

RESOLUTION NO. 2015-047

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AMENDING THE CITY COUNCIL PROTOCOLS

WHEREAS, on October 28, 2008, the City Council adopted Council Protocols establishing procedural rules for the conduct of City Council meetings and Council business. On September 14, 2010, the City Council amended the Council Protocols; and

WHEREAS, the City Council wishes to revise and update its City Council Protocols by adopting and approving, by resolution, the attached revised Council Protocols.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park hereby adopts the revised Council Protocols attached hereto as Exhibit "A."

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 10th day of March, 2015.



CITY OF ROHNERT PARK

Amy O. Ahanotu, Mayor

ATTEST:

JoAnne Buerger, City Clerk

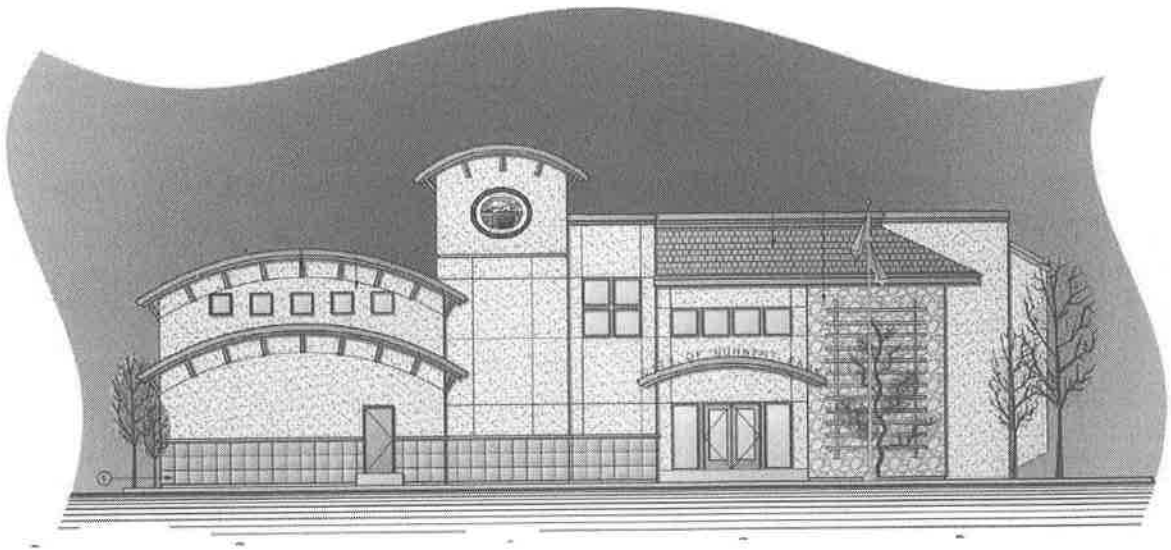
Attachment: Exhibit A

CALLINAN: AYE MACKENZIE: AYE STAFFORD: AYE BELFORTE: AYE AHANOTU: AYE
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

Exhibit A

DRAFT

City Council P R O T O C O L S



City of Rohnert Park • March 2015

Adopted 10/28/2008 by Reso. No. 2008-173

Amended 9/14/2010 by Reso. No. 2010-109

Amended 3/xx/2015 by Reso. No. 2015-xxx

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ROHNERT PARK CITY COUNCIL PROTOCOLS

I. COUNCIL MEETINGS

A. Regular Meetings

Regular Meetings of the Council will be held the second and fourth Tuesdays of each month commencing at 5:00 p.m. in the City Council Chamber, Rohnert Park City Hall, 130 Avram Avenue, Rohnert Park, California (Resolution 2010-47).

1. Other Locations

The Council may, from time to time, elect to meet at other locations within the City and upon such election will give public notice of the change of location in accordance with provisions of the Government Code.

2. Location during Local Emergency

If, by reason of fire, flood or other emergency, it will be unsafe to meet in the City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Vice Mayor or City Manager.

3. Canceled Meetings

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day will be deemed canceled unless otherwise provided by the Council. The Council must meet regularly, however, at least once each month.

B. Special Meetings and Emergency Meetings

Special meetings and emergency meetings of the Council may be called and held from time to time pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code sections 54950, et seq.).

C. Adjourned Meetings

The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code sections 54950, et seq.).

D. Study/Work Session

The Council may meet in a study/work session at such times or at such places as may be determined by the Council. Study/Work Sessions are less formal and for the purpose of hearing reports from the staff, receiving public comment, and reviewing, discussing and debating matters of interest to the City. These sessions will be noticed as provided by law and open to the public and the press. No official action may be taken at a study session. However, Council may refer the item to staff with specific requests for information or provide specific direction to

staff. During study/work sessions, Councilmembers may ask questions of staff. For those questions that staff cannot immediately answer, responses will be provided for the Council in writing or at a future Council meeting.

E. Closed Sessions

Consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.), the Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.

1. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions.
2. The general subject matter for consideration will be expressed in an open meeting before such session is held.
3. Councilmembers may not reveal the nature of discussion or the decision from a closed session unless required by law or unless a majority of the Council agrees in closed session to disclose confidential closed session information, except that the Council must unanimously agree to divulge any confidential closed session information that is attorney/client privileged communications.

F. Cancellation of Regular Meetings

Any meeting of the Council may be canceled in advance by a majority vote of the Council.

G. Quorum

A majority of the Council will constitute a quorum, but a lesser number may adjourn a meeting. If all Councilmembers are absent the clerk may declare the meeting adjourned to a stated time and place and shall post a notice of adjournment within 24 hours.

H. Presiding Officer

The Mayor will preside over all Council meetings. The Mayor will have authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council.

1. Absence of Mayor

The Vice Mayor will act as Mayor in the absence or disability of the Mayor.

2. Mayor and Vice Mayor Absence

When the Mayor and the Vice Mayor are absent from any meeting of the Council, the members present may choose another member to act as Mayor pro tem, and that person will, for the time being, have the powers of the Mayor.

3. Election of Council Officers

The Mayor and Vice Mayor will be elected by three (3) affirmative votes of the City Council. In years when members of the City Council are to be elected, the City Council shall consider the election of a Mayor and Vice Mayor for one (1) year terms at the first regular meeting after certification of the general election results has been received by the City. In years when no members of the City Council are to be elected, the City Council shall consider the election of the Mayor and Vice Mayor for one (1) year terms at the second regular meeting in November of each year or no later than the succeeding meeting.

