



Legislation Text

File #: 13-0375, **Version:** 2

TO:

Honorable Mayor and Members of the City Council

FROM:

David N. Carmany, City Manager

SUBJECT:

General Meeting Management Procedures (including meeting ending times and rules of decorum); Agenda Structure (order of agenda items, consent calendar items and pulling of consent calendar items); and City Council Handbook.

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction regarding general meeting management procedures (including meeting ending times and rules of decorum), Agenda Structure (order of agenda items, consent calendar items and pulling of consent calendar items) and whether staff should prepare a City Council Handbook.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with these matters.

BACKGROUND:

Periodically, and most recently May 21, 2013, the City Council has reviewed its rules of order for the conduct of City Council meetings to facilitate effective meeting management, thereby creating an environment in which more members of the public may participate in the meeting at a reasonable hour. The agenda staff report for the May 21, 2013 council meeting is attached as Attachment 1.

After discussion on May 21, 2013, the City Council provided direction on a number of items and directed staff to return with an updated report for further discussion.

DISCUSSION:

In light of the May 21, 2013 Council discussion, this report has been organized as follows:

- 1. ITEMS IMPLEMENTED PURSUANT TO COUNCIL DIRECTION GIVEN ON MAY 21, 2013.**
- 2. ITEMS REQUIRING FURTHER DISCUSSION.**
- 3. REMAINING ISSUES NOT ADDRESSED ON MAY 21, 2013.**
- 4. CITY COUNCIL HANDBOOK.**

1. ITEMS IMPLEMENTED PURSUANT TO COUNCIL DIRECTION GIVEN ON MAY 21, 2013.

Pursuant to Council direction given on May 21, 2013, the following items have been implemented:

a. Council Meeting Start Time: City Council meetings will continue to start at 6:00 with ceremonial matters first.

b. Parking Restrictions at City Hall During City Council Meetings: Parking restrictions during meetings have been diminished.

c. Placement of Community Announcements on City Council Agenda: Community announcements will remain early on the agenda with clarification in the agenda that announcements should be for upcoming events. (But note possible expansion of this item for AB 1234 reports; see discussion item under Section 2.)

d. Scope of Permissible Audience Participation Matters: Audience participation to remain early on the agenda for any matter within the subject matter jurisdiction of the Council.

e. Estimated Time of Agenda Items: Projected times for agenda items have been added to the agenda.

f. Agenda Development Meetings: The Mayor and Mayor Pro Tem will participate in agenda review meetings.

g. Draft Agenda Forecast: The draft agenda forecast will be distributed weekly.

h. Placement of City Manager Report on City Council Agenda: The City Manager report will be given early on the agenda.

2. ITEMS REQUIRING FURTHER DISCUSSION.

a) Council Meeting End Time

Section 2 of Resolution No. 12-6411 (Attachment 2) currently provides:

“All public hearings and “General Business” agenda items which have not been introduced by 10:30 p.m. will be continued to the next regular City Council meeting, or to another time set by the City Council prior to adjournment, unless the City Council votes to suspend this rule. Any public hearing or General Business item commenced prior to 10:30 p.m. may be completed without the necessity of a vote to suspend this rule.

The City Council shall adjourn each regular meeting by 11:00 p.m. Upon adjournment, all agenda items not completed shall be continued to the next regular City Council meeting, or to such other time set by the Council prior to adjournment.

By a 4/5th vote, the Council may waive or extend the deadlines specified [above].”

b) Posting of City Council Agendas

On May 21, 2013, the Council directed staff to post and eNotice agendas by the Wednesday before the regular City Council meeting. The Brown Act requires that such agendas be posted at least 72 hours before the meeting.

c) Revised Rules of Decorum

The City Council has recognized the importance of approaching the public’s business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy

and avoids personalization of comments.

Guidelines have been developed to ensure that meetings of the City Council are conducted in a civil and professional manner. Councilmembers, staff, and the public are encouraged to focus discussion on policy matters, recognize personal criticism as inappropriate, preserve appropriate order and decorum while others are expressing their views during all meetings, and treat members of the public equally by applying rules in a fair and consistent manner. All participants should be discouraged from engaging in side conversations, disruptions, interruptions, or delaying efforts that lessen the efficiency of meetings. In the event a person demonstrates rude, boisterous, or profane behavior, the Mayor will call such person to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, or take other appropriate action. The City Council has a longstanding practice of discouraging applause, booing, or other similar behaviors from the public during meetings.

