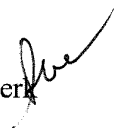


City Clerk Department

March 1, 2004

To: Agenda Committee

From: Sherry M. Kelly, City Clerk 

Subject: Amending Council Rules of Procedure (Resolution No. 61,968-N.S.)

At the Agenda Committee meeting of February 17, 2004 Mayor Bates presented specific recommendations for review and comment with direction to the City Clerk to return with specific changes to the Council's Rules of Procedure reflecting these changes.

In addition the Agenda Committee asked the City Clerk to report on how other cities administer the public comment portion of their agenda.

1. Amendments to Council Rules of Procedure - General

Enclosed is a copy of recommendations proposed by Mayor Bates and a draft of the Council Rules of Procedure revised to incorporate these recommendations.

2. Public Comment

The following is an excerpt from the **Brown Act, Government Code section 54054.3 Public's Right to Testify at Meetings:**

- (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

- (b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

2A. Other Jurisdictions – Public Comments

In response to the Agenda Committee's request that staff report on how other cities administer the public comment portion of their agenda, the City Clerk received responses from approximately 50 other cities using a listserv as well as through independent research.

2B. Other Jurisdictions – Public Comments on Matters Not Listed on the Agenda

Most cities distinguish between public comments related to items listed on a specific agenda from matters not listed on the agenda. In many cities public comments on matters not listed on the agenda are scheduled to be heard at the end of the meeting or are limited to a specific amount of time at the beginning of the meeting with additional time set aside at the end of the meeting if all speakers can not be heard during the allotted time at the beginning of the meeting.

All cities responding to the survey allow all persons to speak during the period designated for general public comment, but may restrict each speaker anywhere from one to five minutes, the most common being either two or three minutes per speaker. Because all speakers have an opportunity to speak there is no need to cede time. Many cities establish rules that give the Mayor or the Council discretion to further limit the amount of time per speaker at any given meeting if there are a large number of people wishing to speak.

2C. Other Jurisdictions – Public Comments on Matters Listed on the Agenda other than Public Hearings

All cities responding to the survey allow all persons to speak on any matter on the listed agenda prior to the Council taking action, but may restrict each speaker to anywhere from one to five minutes, the most common being either two or three minutes per speaker.

The process for when the public may speak to an item listed on the agenda varies from city to city. In some cities all public testimony is scheduled at the beginning of the meeting prior to any Council discussion or action. In other cities, public comment is taken up prior to Council action on the consent calendar for only matters listed on the consent calendar and then the public is invited to comment prior to action on each action item.

Because all speakers have an opportunity to speak there is no need to cede time. Many cities establish rules that give the Mayor or the Council discretion to further limit the amount of time per speaker at any given meeting and on any given item if there are a large number of people wishing to speak; to give multiple speakers an extended period of time if they agree to limit their

time to less than the per speaker time; or to require a person that is speaking on multiple items to use his/her allotted time to speak only once during the meeting.

There is also general encouragement from the presiding officer that speakers limit public comment to new testimony and use a show of hands or signs and written communication to facilitate the meeting.

Most jurisdictions, large or small, responded that as a rule public comment did not exceed one hour throughout the course of the meeting.

2D. Other Jurisdictions – Public Comment at Public Hearings

In other jurisdictions surveyed the primary difference between public comment allowed on any item on the agenda versus public comment as part of a public hearing relates to the legal requirements to conduct and notice a specific matter for a public hearing.

For public hearings on land use matters, applicants and appellants are generally allotted at a minimum five minutes or more for public testimony with additional time for rebuttal. Many cities establish rules that give the Mayor or the Council discretion to further limit the amount of time per speaker if there are a large number of people wishing to speak and/or to give multiple speakers an extended period of time if they agree to limit their time to less than the per speaker time.

There is also general encouragement from the presiding officer that speakers limit public comment to new testimony and use a show of hands or signs and written communication to facilitate the meeting.

2E. City of Berkeley – Public Comment Rules and Practices

Council Rules of Procedure currently provide that at a regular business meeting a 30 minute period be allotted for all public comment, with the exception of public hearings, and that each speaker be limited to no more than three minutes. Public comment is scheduled on the agenda prior to the Council taking action on any item on the agenda.

While there is nothing specific in the Council Rules, it has been the past practice of the Council to use a lottery system to select those that will have an opportunity to speak during the public comment period and to allow speakers to cede all or part of their time to other speakers, but to not allow speakers to give their time to a person that has already used his/her time.

Over time the practice of allowing speakers to cede time has resulted in “stacking” of the lottery drum with names of persons who do not intend on speaking to give the spokesperson(s) on a particular issue a better chance of being called on to speak. As a result a person that attends a meeting to speak to a single subject on the same night that a large group attends and stacks the lottery drum is less likely to have his/her name called on to speak. Likewise those persons that attend meetings on a regular basis and are familiar with the process make prior arrangements with others to either cede time or have time ceded to them if their names are called.