I. Attendance by the Public

Except as specifically provided by law for closed sessions, all meetings of the Council will be open and public in accordance with the terms, provisions and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

J. Agenda Packets

The City Council agenda packet, including all reports, communications, ordinances, resolutions, contracts, documents, or other matters to be considered by the City Council at the regular meeting, will be delivered to members of the City Council no later than the Thursday preceding the Tuesday Council meeting to which the agenda packet pertains. Friday delivery is allowed with City Manager approval. The agenda packet will be made available for public inspection upon its distribution to the City Council. Any writings or documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will also be made available for public inspection at City Hall during normal business hours.

K. Action Minutes

Minutes of Council meetings will be action minutes. Action minutes will include final motions and will note for the record how each Councilmember voted. The minutes will also reflect the names of public speakers. Council and staff discussion and comments will not be included in the minutes. The City Clerk will have exclusive responsibility for preparation of the minutes and directions for corrections to the minutes will be made only by majority vote of the City Council.

1. Written Comments for the Record

Written comments by a Councilmember may be read "for the record" and submitted to the City Clerk to be placed on file with archives of agenda items and, if requested, attached to the original set of minutes.

2. Reading of the Minutes

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, the minutes may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy.

3. Approval of Minutes

Minutes of meetings are generally submitted to the Council within two weeks for approval.

4. Recordings of Meetings

Digital recordings of proceedings are maintained by the City Clerk for a period of at least two years.

II. ORDER OF BUSINESS

A. General Order

The business of the Council at its meetings will generally be conducted in accordance with the order of business as listed on the agenda. The Mayor may, with a majority vote of the Council, reorder items on the agenda to accommodate the public or to address other concerns. A closed session may be held at any time during a meeting consistent with applicable law.

B. Presentations/Proclamations

All presentations will be calendared through the City Clerk in coordination with the Mayor and City Manager and will be limited to a time period not to exceed 15 minutes cumulative for all presentations at each Council meeting, unless Council votes to extend the time.

C. Consent Calendar

The Consent Calendar items are routine matters or non-controversial issues. All items on the Consent Calendar will be considered together by one action unless any Councilmember or anyone else interested in a consent calendar item requests that the item be pulled from the Consent Calendar.

Members of the public may comment on consent items prior to the Council's consideration of the consent agenda. Agenda items pulled from the Consent Calendar by Councilmembers, members of the public, or staff will be considered at the beginning of the Action Items section of the agenda. A Councilmember may vote "no" or "abstain" on any consent item without comment or discussion.

D. Action Agenda Items

In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

E. Council Committee and Other Reports

This time is set aside to allow members of the Council serving on Council committees and regional boards, commissions or committees to present a verbal report to the full Council on activities of the respective commissions, committees or boards upon which they serve. Only the meetings of those Council committees,

liaisons, commissions, committees, and boards which are appointed by the Council may be listed on the agenda. No action may be taken by the Council on these reports unless an exception is made as permitted consistent with the Ralph M. Brown Act (Government Code sections 54950, et seq.).

F. Communications

Correspondence need not be read aloud at a Council meeting unless requested by a majority vote of the Council.

1. On an Item on the Agenda

Any person may submit written comments to the Council through the City Clerk or other City offices, and request that members of the Council receive copies of such materials in the agenda packet, provided that such materials are received in sufficient time to be included for distribution in the agenda packet. Otherwise, such materials shall be distributed prior to or at the meeting during which the subject matter will be considered.

2. On a non-Agenda Item

Councilmembers desiring to read or discuss any communication received on any matter not on the agenda may do so. No action may be taken except to place a particular item on a future agenda for Council consideration or as otherwise permitted by applicable law.

G. Matters from/for Council

1. Any member of the City Council may place an Item on "Matters from/for Council" before the City Council meeting by providing the City Manager with the title of the item before the agenda is published. The purpose of the City Council discussion on such item will be to determine whether it will be placed on a subsequent agenda for deliberation and action. A concurrence of two Councilmembers will be sufficient to add the item on a subsequent agenda.
2. The City Manager may place an item on the agenda under "Matters from/for Council" with the purpose of providing the City Council an opportunity to discuss, deliberate, and take action.
3. An item may not be added under "Matters from/for Council" at the City Council meeting except as permitted consistent with the Ralph M. Brown Act (Government Code Sections 54950, et seq.).

H. Standard Adjournment

The City Council will not hear any new agenda items past 11:00 p.m. without a majority vote of the City Council. If agenda items remain after 11:00 p.m., City Council may extend the meeting with a majority vote, a special meeting may be scheduled, or the items may be deferred until the next meeting.

III. RULES OF CONDUCT

A. Rosenberg's Rules of Order

Except as provided herein, other rules adopted by the City Council and applicable provisions of state law, the procedures of the City Council will be governed by the latest revised edition of *Rosenberg's Rules of Order*. Rosenberg's Rules are appended herein for reference.

B. Powers and Duties of Presiding Officer of City Council

1. Participation

The presiding officer may move, second, debate, and vote from the chair.

2. Seating Arrangement for City Council

The presiding officer will, following each Council election of officers and at such other time as the presiding officer deems it necessary, establish the seating arrangement of the members of the Council. The Vice Mayor will always be seated immediately next to the Mayor.

3. Question to Be Stated

The presiding officer or such member of the city staff as he/she may designate will verbally restate each question immediately prior to calling for the vote. The presiding officer in his/her discretion may publicly explain the effect of a vote for the audience, or he/she may direct a member of the city staff to do so before proceeding to the next item of business.

4. Signing of Documents

The presiding officer will sign all ordinances, resolutions, contracts, and other documents necessitating his/her signature, which were adopted, unless he/she is unavailable in which case the signature of an alternate presiding officer may be used.

5. Sworn Testimony and Subpoenas

Pursuant to California Government Code section 40603 the presiding officer will have the power to administer oaths and affirmations, take affidavits and certify them under his/her hand. In addition and pursuant to Government Code section 37104, the City Council may issue subpoenas to require attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before the Council. The form of oaths administered by the presiding officer will be substantially in the following form:

Name of affiant.

"I hereby declare or affirm under penalty of perjury that the testimony I am about to give before the City Council is the truth."

C. Rules of Decorum

1. Councilmembers

While the Council is in session, Councilmembers will preserve order and decorum, and a member will neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb a member while speaking or refuse to obey the orders of the presiding officer.

2. Use of Electronic Devices

While the Council is in session, to satisfy due process requirements, Councilmembers shall give their sole attention to the proceedings and shall refrain from using electronic devices such as computers, cell phones, pagers, PDAs and other electronic devices for the purpose of sending or receiving external communication unless an emergency or extraordinary circumstance exists. Councilmembers are permitted to use laptop computers and other electronic devices such as iPads to access electronic agenda packets while in session.

3. Staff

Members of the City staff and employees will observe the same rules of order and decorum applicable to the City Council.