Attachment 3 is a memo from the City Attorney's office regarding a suggested protocol for dealing with disruptive persons during public meetings. Upon review of other cities' protocols, staff recommends that the City Council adopt the attached "Rules of Decorum." See Attachment 4.

d. Expand Community Announcements to include AB 1234 Reports

AB 1234 provides that city officials must provide brief reports on meetings attended at a city's expense at the next council meeting. Government Code § 53232.3(d). In the past, councilmembers have provided their reports during Other Council Business and Travel Reports. Staff recommends that councilmembers instead provide such reports during Community Announcements.

e. The Addition of Rules of Decorum and Definitions to the Agenda Cover Page

The City Clerk has contacted Granicus to see if this can be done.

f. Miscellaneous Direction at the May 21 City Council meeting

At the May 21, 2013 Council meeting, the Council directed staff to bring back the following for Council consideration:

- Setting a (15 minute) total time limit per speaker each meeting.
- Moving the Consent Calendar after the General Business Items.
- Defining what items belong on the Consent Calendar.
- Producing a City Council handbook which contains Council meeting rules and procedures which could be used to supplement or replace Resolution No. 12-6411.

These items are addressed in the following sections.

3. AGENDA DEVELOPMENT AND STRUCTURE

- a) Placing items on an agenda
- b) Order of agenda items
- c) Consent Calendar items and "Pulling" of Consent Calendar items

a) Placing Items on an Agenda

Mayor and City Manager: Traditionally, the City Manager and Mayor may place any items on the agenda.

Councilmembers: A Councilmember may request an item be considered on a future agenda and, upon agreement of a majority of City Council, staff will prepare a staff report if formal City Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda. In rare cases, Councilmembers have made written requests outside of a council meeting when there is a need to take prompt action. We recommend that such requests be given to the Mayor for his or her consideration.

Members of the Public: Persons desiring to place items on the agenda shall submit a request, in writing, to the City Manager stating the nature of business and as much detail as possible. The City Manager will determine if the request is appropriate as a City Council agenda matter or if some other form of response should be made by the City. A member of the public may also request that an item be placed on a future agenda during public comment or through other communication with Councilmembers. Upon approval of a majority of City Council, the item will be agendized and a staff report may be prepared. The City Manager will inform the City Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agendized Items: Emergency and non-agendized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on. Non-agendized items may be added to the agenda only if the City Council makes required findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a 4/5th vote; if less than five members of City Council are present, the findings require a unanimous vote of those present.

b) Order of agenda items.

Councilmembers have expressed interest in rearranging the order of the agenda. As modified by the Council on May 21, the following is the order of the agenda. (Please note that an amendment to Resolution No. 12-6411 is needed for any changes.)

1. Pledge to the Flag.

2. Roll Call.

3. Ceremonial Calendar:

The Ceremonial Calendar typically consists of awards, proclamations, commendations, and similar matters. The Mayor is recognized as the official head of the city for all ceremonial purposes. As part of those ceremonial responsibilities, the Mayor delivers proclamations.

4. Approval of the Agenda:

By motion of the City Council this is the time to notify the public of any changes to the agenda and/or rearrange the order of the agenda.

5. Community Announcements (One Minute per Person):

This portion of the meeting is to provide an opportunity for citizens to address the City Council regarding community announcements about future events.

6. Audience Participation (Three Minutes per Person):

Speakers may comment on any item within the subject matter jurisdiction of the City Council, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City. The Brown Act does not allow City Council to take action on any item not on the agenda.

Members of the public are free to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time.

On May 21, 2013, Councilmembers expressed interest in considering setting a (15 minute) total time limit per speaker each meeting for the entire agenda.

7. City Manager Report(s):

Provides the City Manager an opportunity to update the City Council and the public regarding any issue of public interest. Also, the City Manager provides reports on travel and training undertaken by senior staff (department heads).

8. Consent Calendar: (See Discussion below in Section c.)

9. Public Hearings.

10. General Business.

11. Items Removed from the Consent Calendar: (See Discussion below in Section c.)

12. Other Council Business, Committee and Travel Reports:

Provides members of the City Council an opportunity to introduce matters not currently before the City Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agendaize future items, and reports on meetings attended at the expense of the City, pursuant to California law, AB 1234. As to items placed on the agenda by a Council member, no staff time shall be incurred in connection with such item, other than incidental time, such as reproducing correspondence or making minor revisions to conform a resolution provided by an outside entity to the City's resolution format.

13. Adjournment.

c. Consent Calendar.