Amending Council Rules of Procedure
March 1, 2004

The Council Rules of Procedure have been revised to reflect changes recommended by members of the Agenda Committee. The Committee may wish to review these either in light of what other jurisdictions are doing or to further refine the Council's current practices.

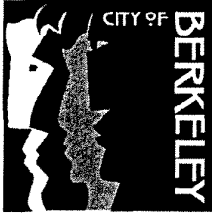
3. Council Rules of Procedure – Ex-Parte Contact

At the Council meeting of February 17, 2004 the Council agreed to set a public hearing to consider making changes to the Council Rules (IF) Ex-Parte Contact. The scheduling of that matter is before the Agenda Committee.

/smk

Enclosures

cc: Phil Kamlarz, Acting City Manager



Office of the Mayor

To: Agenda Committee Members
CC: Members of the City Council
From: Mayor Tom Bates
Date: Feb. 17, 2004
Re: Council Rules of Procedure Revisions

Using the City Clerk's initial memo as a guide, I put together these specific recommendations for the Agenda Committee to review. After discussion and appropriate changes, I suggest that we ask the City Clerk to return with specific changes to the Council Rules of Procedure to implement the requested changes. The Agenda Committee would then forward those recommendations to the full Council for review and approval.

City Council Meeting Schedule and Procedures

Currently, the City Council meets three times per month. One of those meetings is generally set aside for Public Hearings. To alleviate problems with the scheduling of action items and to provide for time for lengthy public hearings, I suggest the following changes:

- The City Council will continue its regular three Tuesdays per month meeting schedule, but eliminate the provision that one meeting be set aside for public hearings.
- Public hearings that are not expected to be lengthy can be placed on any regularly scheduled City Council meeting agenda.
- When contentious or lengthy public hearings are expected, the Agenda Committee, in conjunction with City staff, will set a special public hearing Council meeting on a Thursday at 7 p.m. These Thursday Public Hearing meetings will be exclusively for public hearings. No ceremonial, consent, action, or time critical items will be heard. As no non-hearing items will be on the agenda, all public comment will take place during the hearings.

City Council Recess Authority

Currently, the City Council provides recess authority to the City Manager to enter into time sensitive contracts and perform other ministerial tasks. The Manager has requested that

this authority be extended to all periods when the Council is in recess for two weeks or longer. I recommend that this request be approved.

Definitions

The structure of Council items has changed over time. Request the City Clerk return with her recommendations for appropriate technical clean up language.

Placement of Commission Items on the Council Agenda

Provide the Agenda Committee with the authority to move Commission items between the Consent and Action calendar.

Placement of Council and Auditor Items on the Agenda

Accept the City Clerk's recommendation that "time critical" items and procedures be redefined to conform to current practice.

Failure to Meet Deadlines for Material Submission

The current rules require the Council, by at two-thirds majority, vote before action can be taken on items when the supporting materials were not provided to the Council and the public four days before the meeting. I recommend that we keep the current language and begin enforcing this rule at Council meetings. In addition, I believe the Council agenda should indicate when materials are not provided by the time the agenda packet goes to print.

Public Comment

I recommend that Public Comment be changed in the following manner:

- Public Comment at regular meetings of the City Council be held for 30 minutes with each speaker allowed two minutes to speak.
- Public Comment at all other City Council and Council subcommittee meetings be held for 20 minutes with each speaker allowed two minutes to speak.

Public Hearing Procedures

I am in support of the City Clerk's recommendations that the rules be modified to conform to current practice where overall time limits are set and better coordination of presentations are permitted.

Sunset Clause

I recommend that the Sunset Clause for the Council Rules of Procedure be eliminated. The Council may revise the Council Rules at any time.

RESOLUTION NO. ~~61,968-N.S.~~

~~RESCINDING RESOLUTION NO. 61,866 N.S. AND~~ READOPTING COUNCIL RULES OF PROCEDURE INCORPORATING RECOMMENDATIONS APPROVED BY THE AGENDA COMMITTEE AND RESCINDING RESOLUTION NO. 61,968-N.S. TO IMPROVE THE FUNCTIONING OF THE COUNCIL AGENDA COMMITTEE AND ADDRESS CONCERNS RAISED BY COUNCILMEMBERS AND MEMBERS OF THE PUBLIC ABOUT THE PROCESS

WHEREAS, ~~this resolution was designed to:~~

- ~~a) Clarify and improve the process by which items are reviewed and referred by the Rules Committee;~~
- ~~b) Create an alternate on the Rules Committee;~~
- ~~c) Appoint Councilmember Breland as alternate;~~
- ~~d) Change the name of the Rules Committee to the "Agenda Committee" to better reflect its function;~~
- ~~e) Create a "time critical" exception to the agenda process; and~~
- ~~f) Establish that the new "Agenda Committee" will be evaluated in six months from the date of adoption.~~

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following Rules of the City Council shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED, that violation of these rules shall not be construed as a penal offense, excepting that breach of the peace or willful failure to comply with the lawful orders of the Council or its presiding officer shall be punishable as misdemeanors under applicable law.

I. DUTIES

A. DUTIES OF MAYOR

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order.