4. Conduct of Speakers

No person shall use loud, profane, threatening, or personally abusive language, or engage in any other disorderly conduct so as to disrupt, disturb or otherwise impede the orderly conduct of any Council meeting. Persons who violate this rule may be barred from attendance for the remainder of the Council meeting, provided that the Mayor has notified the person to conduct himself/herself in a manner consistent with this rule, and warned the person that he/she will be removed if he/she continues to disrupt the Council meeting. If after notification and warning the person persists in disrupting the meeting, the Mayor shall order the person to leave the Council meeting. If the person does not remove himself/herself, the Mayor may request any law enforcement officer who is on duty at the meeting to remove that person from the Council Chamber.

D. Rules of Debate

1. Getting the Floor

Every Councilmember desiring to speak will first address the presiding officer, gain recognition by the presiding officer, and will confine himself/herself to the question under debate, avoiding personalities and indecorous language.

2. Questions to Staff

Every Councilmember desiring to question the City staff will, after recognition by the presiding officer, address his/her questions to the City

Manager, the City Attorney, or the City Clerk, who will either answer the inquiry or designate a member of his/her staff for that purpose.

3. Interruptions

A Councilmember, once recognized, will not be interrupted when speaking unless called to order by the presiding officer, unless a point of order or personal privilege is raised by another Councilmember or unless the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, he/she will cease speaking until the question of order is determined and, if determined to be in order, he/she may proceed. Members of the City staff after recognition by the presiding officer will hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

4. Points of Order

The presiding officer will determine all points of order subject to the right of any Councilmember to appeal to the Council. If an appeal is taken, the question will be, "Will the decision of the presiding officer be sustained?" A majority vote of the Council conclusively determines the question of order.

5. Point of Personal Privilege

The right of a Councilmember to address the Council on a question of personal privilege is limited to cases in which his/her integrity, character or motives are questioned or where the welfare of the Council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor only if the presiding officer recognizes the privilege.

6. Limitation of Debate

No Councilmember will be allowed to speak more than once upon a particular subject until every other Councilmember desiring to do so has spoken.

E. Motions – Second Required

A motion by a member of the Council, including the presiding officer, may not be discussed or acted on without receiving a second.

F. Preparation of Documents – Approval

1. The City Attorney will prepare or approve all ordinances. No ordinance will be prepared for presentation to the Council unless ordered by a majority vote of the Council or requested by the Mayor or City Manager or prepared by the City Attorney on his/her own initiative.
2. All ordinances, resolutions and contract documents will, before presentation to the Council, be approved as to form by the City Attorney and examined and approved for administration by the City Manager or his representative.

G. Reading of Ordinances and Resolutions

Motions offering ordinances or resolutions are deemed to include waiver of full reading and title of the ordinance or resolution unless otherwise specifically stated. If a Councilmember so requests the ordinance or resolution will be read in full. Ordinances that have been introduced by unanimous vote of the Council may be placed on the consent calendar and adopted by a roll call vote for consent calendar approval.

H. Required Votes

Three affirmative votes are required for (1) ordinances, (2) resolutions, (3) payment of money, (4) Commission, Committee, Board, and other appointment removals, or (5) City Council election of Mayor and Vice Mayor.

I. Voting Procedure

“Majority Vote” refers to the majority of the quorum. “Majority Vote of the Membership” refers to a majority of the total membership. A four-fifths (4/5) Vote of the Council is 4/5 of the quorum. “Super-majority Vote” refers to 4/5 of the Membership.

A vote of the Council, including a roll call vote, may be registered by the members by answering “Yes” or “Aye” for an affirmative vote or “No” or “Nay” for a negative vote. The action taken must be publicly announced, reporting the vote or abstention of each Councilmember present, as required by the Ralph M. Brown Act (Government Code Sections 54950, et seq.).

J. Disqualification for Conflict of Interest

Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest will publicly state or have the presiding officer state the nature of the disqualification in open meeting. Where no clear disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Councilmember affected, be decided by the other Councilmembers. A Councilmember who is disqualified by reason of a conflict of interest in any matter may not remain in his/her seat during the debate and vote on the matter, but will request and be given the permission of the presiding officer to step down from the dais and leave the Chamber during discussion and action on the matter. A Councilmember stating disqualification will not be counted as a part of a quorum and will be considered absent for the purpose of determining the outcome of a vote on the matter.

K. Failure to Vote and Abstention

Every Councilmember is encouraged to vote unless disqualified by reason of a conflict of interest. A Councilmember who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon.

L. Tie Vote

Tie votes will be lost motions and may be reconsidered at a subsequent meeting upon a motion passed by the Council to reconsider the item at a subsequent meeting.

M. Changing Vote

A member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the presiding officer and prior to the time that the next item in the order of business is taken up. A Councilmember who publicly announces that he/she is abstaining from voting on a particular matter may not subsequently withdraw his/her abstention.

N. Reconsideration

A motion to reconsider action taken by the Council may be made only on the day the action was taken. It may be made either immediately during the same session or at a recessed or adjourned session. The motion may be made only by one of the Councilmembers who voted with the prevailing side. This does not prevent a Councilmember from making or remaking the same or any other motion at a subsequent meeting of the Council.

O. Teleconferencing

Any Councilmember who participates by teleconference will take all necessary steps to comply with the provisions of the Brown Act related to teleconferencing. All votes taken during a teleconferenced meeting must be by roll call.

IV. PUBLIC HEARINGS

A. Noticed public hearings and appeals may not begin prior to 6:00 pm (Resolution 2010-47).

B. General Procedure

The Council procedure for the conduct of public hearings is generally as follows:

1. Staff presents its report.
3. Councilmembers may ask questions of staff if they so desire.
4. The Mayor opens the public hearing. See Section V.C for comment time limits.
5. The applicant then has the opportunity to present comments, testimony, or arguments. However, in the case of an appeal when the appellant is different from the applicant, the appellant should be called upon first to provide comments or testimony followed by comments by the applicant.
6. Members of the public are provided with the opportunity to present their comments, testimony or argument.
7. The applicant is given an opportunity for rebuttal or concluding comments. However, in the case of an appeal when the appellant is different from the applicant, the appellant should be called upon first to provide closing comments followed by the applicant.

8. The public hearing is closed.
9. The Council deliberates on the issue.
10. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
11. The Council deliberates and takes action.
12. The Mayor announces the final decision of the Council.

C. Time for Consideration

Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.

D. Continuance of Hearings

Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.

E. Public Discussion at Hearings

When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor will inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter.

1. Public Member Request to Speak

Persons wishing to speak or present evidence during Public Hearings should submit a speaker card to the City Clerk in a timely fashion. Speakers will be called by the Mayor in the order by which they submit speaker cards. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented. A member of the public may only address the Council upon recognition by the Mayor.