The following issues have arisen regarding the Consent Calendar:

1. The type of matters on the Consent Calendar.
2. Amend the description in the agenda packet to indicate Consent Calendar items - are intended to be "routine and customary"
3. The removal of Consent Calendar items by the public.
4. Whether the Consent Calendar should be moved to a different place on the agenda.

Consent Calendar Matters: Items that are considered to be routine and customary are placed on the "Consent Calendar." The current practice is: the Mayor asks the staff, Councilmembers and the public if anyone wants to remove an item from the Consent Calendar for individual consideration. Items removed from the Consent Calendar are considered at the end of the Agenda under "Items Removed from the Consent Calendar. At that time, any member of the audience may comment on any item pulled from the Consent Calendar.

Resolution 12 -6411 provides: "Those items on the City Council agenda which are considered routine by the City Manager shall appear on a separate section on the agenda and shall include, but not be limited to, the following items:

1. Approval of Minutes
2. Approval of Minute Actions
3. Acceptance of Grant Deeds/Grants of Easement
4. Notices of Completion for Projects
5. City Treasurer's Report
6. Approval of Plans and Specifications and Call for Bids
7. Bid Awards
8. Approval of Records Destruction
9. Approval of Leases and Agreements
10. Approval of Annexations
11. Receive and File or Refer Correspondence
12. Approval or Receive and File Commission or Board Resolutions or Actions
13. Appointments/Resignations/Personnel Actions Res. 6411
14. Claims against the City
15. Resolutions of Intent or Calling of Hearings
16. Approval of Demands

In addition to those items, other cities include the following items on their consent calendars:

- (a) Adoption of Ordinances
- (b) Adoption of Resolutions
- (c) Approval of Purchase Orders
- (d) Acceptance of Donations
- (e) Designation of Voting Delegates, Commission/Board Appointments, and Alternates
- (f) Adoption of Policies
- (g) Approval of Funding Agreements or Funding/Sponsorship Requests
- (h) Appropriations of Funds
- (i) Approval of Change Orders

Some City Councilmembers have expressed interest in revisiting the types of items identified as Consent Calendar items in Resolution No. 12-6411. Previously discussed ideas included setting dollar limits for bid awards or approval of contracts. In checking with other cities, staff discovered that such cities have no dollar limits, and some contracts on the consent calendar have exceeded \$1,000,000. Due to the sheer volume and frequency of many of the types of reports outlined in Resolution No. 12-6411, staff recommends that the Council consider amending Resolution 12-6411, to delete archaic items and to add any or all of items a-i above.

Items Removed from the Consent Calendar: Prior to the City Council's consideration of each item removed from the Consent Calendar, speakers may comment on any or all of those items for up to three minutes per item.

Pursuant to Council comments at the May 21, 2013 meeting, the Council may wish to revisit the rules regarding items removed from the consent calendar. Currently, a member of the public may request that an item listed under Consent Calendar be removed for individual consideration. Items that are removed ("pulled") for discussion will typically be heard after General Business items are discussed unless the majority of City Council chooses an earlier or later time.

Following any potential changes or direction by the City Council in regards to the types of items to be placed on consent, the City Council may want to modify how items are "pulled from consent." For instance, it may be effective to continue to allow members of the public to request that items be pulled from consent, but in addition, require that the City Council vote to concur with such a request. This would cut down on some of the frivolous "pulling" of items by members of the public who could in fact be abusing this opportunity in order to gain more than their fair share of meeting time, thereby alienating and dissuading other members of the public from speaking or otherwise participating at City Council meetings.

City Council Handbook

Staff has attached a "City Council Handbook" using another city's handbook as a model. See Attachment 5. Similar to the Boards and Commissions Handbook, a Council Handbook could be used to supplement or possibly replace Resolution No. 12-6411, and serve as a guide to the City Council, staff, and members of the public regarding a variety of council matters, including procedural topics discussed above. If the Council approves this concept, staff will incorporate the actions taken in connection with this agenda item and present the handbook to the council at a later date. The draft may need to be amended depending on the Council action on the above issues.

CONCLUSION:

Staff recommends that the City Council discuss and provide direction regarding meeting management and rules of decorum, order of agenda items, criteria for consent calendar and pulling items off the consent calendar, and the draft City Council Handbook.

Attachments:

1. May 21, 2013, City Council Staff Report
2. Resolution No. 12-6411
3. City Attorney Memo: Suggested Protocol for Dealing with Disruptive Persons
4. Revised Manhattan Beach Rules of Decorum
5. Model City Council Handbook

6. July 31, 2013, City Attorney Memo Regarding Meeting Management Tips