B. DUTIES OF COUNCILMEMBERS

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. MOTIONS TO BE STATED BY CHAIR

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. DECORUM BY COUNCILMEMBERS

While the Council is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking, nor refuse to obey the orders of the Council, or the presiding officer, except as otherwise herein provided.

E. VOTING DISQUALIFICATION

No member of the Council who is disqualified shall vote upon the matter on which he is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to absent himself. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

F. COUNCILMEMBERS TO AVOID IMPROPER CONSIDERATION OF PENDING OR CONTEMPLATED MATTERS

a) Fair Hearings. Except as set forth herein, no member of the Council shall discuss with any member of the public or listen to discussion of the facts of any quasi-judicial matter while such matter is pending before the City Council or any agency, board or commission thereof except at such time as that matter comes before the Council at a noticed public hearing.

Matters involving permits are pending before a city agency, board or commission when an application for a permit has been filed with the appropriate City department.

Councilmembers may attend noticed public hearings before subordinate boards and commissions but may not comment or engage in any discussion at such hearings.

Councilmembers may visit sites and properties that are subject of pending proceedings, as long as such visits and any pertinent observations are disclosed on the record at the beginning of the public hearing prior to the taking of any statements from the public or permit applicants.

b) Open Mind. No member of the Council shall pledge or promise to vote in any particular manner thereon.

In adopting and amending Rule IF, the Council hereby also declares and finds that such amendment is declaratory of existing law.

G. REQUESTS FOR TECHNICAL ASSISTANCE AND/OR REPORTS

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual Councilmember.

II. MEETINGS

A. CALL TO ORDER - PRESIDING OFFICER

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair at the conclusion of the business presently before the Council. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

B. ROLL CALL

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. QUORUM CALL

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. COUNCIL MEETING SCHEDULE

Regular meetings of the City Council shall be held ~~on~~ generally three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

The Council meetings shall commence at 7:00 p.m., except when a Redevelopment Agency or Housing Authority meeting is scheduled, in which case the Council meeting shall commence at the conclusion of the Redevelopment Agency meeting or Housing Authority meeting, as the case may be.

The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the Public; Youth Forum (on the first regular business meeting of each month only); Consent Calendar; Action Calendar (Appeals, Public Hearings, ~~Priority Items which the City Manager deems time sensitive~~, Old Business, New Business); ~~-Time Critical~~ Action Items Not Considered By The Agenda Committee; Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. Any item removed from the Consent Calendar will automatically be moved to the end of the agenda to be considered after completion of the Action Calendar. ~~next Council meeting unless the City Manager requests the item be heard under "Priority" or unless the Council determines that the item is urgent and must be heard that evening in which case it shall be heard after any public hearings except as otherwise determined by the Council.~~

Upon request by any council member, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by any council member, a council member may also move an item from the Action Calendar to the Consent Calendar. Any item not considered or withdrawn from the Agenda will automatically be carried over as Old

Business to the next regular business meeting unless another date is set by the Council.

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. These meetings will be held on a Thursday at 7:00 p.m., unless another date and time is determined to be necessary to meet a deadline or allow for greater public participation. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

~~The agenda for the public hearing meetings shall include the following: Comments from the City Manager, Comments from the Public; Consent Calendar; Presentations and Workshops; Public Hearings; Time Critical Items, Information Reports and Communications from the Public. Any item removed from the Consent Calendar will automatically be carried over to the next regular business meeting unless the City Manager requests the item be heard as a "Priority" or unless the Council moves to take up the matter that evening.~~

E. ADJOURNMENT

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council six votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.

If a Council meeting is continued past 11:00 p.m., it shall end at midnight.

2. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular business meeting, or by a two-thirds majority vote six of the Council to an adjourned regular meeting.

F. CITY COUNCIL RECESS PERIODS

A recess period is defined as a period of time longer than 13 days without a regular or special meeting of the Council. ~~No City Council meeting shall be scheduled during the month of August.~~

During ~~the Council recess in August, and during any other~~ recess period, ~~established by the City Council for the Spring and Winter recess,~~ the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

G. PLEDGE OF ALLEGIANCE TO THE FLAG

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the program will be the Pledge of Allegiance.

III. AGENDA

A. DECLARATION OF POLICY

No Ordinance, Resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section IID2. Exceptions to this rule are limited to circumstances listed in IID4(b) and items carried over.

B. DEFINITIONS

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by any Councilmember, the City Manager, the Auditor, or any Board/Commission/Committee created by the City Council, or any Report For Information which may be acted upon if a Councilmember so requests. For purposes of this Section, appeals shall be considered Action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter.

