The purpose of this item is to review details and determine what role this Committee may have in the birthday event.

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager

A handwritten signature in black ink, appearing to be "JG", is written over the text "By City Manager".