2. Council Questions of Speakers

Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speaker will be limited to a question or questions, rather than an ongoing dialogue. Councilmembers should avoid raising questions as a method to extend the allocated time for a speaker.

3. Due Process

The Mayor will conduct the meeting in such a manner as to afford due process.

4. Public Oral Presentations

All Council rules pertaining to oral presentation by members of the public apply during public hearings.

5. Materials for Public Record

All persons interested in the matter being heard by the Council will be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the Clerk's record of the hearing, unless otherwise directed. Where the Council is acting as an adjudicatory or fact-finding body, all documentary evidence must be submitted at least five (5) days before the applicable hearing to enable adequate consideration of the evidence.

6. Germane Comments

No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance will be made by the Mayor, but may be appealed to the full Council.

F. Communications and Petitions

Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full will take place if requested by any member of the Council.

G. Admissible Evidence

Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

V. ADDRESSING THE CITY COUNCIL

A. Staff Presentations

Staff presentations will be limited to 10 minutes. Longer staff presentations must be approved by the City Manager prior to the Council meeting.

B. Public Comments on Non-agenda Items

In compliance with the Ralph M. Brown Act (Government Code Section 54950, et seq.), Public Comments is that portion of City Council meetings set aside for members of the public to address the City Council on items within the subject matter jurisdiction of the City of Rohnert Park that are not otherwise scheduled as a regular agenda item on the City Council agenda. Any person wishing to address the City Council on an item that is scheduled on the City Council agenda will be encouraged to make comments during the discussion of that agenda item. Although not required by law, Public Comment may be allowed at a special meeting when set forth on the special meeting agenda.

1. Timing

Public Comments are scheduled at the beginning of each Regular Council meeting just prior to the Consent Calendar and at the end of each Regular Council meeting just prior to adjournment, as specified on the City Council agenda. The first Public Comments period is limited to no more than thirty (30) minutes total for all speakers, with each speaker given no more than three (3) minutes. If there are more than ten (10) Public Comments speakers, the presiding officer will be authorized to establish a different time limit for public comments and/or defer speakers to the Public Comments period just prior to adjournment in order to allow equal access for all those wishing to address the City Council.

2. Speaker Cards

Persons wishing to speak during Public Comments should submit a speaker card to the City Clerk in a timely fashion. Speakers will be called by the Mayor in the order by which they submit speaker cards. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.

3. Council Deliberations Prohibited

In compliance with the Brown Act, the Council may not deliberate or vote on any matter raised during Public Comments. However, the Council may request further action in accordance with the Brown Act.

4. Council Interaction with Public

Questions during Public Comments, if any, should be directed to the Mayor who will determine whether, or in what manner, an answer will be provided. If a Councilmember believes that a material misstatement of fact has been made by a person during Public Comments, the Councilmember may ask the City Manager or City Attorney to correct or otherwise clarify the matter or the Councilmember may provide a direct response at that time. If an immediate response is not possible, correction or clarification will be provided at the next regular meeting of the Council.

C. Public Comments on Agenda Items

The Mayor may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

1. Members of the Public

Any member of the public wishing to address the Council orally on City business matters appearing on the Council agenda may do so when that item is taken up by the Council, or as otherwise specified by the Mayor. Speakers will be limited to three (3) minutes unless altered as provided for herein, and this time limit is inclusive of oral and visual presentations.

2. Project Applicant or Appellant

The project applicant, appellant or other person or entity with a substantial direct property interest, or his/her representative will have a total of 15 minutes for his/her presentations. The initial comments or presentation will be limited to ten (10) minutes and the rebuttal or concluding comments will be limited to five (5) minutes.

All other persons wishing to speak on the matter will be limited to three (3) minutes unless changed by City Council action. Speaker time limits are inclusive of oral and visual presentations and will constitute the cumulative three-minute time limit for each speaker for the meeting. The Mayor, with majority vote of the Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.;

3. Other Agencies/Entities/Organizations

Presentations will be limited to 10 minutes unless a request for a longer presentation is approved by the City Manager prior to the Council Meeting.

4. Presentation Submitted in Writing

Persons who anticipate oral presentations exceeding five (5) minutes are encouraged to submit comments in writing at the earliest possible time for distribution to the Council and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to ensure distribution to the Council prior to the meeting.

D. Power Point Presentations

Members of the public, other agencies, entities, and organizations may present a PowerPoint software presentation to the Council utilizing the City's audio/visual equipment.

1. All PowerPoint presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.
2. Each slide of the PowerPoint presentation must identify that this is the "Personal Comments of Private Citizen [first and last name]."
3. All Power Point presentations must be contained on a CD or flash drive that is already formatted in PowerPoint and compatible with City equipment. All presentations must be submitted to the City Clerk no later than noon on the business day before the Council meeting to allow for computer virus checks and compatibility with City equipment.
4. Any electronic media submitted that is thought to contain computer viruses or is unable to be scanned for computer viruses by City equipment will not be permitted to be used.

5. If compatibility or computer viruses are at issue, a member of the public may provide a printed hard copy of the PowerPoint presentation to be scanned and projected onto the screen via the visual projector during his/her presentation.

E. Comments in Writing Encouraged

Members of the public may submit, and are encouraged to submit, comments in writing to the City Council relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as allowed under the Brown Act the City Council in its judgment may deem appropriate.

F. Comment Cards

Speaker cards may also be used as comment cards by members of the public who do not wish to or cannot verbally address the Council during a meeting. A person may indicate his/her comments and opposition or support for an agenda item on a speaker/comment card. During the public testimony of the item, the Mayor will indicate that the Council has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue. The minutes will reflect the Council's receipt of comment cards in opposition and support of the project or issue.

G. Repetitious or Dilatory Comments Prohibited

A speaker will not present the same or substantially same items or arguments to the Council repeatedly or be repetitious or dilatory in presenting his/her oral comments. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of persons wishes to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. The time allocation for a designated spokesperson may be altered as provided herein.

H. Waiver of Rules

Any of the foregoing rules may be waived by majority vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

I. Non Exclusive Rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

VI. COMMUNITY RELATIONS AND POLICIES

A. Mayor to Act as Council Ceremonial Representative

The Mayor has been delegated the responsibility to act as the City Council's ceremonial representative at public events and functions. In the Mayor's absence, the Vice Mayor assumes this responsibility. In both the Mayor and Vice Mayor's absence, the Mayor will appoint another Councilmember to assume this responsibility.