2. Agenda items shall contain all relevant documentation, including the following as applicable:

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
- b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
- ~~e) The need therefor and the department or departments involved or affected thereby;~~
- ~~dc) Recommendation of the City Manager, if applicable;~~¹
- ~~ed) Fiscal impacts of the recommendation; Comments of the City Attorney, if the item involves legal issues;~~
- ~~fe) A description of the current situation and its effects; Past Council practice, if any, relating to such matter;~~
- ~~gf) Background information as needed; Past legislative history or hearings, if any;~~
- ~~hg) Rationale for recommendation; Financial benefits or costs which would accrue to the City as a result of the action;~~

¹ These provisions shall not apply to Mayor and Council items.

h) —Alternative actions considered;

i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required;¹

~~j) If funds are requested, the budgetary source of the funds;⁺~~

~~k) Person or persons to contact for further information, with telephone number.~~

l) If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk's Office, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

3. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.D hereof.

4. "Packet" means the Agenda plus all its corresponding duplicated Agenda items.

5. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

- a) a work stoppage or other activity which severely impairs public health, safety, or both;
- b) a crippling disaster which severely impairs public health, safety or both.

Notice of the Council's proposed consideration of any such emergency matter shall be given in the manner required by law for such an emergency pursuant to Government Code section 54956.5.

6. "Old Business" -Items carried over from a prior agenda of a meeting as uncompleted items.

C. PROCEDURE FOR BRINGING MATTERS BEFORE CITY COUNCIL

1. Persons Who Can Place Matters On The Agenda-~~Rules Committee~~

Matters may be placed on the agenda by any Councilmember, the City Manager, the Auditor, or any Board/Commission/Committee created by the City Council. All items, other than Board and Commission items shall be subject to review by an Agenda Committee, which shall be a standing committee of the City Council. The Agenda Committee shall consist of the Mayor and two Council members, nominated by the Mayor and approved by the Council. A third Council member, nominated by the Mayor and approved by the Council, will serve as an alternate on the Committee in the event that an Agenda Committee member cannot attend a meeting. The Agenda Committee shall have the powers set forth below.

¹ These provisions shall not apply to Mayor and Council items

a) Items Authored by a Council Member or the Auditor.

As to items authored by a Council member or the Auditor, the Agenda Committee shall review the report for the item and may recommend that the matter be referred back to the author, to a commission, or to the City Manager for adherence to required form, additional analysis as required in Section B (2), or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

The author of a “referred” item must inform the City Clerk within 24 hours of the adjournment of the ~~Rules-Agenda~~ Committee whether they prefer to: 1) hold the item for a future meeting pending modifications as suggested by the Committee; 3) have the item appear on the next available Council Agenda as originally submitted; 4) pull the item completely; or 5) re-submit the item with revisions as requested by the Agenda Committee for the following week’s Council Agenda.

In the event that the Clerk does not receive guidance from the author of the item within 24 hours of the Agenda Committee’s adjournment, the recommendation of the Agenda Committee will take effect.

Items held for a future meeting to allow for modifications will be placed on the next available Council Meeting Agenda when the revised version is submitted to the Clerk. If changes made to the item extend beyond the scope of the Agenda Committee referral recommendations, the item must be re-submitted as a new Council item. All items placed on the Council Agenda against the referral recommendation of the Agenda Committee or revised items that have not been resubmitted to the Agenda Committee will automatically be placed on the Action Calendar. ~~—will be denoted on the Council Agenda with an asterisk (*).~~

b) Items Authored by the City Manager.

Agenda descriptions of items authored by the City Manager shall be reviewed by the Agenda Committee. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section B(2), or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the ~~Rules Agenda~~ Committee’s action, it will be placed on the ~~Council-Agenda~~ as directed by the Manager. All Manager items placed on the Council Agenda against the referral recommendation of the Agenda Committee or revised items that have not been resubmitted to the Agenda Committee will automatically be placed on the Action Calendar. ~~—will be denoted on the Council Agenda with an asterisk (*).~~

c) Items Authored by Boards and Commissions.

Items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners’ Manual. While these items are not subject to review by the Agenda Committee, the Agenda Committee may elect to move a commission report for the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.

2. Scheduling Public Hearings mandated by State, Federal, or local statute

The City Clerk may schedule a public hearing at an available time and date in those cases

where State, Federal or local statute mandates the City Council hold a Public Hearing.

3. Submission of Agenda Items

a) City Manager Items. Except for Old Business, as a condition to placing an agenda-item on the agenda, agenda items from departments, including agenda items from ~~secretaries to~~ commissions, shall be furnished to the City Clerk at a time established by the City Manager.

b) Council and Auditor Items. The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, fifteen days before each Council meeting.

c) Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or councilmember is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If received prior to the meeting of the Agenda Committee, the City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar. If the Agenda Committee finds that the matter does not meet the definition of Time Critical and the sponsor does not wish to hold the report for the next Council meeting, the City Clerk shall place the item on the Action Calendar under the Time Critical section.

If the item is received by the City Clerk after the meeting of the Agenda Committee and prior to the publishing of the Council Agenda, the City Clerk shall place the item on the Action Calendar under the Time Critical section. The City Clerk shall not accept any item past a deadline if it will result in a delay in the publishing and/or distributing of the Council Agenda and Agenda Packet. ~~In the event that the Manager, Auditor, Mayor, or Council Member become aware of an urgent issue that cannot be held until the next scheduled Agenda Committee meeting, the Clerk is authorized to accept an item without Agenda Committee review until Tuesday at Noon on the week prior to the Council Meeting. These "Time Critical" items must be submitted with a cover page that includes: 1) a detailed explanation of why the item could not have been submitted by the normal deadline, and 2.) a detailed explanation of why the item cannot wait to follow the normal agenda process. These items will be included in a separate section of the Council Agenda at the end of the Action Calendar. The Council may vote refer it back to the Agenda Committee if they determine that the item does not meet the criteria for a "Time Critical" item.~~

4. Scheduling a Presentation

Any request for a presentation to the Council will be submitted as an agenda item and follow the time lines for submittal of agenda reports. The agenda item should include general information regarding the purpose and content of the presentation; information on the presenters; contact information; and the length of the presentation. The request may state a preference for a date before the Council. The Agenda Committee will review the request and recommend a presentation date and allotted time based on the Council's schedule.

The City Clerk will notify the presenters of the date and time of the presentation and will coordinate use of any presentation equipment and receipt of additional written material.

D. PACKET PREPARATION AND POSTING

1. Preparation of the Packet

Not later than the sixth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the Agenda plus all its corresponding duplicated Agenda items. No item shall be considered if not included in the packet, except that a correction or supplement to an item already included in the packet may be considered. Reports carried over as Old Business need not be reproduced again.

2. Distribution and Posting of Agenda

a) The City Clerk shall post each agenda of the City Council Regular Meeting at least seventy-two hours in advance of the meeting and shall post each agenda of a Special Meeting at least twenty-four hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.

b) The City Clerk shall also post agendas and summaries of all City Council meetings and notices of public hearings on the City's Website.

c) Not later than the fifth day prior to said meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge at the Office of the City Clerk.

3. Distribution of the Packet

Not later than the fifth day prior to said meeting, the City Clerk shall distribute the packet to each member of the City Council, ~~City Auditor, City Manager, and designated heads of City departments, the University of California, and such other persons or institutions as the City Clerk shall deem necessary or appropriate.~~ The ePacket shall also be posted to the City's website. Copies of the packet shall be made available for the press, and one copy each shall be retained at the office of the City Clerk for public review, the Main Library and each library of the City of Berkeley.

4. Failure to Meet Deadlines

a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.

b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section IIIB5.
- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.

c) Matters listed on the printed agenda but for which support materials are not received by the City Council on the 4fourth day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon. In cases where the good of the City outweighs the lack of time for citizen review or Councilmember evaluation of an item, the Council by a two-thirds vote may waive this rule.

E. AGENDA SEQUENCE AND ORDER OF BUSINESS

- The Council agenda for a regular business meeting is to be arranged in the following order:
 1. Preliminary Matters (Ceremonial, Comments from the City Manager, Public Comment, Youth Forum (on the first regular business meeting of the month))
 2. Consent Calendar
 3. Action Calendar
 - a) Appeals and Public Hearings ~~Priority Action (includes any Reports the City Manager deems necessary to be considered that evening including any pulled City Manager Consent Reports)~~
 - b) Old Business
 - c) New Business
 - d) Time Critical ~~Items~~
 4. Information Reports
 5. Communications
 6. Adjournment

~~□The Council agenda for a public hearing meeting is to be arranged in the following order:~~

- ~~1. Preliminary Matters (Comments from the City Manager, Public Comment)~~
- ~~2. Consent Calendar~~
- ~~3. Public Hearings~~
- ~~4. Time Critical Items~~
- ~~5. Information Reports~~
- ~~6. Communications~~
- ~~7. Adjournment~~

IV. CONDUCT OF MEETING

A. COMMENTS FROM THE PUBLIC.

A thirty minute period shall be devoted at the beginning of regular Council meetings to provide an opportunity for citizens to address Council on any issue concerning City business.- Each speaker shall limit his/her remarks to no more than two minutes.

A twenty minute period shall be set aside for public comment at all special meetings, including closed sessions and work sessions, and meetings of Council subcommittees. Each speaker shall limit his/her remarks to no more than two minutes. However if the only matter on the agenda for a special meeting is a public hearing, the public shall speak following the rules for public comment during public hearings and no additional time shall be set aside for public comment on other subject matters.

~~In addition, a thirty minute period at the beginning of any special meeting shall be devoted to provide an opportunity for citizens to address the Council on any issue on the special meeting agenda. Where the entire special meeting relates to matters which are to be discussed solely in closed session or at a special study session, such comment period shall be limited to ten minutes and each speaker shall be entitled to no more than two minutes, or such lesser time as the Council may determine, if there are numerous speakers.~~

A ten minute period (Youth Forum) shall be devoted at the beginning of the first business meeting of each month to provide an opportunity for citizens eighteen years of age or younger, to address Council on any issue concerning City business. Each person speaking during Youth Forum period shall limit his/her remarks to two minutes.

Councilmembers may ask questions but the Council shall not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A Councilmember may, however, refer a subject to staff or other resources for factual information or for action, if appropriate.