B. Honoring Residents and Other Worthy Persons

It is the policy of the City Council to honor people and organizations who have contributed to the improvement or to the welfare of the City. Recommendations may be made by citizens to an appropriate commission, board, or committee or directly to the City Council. The Council may request the advice of a commission, board or committee to determine merit or, if desirable, to hold a public hearing prior to a formal dedication. Recognition may also be given to individuals for their personal achievement or for enhancing the image of the City. The accolades could include awards, certificates, resolutions or proclamations. In addition, perpetual plaques or awards can be bestowed on individuals.

If any commissioner, board member, committee member, Councilmember, or citizen requests an accolade, the following procedure should be followed:

1. Incoming requests for a proclamation or resolution to be presented at an event or Council meeting are provided to the Mayor for approval. All requests are provided in writing four (4) weeks prior to event/Council meeting date and should include a draft proclamation or resolution. Content may be changed after submission at the discretion of the City Manager. Once the Mayor approves the request, the proclamation or resolution is either scheduled at an upcoming Council meeting, presented at an event or is picked up/mailed. In the event that the Mayor is unable to attend an event, the Vice Mayor or a Councilmember will attend on behalf of the Council.
2. If a request for a proclamation or resolution is submitted with little verbiage, the requestor should be contacted and advised that a certificate of recognition is more appropriate for the occasion.
3. If a request for a proclamation or resolution is submitted where the subject matter is questionable as to its appropriateness, the Mayor will place the item on the agenda for Council consideration.
4. If a request for a perpetual plaque or award is submitted, the request will be directed to the appropriate commission, board, or committee for consideration and recommendation to the Council.
5. If a request for dedication of a municipal building, room, or facility, is submitted, the request will be directed to the appropriate commission, board

or committee for public hearing. If after the public hearing the commission, board or committee recommends dedication to the Council, the Council will hold a public hearing prior to taking action on the dedication request.

C. Councilmember Participation in Community Activities

From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Councilmember as its representative for the matter.

D. Ethics

The City Council is committed to conducting business ethically and to follow all state and local regulations, including the Political Reform Act and the Ralph M. Brown Act. The City has adopted a Code of Ethics by resolution appended herein for reference.

F. Expense Reimbursement

Pursuant to Government Code section 53232, et seq., the City Council Expense Reimbursement Policy provides guidance to elected and appointed officials on the use and expenditure of City resources and sets the standard of how those expenditures will be measured. The City Council Expense Reimbursement Policy is approved by the City Council via resolution and shall be appended herein for reference. Councilmembers shall refer to and adhere to the terms and conditions of the current City Council Expense Reimbursement Policy when incurring expenses using City resources. City Council Expense Reimbursement Policy is appended herein for reference.

1. Quarterly Expenditure Reports

A quarterly report of funds expended for each Councilmember for City business will be provided to the Council on the consent calendar of a regular meeting. The report will generally be provided to the Council within 30 days of the end of each quarter.

2. Other Expenditure Reports

Per Government Code Section 53232.3(b), Councilmembers shall provide brief reports on meetings attended at the expense of the City at the next regular meeting of the legislative body.

VII. COUNCILMEMBER ADMINISTRATIVE SUPPORT

A. Council Mail & Correspondence

When incoming mail is received addressed to a Councilmember, it is opened by staff. Mail marked “personal” or “confidential” will be provided to the Councilmember unopened.

All Council member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not an individual Council member’s position. All Council member correspondence using City resources will be copied to the full Council. For example, responses to citizen letters will be copied to the full Council along with the original citizen correspondence.

1. If a Councilmember desires staff action regarding individually received mail, such as having it listed on the agenda or requesting a response from staff, the Councilmember shall submit the request to the City Manager.
2. When appropriate, the Mayor shall make representations on behalf of the entire Council as provided at a council meeting, and will sign any letters representing the position of the full City Council.
3. City Councilmembers shall avoid using City letterhead or other City resources when an objective person could construe that to do so would create the appearance of:
 - a. Using public office for personal gain or to promote personal business
 - b. Giving preferential treatment to any person or group
 - c. Impeding governmental responsiveness or efficiency
4. Types of Correspondence
 - a. General Correspondence (Non-Agenda Items)

If the correspondence relates to a City matter not on a forthcoming agenda, it is routed by the City Manager to the appropriate Department Head or staff member who may draft a response with copies to Councilmembers and appropriate staff members.
 - b. City Council Meeting/Agenda-Related Correspondence

If the correspondence relates to an item on a forthcoming City Council meeting agenda, it is provided to the City Clerk for inclusion in the Council packet for that business item and copied to the City Manager and appropriate staff members.
 - c. Personal Correspondence

Upon request, City Councilmembers will be provided individual stationery and envelopes for use in communications reflecting their personal positions, not the position of the full Council. These communications

(including e-mail responses) will be prepared by and sent at the expense of individual Councilmembers. Council Members may utilize the City's outgoing mail service; however, postage will be at the Councilmember's expense. Personal correspondence to or from Councilmembers do not require listing on the City Council agenda.

d. Correspondence Responding to Proposed State or Federal Legislation

In responding to correspondence from the City to State or Federal government representatives regarding proposed State or Federal legislation, the following process will be followed:

1. On longer-term policy issues as time permits:

- a. The proposed legislation, along with a draft letter for the Mayor's signature, will be placed on an upcoming City Council agenda for consideration by the full Council.
- b. After a majority vote of the Council, staff will send the letter to the appropriate State or Federal representatives.
- c. At a City Council meeting, a City Councilmember may suggest that the City take a position on a proposed State or Federal legislative matter and, with a majority vote of the Council, the letter will be prepared and sent.

2. On matters of urgency, when there is insufficient time for the above process:

- a. If the proposed legislation is considered extremely beneficial or extremely detrimental to the City's interests, and after consultation between the Mayor and City Manager, a letter may be prepared immediately for the Mayor's signature, with copies being provided to the whole Council.
- b. This procedure is particularly appropriate if the City's position is similar or identical to a past City position on this matter and/or is consistent with the position taken by the League of California Cities.

e. Correspondence Related to Mayors' & Councilmembers' Association and City Selection Committee 'Letters of Interest'

Upon request by City Councilmembers, full administrative support, including the use of letterhead, will be provided for use in submitting 'Letters of Interest' for appointment to the various committees/boards associated with the Mayors' & Councilmembers Association and City Selection Committee assignments. Administrative support shall include

the distribution of these communications as required to meet submission deadlines.

B. Master Calendar

A master calendar of Council events, functions or meetings will be provided to the full Council. Functions, events or meetings to be attended by individual Councilmembers will only be included on the master calendar at the request of individual Councilmembers.

C. Requests for Research or Information

Councilmembers may request information or research from staff or the City Attorney on a given topic directly when it is anticipated that the request can be completed by staff or the City Attorney in less than an hour. Councilmember requests for research or information that are anticipated to take staff more than one hour to complete should be directed to the City Manager. Requests for legal review that are anticipated to take more than one hour to complete shall be directed to the Council for Consideration during a council meeting. Requests for new information or policy direction will be brought to the full Council at a regular meeting for consideration.