~~During the thirty minute period, the Council will hear a minimum of ten speakers. If time remains, as many additional speakers will be heard as time permits.~~

~~Each person speaking during any public comment period, other than a special meeting devoted exclusively to matters to be discussed solely at a closed session, shall limit his/her remarks to three minutes. Each person speaking during a special meeting devoted exclusively to closed session matters shall limit his/her remarks to two minutes.~~

B. CONSENT CALENDAR

There shall be a consent calendar on all regular meeting agendas on which shall be included those matters which the Mayor, Councilmembers, Boards, Commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

~~All consent calendar items must specifically state the deadline for action if action on such item should not be postponed to the next meeting.~~

It is the policy of the Council that Councilmembers wishing to ask questions concerning consent calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items removed from the Consent Calendar will automatically be moved to the end of the agenda to be considered after completion of the Action Calendar ~~for discussion at a regular business meeting are taken up at the next Council meeting at which action items may be considered, unless the Council determines that the matter should be taken up the same night.~~

C. INFORMATION REPORTS CALLED UP FOR DISCUSSION.

Following passage of the ~~uncontested~~ Consent Calendar, the presiding Officer shall ask if any Councilmember wishes to discuss any of the Reports for Information. Reports for Information designated for discussion by any Councilmember shall be added to the appropriate Section of Reports for Action and carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of any Councilmember a Report for Information may be acted upon by the Council.

D. COMMUNICATIONS.

Letters from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications," with the exception that communications regarding appeals will be listed with the appeal.

All such communications must have been received by the City Clerk no later than the Monday eight days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the Clerk's Office.

All communications shall be simply deemed received without any formal action by the Council. A Councilmember may refer a communication to staff for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

E. PUBLIC HEARINGS.

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to presentations of the public. Anyone desiring to speak to the Council on the subject of the public hearing shall submit a written request to the City Clerk at the meeting at which the public hearing is held. In the conduct of the public hearing, the presiding officer will request that those making presentations avoid repetition in order to permit maximum information to be provided the Council within the time allotted to the hearing.

Speakers may speak on public hearing matters only during the designated public hearing and not as part of Public Comment. Council may allow the elderly, disabled and those with child care

needs to speak early during Public Hearings.

When more than one public hearing is scheduled, there will be a Council recess between the hearings.

F. PUBLIC DISCUSSIONS.

The City Council may, from time to time, schedule a matter for public discussion and may limit the amount of time to be devoted to said discussions. At the time the public discussion is scheduled, the City Council may seek comment from others if they so determine.

G. TIME LIMITATION FOR PUBLIC TESTIMONY AT PUBLIC HEARINGS AND PUBLIC DISCUSSIONS.

Each speaker shall be limited to ~~three~~-two minutes with the exception that one representative for an appellant or applicant of an appeal shall be allowed five minutes during the public hearing on this matter . [The Mayor may establish overall time limits for applicants, appellants and other speakers at public hearings and set up such other procedures that may facilitate the orderly and efficient conduct of such hearings.](#)

H. PROTOCOL.

Each person addressing the Council shall first give his name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked a Councilmember except through the presiding officer.

V. PROCEDURAL MATTERS

A. PERSONS AUTHORIZED TO SIT AT TABLES

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. DECORUM

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent. Any message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.

C. ENFORCEMENT OF DECORUM

Any law enforcement officers on duty or whose services are commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer of the purpose of maintaining order and decorum at the Council meetings. Upon instructions of the presiding officer, it shall be the duty of the Sergeant-of-Arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of applicable law.

D. PRECEDENCE OF MOTIONS

When a question is before the Council, no motion shall be entertained except:

- a) To adjourn,
- b) To fix the hour of adjournment,
- c) To lay on the table,
- d) For the previous question,
- e) To postpone to a certain day,
- f) To refer,
- g) To amend,
- h) To substitute, and
- i) To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to adjourn, amend, or substitute, shall be put to a vote without debate.

E. ROBERTS RULES OF ORDER

Roberts Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in V-D shall supercede.

F. RULES OF DEBATE

a) Presiding Officer May Debate. The presiding officer may debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of his acting as the presiding officer.

b) Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself to the question under debate.

c) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

d) Privilege of Closing Debate. The Councilmember moving the adoption of an Ordinance or Resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Councilmember moving adoption of an Ordinance, Resolution or other action shall have three minutes to conclude the debate.

e) Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only on the day such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made and seconded by one of the prevailing sides, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

f) Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater. Any Ordinance or Resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an Ordinance or Resolution, shall require the vote of the same percent of the Council to repeal or amend the Ordinance or Resolution.

G. DEBATE LIMITED

a) Except as provided in Section F.b) hereof, consideration of each matter coming before the Council shall be limited to twenty minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Good of the City; provided that either of the following two not debatable motions shall be in order:

1. A motion to extend consideration which, if passed, shall commence a new twenty minute period for consideration; or
2. If there are one or more motions on the floor, the previous question, which, if passed, shall require an immediate vote on pending motions.

b) The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.

c) In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in subparagraph a)1. hereof is made and is passed.