D. Council Notification of Significant Incidents

To ensure the City Council is aware of significant public safety incidents, the following incidents will be briefed to the City Council by the City Manager or the Director of Public Safety:

1. Major injury or death of a City employee, an employee's immediate family member, or a prisoner in custody by the Department of Public Safety
2. Officer-involved shooting
3. Traffic collision involving a City vehicle resulting in a serious injury requiring hospitalization
4. Hostage or barricaded subject
5. Riot or other major disturbance (e.g., violent protest)
6. City participation in disaster response to other jurisdictions (e.g., strike teams sent to the San Diego fires)
7. Homicide or any unusual event leading to death
8. Major fire resulting in the loss of a structure
9. Assault where the victim may expire
10. Robbery with serious injury
11. Major sex crime with bodily injury
12. Kidnapping
13. A substantial school-related incident
14. Felony arrest of any City employee, or political figure

15. Any event resulting in substantial media coverage (e.g., discovery of improperly stored bodies by funeral home)
16. Any Public Safety event involving an elected official, City Manager, department head that comes to the attention of the Department of Public Safety
17. Activation of the City's Emergency Operations Center

Requirements in existing law (e.g., juvenile information, notification of immediate family members) or the need to protect crime victims may restrict the ability to provide information. This policy is not intended to circumvent legal limits to law enforcement restricted information. In cases where incidents not requiring Council action occur during the hours of 9:00 p.m. through 8:00 a.m., Councilmembers will be contacted the next morning or shortly thereafter.

VIII. LIAISON ASSIGNMENTS

The Mayor assigns liaisons to various outside agencies, committees, commissions, boards, and taskforces.

1. Unless acting in an official liaison capacity, individual Councilmembers should refrain from attending meetings organized or chaired by City staff which are not open to the public.
2. Liaisons are obligated to keep Council well informed on activities pertaining to Rohnert Park via the Council Committee and Other Reports at Council meetings.
3. City staff may serve as a liaison with the concurrence of the City Manager.

IX. OUTSIDE AGENCY APPOINTMENTS

The Mayor nominates and the City Council confirms by majority vote of the membership appointments to outside agencies, committees, commissions, boards, and taskforces.

1. An appointee's role is to represent the City on matters affecting the City of Rohnert Park. Appointees have no authority to appropriate City funds except as otherwise approved by the City Council.
2. Appointees are obligated to keep Council well informed via Council meetings or City staff.
3. Appointees are expected to attend meetings on a regular and consistent basis.
4. Each appointee serves at the pleasure of the City Council. Any City Councilmember may bring forward a proposal to remove an appointee. Three affirmative votes of the City Council are required to remove an appointee.

5. City staff may be appointed with the concurrence of the City Manager.

X. COUNCIL COMMITTEES

A. Purpose

The City Council from time to time forms committees. These committees are formed to study, investigate, and make recommendations to the full Council regarding specific topics. In some instances these are standing committees and in other instances these are ad hoc committees. In order for the committees to serve effectively, it is necessary to establish certain policies for the conduct of City business by committees.

B. Appointment

Council committees will be appointed by the Mayor. Committee members will be promptly notified of their selection and the scope of the committee assignment. The Mayor will designate the term of the committee and identify whether it is a standing appointment (on-going) or a short-term (ad hoc) assignment.

1. Standing Committee is a committee that has a continuing subject matter jurisdiction or has a meeting schedule that is fixed by the Council.
2. Ad Hoc Committee is a committee that has a specific purpose and limited duration, does not have a continuing subject matter jurisdiction, and does not have a meeting schedule that is fixed by the Council.

C. Conflict of Interest

Should an appointee to a committee discover a conflict of interest with his/her appointment to the committee, that discovery will be communicated to the Mayor immediately.

D. Committee Meetings

Council committee meetings will be scheduled at times which allow for each member to attend. Each member should make an effort to accommodate the committee meeting schedule. The schedule of committee meetings will be promptly communicated to each committee member. Individual committee members will not meet with other citizens or organizations during a fact finding process or other reason associated with the scope of the committee's purpose without the knowledge of all committee members.

E. Communications

Committee members are obligated to keep all members well informed via the Council Committee and Other Reports at Council meetings, and will not purposely harbor or keep relevant information from other members.

F. Committee Materials

Meeting agendas will be compiled by staff with input from each committee member. Committee materials will be provided to each committee member. These materials will be distributed to each committee member at the same time. Special arrangements may be made with committee members who are out of town when materials are distributed.

G. Committee Recommendations

Generally, committee members should reach agreement on findings and recommendations to present to the City Council. When the opinions of committee members are divergent, each member may submit his/her findings and recommendations separately to the City Council. Although written minutes of each committee meeting are not required, committee findings and recommendations should be presented to the City Council in a written document.

H. Staffing

Councilmembers assigned to committees will observe the City Council Protocols regarding staff assignment of duties. Only the City Manager will assign staff to committees for the purposes of administrative services, to attend committee meetings, and to assist with committee presentations to the City Council.

XI. CITY COMMISSIONS, COMMITTEES, AND BOARDS

A. Appointments to City Commissions, Committees, and Boards

The following procedures will be used in considering appointments by the City Council to the various City commissions, committees, and boards which extend for a term in excess of six (6) months:

1. All persons interested in being considered for service on a City board, commission, or committee must have on file with the City an application (fact-sheet) or request for reappointment indicating an interest in serving.
2. For City commissions, committees, and boards with five (5) members, each Councilmember shall be entitled to appoint one member. All other commissions, committees, and boards in excess of five (5) members shall be selected by the Council as a whole on an "at-large" basis.
3. At-large nominees must receive a majority vote of the City Council membership in order to be appointed. Nominations are made on a rotation basis. The City Clerk shall keep a record of the appointments and the Councilmembers' rotation order. The rotation order shall stay intact for future appointments unless amended or rescinded.
4. Whenever an appointed member of a commission, committee, or board vacates a term of office, the Councilmember who nominated said person, or the Councilmember's successor in office, shall be entitled to make the appointment to complete the term of office.

5. Whenever a vacancy occurs on a City commission, committee, or board, the City Clerk shall post a notice of the vacancy notifying the public of the vacancy to be filled and the date that applications will be considered to fill the vacancy in compliance with the Maddy Act.
6. The City Council may establish committees or other taskforces with appointments made “at large” by Council as a whole and may not follow the nomination/appointment rules as outlined in these Protocols. This procedure may be used for committees or taskforces as the City Council deems appropriate.