H. MOTION TO LAY ON TABLE

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. DIVISION OF QUESTION

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. ADDRESSING THE COUNCIL

Any person desiring to address the Council shall first secure the permission of the presiding officer to do so. Under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

a) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to matters of concern to them. Communications received by the City Clerk prior to close of business on the day of a Council meeting shall be duplicated by the City Clerk and submitted to the City Council at the meeting if related to an item which is on the agenda for that meeting.

b) Public Hearings. Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

c) Public Comment. Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment, except comments relating to appeals before the City Council where the Council must make its decision based on the written record or set the matter for public hearing.

K. ADDRESSING THE COUNCIL AFTER MOTION MADE

When a motion is pending before the Council, no person other than a Councilmember shall

address the Council without first securing the permission of the presiding officer or Council to do so.

VI. FACILITIES

A. COUNCIL CHAMBER CAPACITY

Council Chamber attendance shall be limited to the posted seating capacity thereof. Entrance to the City Hall will be appropriately regulated by the City Manager on occasions when the Council Chamber capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the Council Chamber except to address the Council, and sitting on the floor shall not be permitted. The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers.

B. ALTERNATE FACILITIES FOR COUNCIL MEETINGS

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the City Council Chambers.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the City Council Chambers and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the City Council Chambers.

BE IT FURTHER RESOLVED, that Resolution No. ~~61,866~~61,968-N.S. and all resolutions amendatory thereof are hereby rescinded. ~~and that this resolution shall sunset on November 30, 2004~~

~~The foregoing Resolution was adopted by the Berkeley City Council on March 11, 2003 by the following vote:~~

~~Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington, Wozniak and Mayor Bates.~~

~~Noes: None.~~

~~Absent: None.~~

Tom Bates, Mayor

Attest: _____
Sherry M. Kelly, City Clerk

RESOLUTION NO.

READOPTING COUNCIL RULES OF PROCEDURE INCORPORATING RECOMMENDATIONS APPROVED BY THE AGENDA COMMITTEE AND RESCINDING RESOLUTION NO. 61,968-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following Rules of the City Council shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED, that violation of these rules shall not be construed as a penal offense, excepting that breach of the peace or willful failure to comply with the lawful orders of the Council or its presiding officer shall be punishable as misdemeanors under applicable law.

I. DUTIES

A. DUTIES OF MAYOR

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order.

B. DUTIES OF COUNCILMEMBERS

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. MOTIONS TO BE STATED BY CHAIR

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. DECORUM BY COUNCILMEMBERS

While the Council is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking, nor refuse to obey the orders of the Council, or the presiding officer, except as otherwise herein provided.

E. VOTING DISQUALIFICATION

No member of the Council who is disqualified shall vote upon the matter on which he is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of

the member affected, be decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to absent himself. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

F. COUNCILMEMBERS TO AVOID IMPROPER CONSIDERATION OF PENDING OR CONTEMPLATED MATTERS

a) Fair Hearings. Except as set forth herein, no member of the Council shall discuss with any member of the public or listen to discussion of the facts of any quasi-judicial matter while such matter is pending before the City Council or any agency, board or commission thereof except at such time as that matter comes before the Council at a noticed public hearing.

Matters involving permits are pending before a city agency, board or commission when an application for a permit has been filed with the appropriate City department.

Councilmembers may attend noticed public hearings before subordinate boards and commissions but may not comment or engage in any discussion at such hearings.

Councilmembers may visit sites and properties that are subject of pending proceedings, as long as such visits and any pertinent observations are disclosed on the record at the beginning of the public hearing prior to the taking of any statements from the public or permit applicants.

b) Open Mind. No member of the Council shall pledge or promise to vote in any particular manner thereon.

In adopting and amending Rule IF, the Council hereby also declares and finds that such amendment is declaratory of existing law.

G. REQUESTS FOR TECHNICAL ASSISTANCE AND/OR REPORTS

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual Councilmember.

II. MEETINGS

A. CALL TO ORDER - PRESIDING OFFICER

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair at the conclusion of the business presently before the Council. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

B. ROLL CALL

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. QUORUM CALL

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. COUNCIL MEETING SCHEDULE

Regular meetings of the City Council shall be held generally three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

The Council meetings shall commence at 7:00 p.m., except when a Redevelopment Agency or Housing Authority meeting is scheduled, in which case the Council meeting shall commence at the conclusion of the Redevelopment Agency meeting or Housing Authority meeting, as the case may be.

The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the Public; Youth Forum (on the first regular business meeting of each month only); Consent Calendar; Action Calendar (Appeals, Public Hearings, Old Business, New Business); Time Critical Items Not Considered By The Agenda Committee; Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. Any item removed from the Consent Calendar will automatically be moved to the end of the agenda to be considered after completion of the Action Calendar.

Upon request by any council member, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by any council member, a council member may also move an item from the Action Calendar to the Consent Calendar. Any item not considered or withdrawn from the Agenda will automatically be carried over as Old Business to the next regular business meeting unless another date is set by the Council.