B. Policy for Service on City Commissions, Committees, and Boards

1. Attendance

Members of commissions, committees, and boards are expected to attend meetings on a regular and consistent basis. An automatic vacancy shall occur on a commission, committee, or board if a member is absent from three (3) consecutive regular meetings without cause. Cause means “illness or other unavoidable circumstance of which the chair of the board, commission or committee is notified prior to the meeting.” The chair of the commission or committee shall notify the City Manager promptly of all absences that are excused for cause.

2. Removal

Each member of a board, commission, or committee created and appointed by the City Council serves at the pleasure of the City Council. Any Councilmember may bring forward a proposal to remove a board, commission, or committee member. Three (3) affirmative votes of the City Council are required to remove a member of a board, commission, or committee.

3. Role

Most commissions, committees, and boards established by the City Council are advisory to the City Council. The role of all such commission, committee, or board is to make recommendations to the City Council on matters affecting the City of Rohnert Park. Except as otherwise provided in state or local law, commissions and committees have no independent role separate and apart from their role as advisory to the City Council. Commissions, committees, and boards have no authority to appropriate funds or make policy except as otherwise approved by the City Council.

4. Conflict of Interest

All members of commissions, committees, and boards shall abide by the provisions of the Political Reform Act of the State of California and provisions of the common law relating to conflicts of interest.

XII. COUNCIL VACANCY

Whenever a vacancy occurs in the office of City Councilmember, the City Council will fill the vacancy by appointment or special election in accordance with the procedures set forth in Government Code section 36512.

XIII. USE OF CITY COUNCIL CHAMBER

- A. The primary purpose of the City Council Chamber, a portion of Rohnert Park City Hall, is for the use of the City Council, Planning Commission, other City Council advisory bodies, and other groups and committees of the City and such other intergovernmental or citizens groups as the City may convene.
- B. A calendar of use shall be maintained by the City Clerk's office, and all requests for use should be regularly calendared or scheduled through that office.
- C. The City Council Chamber shall not be used for political or commercial purpose except as outlined in the following paragraph:
- D. The City shall allow the use of the Council Chamber for the conduct of candidate forums for election, whether for city, county, state, or national office under the following circumstances:
 - 1. When the candidates' forum is sponsored by a 501(c)3 non-profit agency, a legitimate non-partisan group, or a governmental agency.
 - 2. When all candidates for that public office have been invited to participate, and a majority of the candidates have indicated that they will do so.
 - 3. When the event is chaired and moderated in an impartial and objective way which is fair to all candidates.
- E. Use of City-owned and operated television and broadcasting capability shall be limited to broadcast of City Council, Planning Commission, and other City advisory body meetings, for use every two years by the League of Women Voters for a Council Candidate Forum, and for City-related emergency or informational purposes as authorized by the City Manager. Use of the video broadcasting system by an outside agency is not allowed except with the permission of the City Council at least two weeks prior to the event. If such use is granted it is subject to appropriate personnel – equipment – overhead charges as established by the City Manager.
- F. Approval for use of City Council Chamber for uses other than the above would have to be approved by the City Council at least two weeks prior to the event.

XIV. FAILURE TO OBSERVE COUNCIL PROTOCOLS

These protocols are adopted to expedite the transaction of the business of the Council in an orderly fashion and are procedural only and the failure to strictly observe such rules does not affect the jurisdiction of the Council or invalidate action taken at a meeting that is otherwise held in conformity with law.

DRAFT

XIII. APPENDIX

Document Description	
1.	Resolution No. 2010-47 - Establishing the Start Time for Regular Meetings
2.	Rosenberg's Rules of Order
3.	Resolution No. 97-32 – Code of Ethics
4.	Resolution No. 2006-206 – Expense Reimbursement and Use of Public Resources Policy

RESOLUTION NO. 97-32
A RESOLUTION OF THE COUNCIL OF THE CITY OF ROHNERT PARK
AMENDING THE CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES
OF THE CITY OF ROHNERT PARK

BE IT RESOLVED by the Council of the City of Rohnert Park as follows:

Section 1. FPPC. Public officials and employees agree that they will be governed by and shall follow the Political Reform Act of 1974 (Government Code 81000, et seq.), including the regulations promulgated thereunder. Specific attention is directed to Chapters 4, 5, 7 and 9.5 regarding campaign disclosure, limitations and contributions, conflict of interest, and ethics, respectively.

Section 2. Brown Act Provisions. The City Council agrees that it will become familiar with and shall follow the Ralph M. Brown Act (Government Code 54950, et seq.) and the lawful regulations and interpretations of the Brown Act.

Section 3. Dedicated Service. Public officials and employees should not exceed their authority or breach the law or ask others to do so and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or officially recognized confidentiality of their work.

Section 4. Fair and Equal Treatment. Preferential consideration of the request or petition of an individual citizen or group of citizens shall not be given. No person shall receive special advantages beyond that which are available to any other citizen.

Section 5. Use of Public Property. No official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business. No public official or employee shall use the time of any city employee during working hours for personal convenience or profit.

Section 6. Obligations to Citizens. No public official or employee shall grant any special consideration, treatment, or advantage to any citizens beyond that which is available to every other citizen in the same circumstances.

Section 7. Disclosure of Interest and Disqualification. Any council member who has a conflict of interest in any matter before the City Council, shall disclose that fact on the records of the City Council and refrain from participating in any discussion or voting on the matter.

The member of an official board, commission or committee who has a conflict of interest in any matter before that board, commission or committee, of which he or she is a member, shall disclose that fact on the records of the board, commission or committee and refrain from participating in any discussion or voting.

An employee who has a financial or other special interest in a matter before the City Council or board, commission or committee and who participates in discussion with, or gives an official opinion relating to that matter shall disclose on the records of the council or such board, commission or committee, as the case may be, the nature and extent of his interest.

Section 8. Rohnert Park Code of Conduct.

Adherence to Council policies. Public officials are expected to follow formally-adopted City Council policies in the conduct of their duties. They are free to state their personal opinions and may attempt to change or modify any given policy provided it is done with proper public notice and posting of agendas.

Each public official has the obligation to be informed and prepared, recognizing all sides of an issue.

Each public official shall perform his or her duties with courtesy and respect, both for colleagues and for those who may appear before them.

Each public official or employee when exercising oversight with respect to any city agency, board or committee, shall act in an informed fashion with attention to the underlying policies being implemented and with due respect for the independence and purpose of the agency, committee or board.

Each public official has an obligation to treat every officer and employee of the city with fairness and without discrimination, and to ensure that each officer and employee performs only those tasks for which there is a city governmental purpose.

BE IT FURTHER RESOLVED that this Resolution amends and supersedes Resolution No. 94-88, adopted May 10, 1994.

DULY AND REGULARLY ADOPTED this 11th day of February, 1997.

ATTEST:


CITY MANAGER/CLERK

AYES: (5) Councilmembers Flores, Mackenzie, Reilly, Vidak-Martinez and Mayor Spiro

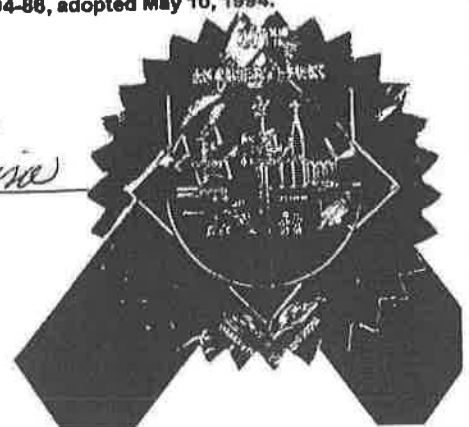
NOES: (0) None

ABSENT: (0) None

(jh/resol:97ethics)

CITY OF ROHNERT PARK


MAYOR



RESOLUTION NO. 2006 - 206

**RESOLUTION ADOPTING UPDATED EXPENSE REIMBURSEMENT AND
USE OF PUBLIC RESOURCES POLICY**

WHEREAS, Government Code section 36514.5 provides that city council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, the City of Rohnert Park ("City") adopted a "Policy for Reimbursement of Expenses for City Council Members" by Resolution No. 2004-19; and

WHEREAS, the City adopted a Policy for "Expense Reimbursement and Use of Public Resources" by Resolution No. 2006-42; and

WHEREAS, Assembly Bill 1234, which took effect on January 1, 2006, adds Article 2.3, commencing with Government Code section 53232, to the Government Code, addressing expense reimbursement to public officials; and

WHEREAS, this policy satisfies the requirements of Government Code sections 53232 and following;

WHEREAS, the City Council wishes to consolidate its expense reimbursement policies into one resolution;

NOW, THEREFORE, the City Council resolves that Resolution Nos. 2004-19 and 2006-42 are hereby repealed; and

BE IT FURTHER RESOLVED that the updated "Expense Reimbursement and Use of Public Resources Policy," attached as Exhibit A to this Resolution, is hereby adopted.

DULY AND REGULARLY ADOPTED this 8th day of August, 2006.

ATTEST:

CITY OF ROHNERT PARK


City Clerk, Deputy




Mayor Tim Smith

BREEZE: <u>AYE</u>	FLORES: <u>AYE</u>	MACKENZIE: <u>ABSENT</u>	VIDAK-MARTINEZ: <u>AYE</u>	SMITH: <u>AYE</u>
AYES: (4)	NOES: (0)	ABSENT: (1)	ABSTAIN: (0)	

EXHIBIT A

**CITY OF ROHNERT PARK
EXPENSE REIMBURSEMENT AND USE OF PUBLIC RESOURCES POLICY**

WHEREAS, the City of Rohnert Park ("City") takes its stewardship over the use of its limited public resources seriously;

WHEREAS, public resources should only be used when there is a substantial benefit to the city; and

WHEREAS, such benefits include:

1. The opportunity to discuss the community's concerns with state and federal officials;
2. Participating in regional, state and national organizations whose activities affect the City;
3. Attending educational seminars designed to improve officials' skill and information levels; and
4. Promoting public service and morale by recognizing such service; and

WHEREAS, 1) legislative and other regional, state and federal agency business is frequently conducted over meals; 2) sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns; and 3) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law; and

WHEREAS, this policy provides guidance to elected and appointed officials on the use and expenditure of City resources, as well as the standards against which those expenditures will be measure; and

WHEREAS, Municipal Code Section 2.12.050 provides that City Council Members are to be reimbursed for actual and necessary expenses incurred in the performance of official duties for the City; and

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources; and

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax law; and

WHEREAS, this policy also applies to any charges made to a City credit card, cash advances or other line of credit.

The City's expense reimbursement policy is set forth below:

AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events; and
6. Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member.

All other expenditures require prior approval by the City body.

The following expenses also require prior governing body approval:

1. International and out-of-state travel.

Examples of personal expenses that the City will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;

4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;

5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

6. Personal losses incurred while on City business. any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

COST CONTROL

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the city will be limited to the costs that fall within the guidelines.

TRANSPORTATION

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

Airfare - Airfares that are equal or less than those available through the enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

Automobile - Automobile mileage is reimbursed at Internal Revenue Service rates in effect at the time the expense is occurred. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

Car Rental - Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelsmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

Taxis/Shuttles - Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

LODGING

Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.

Conferences/Meetings - If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.

Other Lodging - Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the General Services Administration per diem rates for a given area are presumed reasonable and hence reimbursable.

MEALS

Meal expenses and associated gratuities will be reimbursed at the rates specified in the General Services Administration published per diem rate

The City will not pay for alcohol/personal bar expenses.

TELEPHONE/FAX/CELLULAR

Officials will be reimbursed for actual telephone and fax expenses incurred on City business. As necessary, officials will be provided a city-owned fax machine and any other equipment as the City Council determines necessary to use in the conduct of its official business. Telephone bills should identify which calls were made on City business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

AIRPORT PARKING

Long-term parking must be used for travel exceeding 24-hours.

OTHER

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.

SPRECKELS PERFORMING ARTS CENTER

Each official shall be issued one complimentary ticket for each performance at the Spreckels Performing Arts Center.

CASH ADVANCE POLICY

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted on a Check Requisition form to the Director of Administrative Services seven (7) days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. The benefits of such expenditure to the residents of City;
3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
4. The dates of the expenditure(s).

Any unused advance must be returned to the Finance Department within one week of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Director of Administrative Services is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City governing board.

CREDIT CARD USE POLICY

City does not issue credit cards to individual office holders but does have an agency credit card for selected City expenses. City office holders may request the City to use the City's credit card for such purposes as airline tickets and hotel reservations. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted by the cardholder when received to the Finance Department.

City credit cards may not be used for personal expenses, even if the official subsequently reimburses the city. There will be no cash advances on credit cards.

EXPENSE REPORT CONTENT AND SUBMISSION DEADLINE

All cash advance expenditures, (credit card expenses) and expense reimbursement requests must be submitted on an expense report form provided by the City. This form shall include the following advisory:

All expenses reported on this form must comply with the City's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.

Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

AUDITS OF EXPENSE REPORTS

All expenses are subject to verification that they comply with this policy.

REPORTS TO GOVERNING BOARD

At the following City governing body meeting, each official shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

COMPLIANCE WITH LAWS

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

VIOLATION OF THIS POLICY

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$2,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.