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular

business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. These meetings will be held on a Thursday at 7:00 p.m., unless another date and time is determined to be necessary to meet a deadline or allow for greater public participation. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

E. ADJOURNMENT

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council six votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.

If a Council meeting is continued past 11:00 p.m., it shall end at midnight.

2. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular business meeting, or by a two-thirds majority vote six of the Council to an adjourned regular meeting.

F. CITY COUNCIL RECESS PERIODS

A recess period is defined as a period of time longer than 13 days without a regular or special meeting of the Council.

During any recess period, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

G. PLEDGE OF ALLEGIANCE TO THE FLAG

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the program will be the Pledge of Allegiance.

III. AGENDA

A. DECLARATION OF POLICY

No Ordinance, Resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section IID2. Exceptions to this rule are limited to circumstances listed in IID4(b) and items carried over.

B. DEFINITIONS

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by any Councilmember, the City Manager, the Auditor, or any Board/Commission/Committee created by the City Council, or any Report For Information which may be acted upon if a Councilmember so requests. For purposes of this Section, appeals shall be considered Action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter.

2. Agenda items shall contain all relevant documentation, including the following as applicable:

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
- b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
- c) Recommendation of the City Manager, if applicable;¹
- d) Fiscal impacts of the recommendation;
- e) A description of the current situation and its effects;
- f) Background information as needed;
- g) Rationale for recommendation;
- h) Alternative actions considered;
- i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required;¹

¹ These provisions shall not apply to Mayor and Council items.

- j) Person or persons to contact for further information, with telephone number.
- l) If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk's Office, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

3. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.D hereof.

4. "Packet" means the Agenda plus all its corresponding duplicated Agenda items.

5. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

- a) a work stoppage or other activity which severely impairs public health, safety, or both;
- b) a crippling disaster which severely impairs public health, safety or both.

Notice of the Council's proposed consideration of any such emergency matter shall be given in the manner required by law for such an emergency pursuant to Government Code section 54956.5.

6. "Old Business" Items carried over from a prior agenda of a meeting as uncompleted items.

C. PROCEDURE FOR BRINGING MATTERS BEFORE CITY COUNCIL

1. Persons Who Can Place Matters On The Agenda-

Matters may be placed on the agenda by any Councilmember, the City Manager, the Auditor, or any Board/Commission/Committee created by the City Council. All items, other than Board and Commission items shall be subject to review by an Agenda Committee, which shall be a standing committee of the City Council. The Agenda Committee shall consist of the Mayor and two Council members, nominated by the Mayor and approved by the Council. A third Council member, nominated by the Mayor and approved by the Council, will serve as an alternate on the Committee in the event that an Agenda Committee member cannot attend a meeting. The Agenda Committee shall have the powers set forth below.

a) Items Authored by a Council Member or the Auditor.

As to items authored by a Council member or the Auditor, the Agenda Committee shall review the report for the item and may recommend that the matter be referred back to the author, to a commission, or to the City Manager for adherence to required form, additional analysis as required in Section B (2), or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

The author of a “referred” item must inform the City Clerk within 24 hours of the adjournment of the Agenda Committee whether they prefer to: 1) hold the item for a future meeting pending modifications as suggested by the Committee; 3) have the item appear on the next available Council Agenda as originally submitted; 4) pull the item completely; or 5) re-submit the item with revisions as requested by the Agenda Committee for the following week’s Council Agenda.

In the event that the Clerk does not receive guidance from the author of the item within 24 hours of the Agenda Committee’s adjournment, the recommendation of the Agenda Committee will take effect.

Items held for a future meeting to allow for modifications will be placed on the next available Council Meeting Agenda when the revised version is submitted to the Clerk. If changes made to the item extend beyond the scope of the Agenda Committee referral recommendations, the item must be re-submitted as a new Council item. All items placed on the Council Agenda against the referral recommendation of the Agenda Committee or revised items that have not been resubmitted to the Agenda Committee will automatically be placed on the Action Calendar.

b) Items Authored by the City Manager.

Agenda descriptions of items authored by the City Manager shall be reviewed by the Agenda Committee. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section B(2), or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the Agenda Committee’s action, it will be placed on the Agenda as directed by the Manager. All Manager items placed on the Council Agenda against the referral recommendation of the Agenda Committee or revised items that have not been resubmitted to the Agenda Committee will automatically be placed on the Action Calendar.

c) Items Authored by Boards and Commissions.

Items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners’ Manual. While these items are not subject to review by the Agenda Committee, the Agenda Committee may elect to move a commission report for the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.

2. Scheduling Public Hearings mandated by State, Federal, or local statute

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a Public Hearing.

3. Submission of Agenda Items

a) City Manager Items. Except for Old Business, as a condition to placing an item on the agenda, agenda items from departments, including agenda items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

b) Council and Auditor Items. The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, fifteen days before each Council meeting.

c) Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or councilmember is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If received prior to the meeting of the Agenda Committee, the City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar. If the Agenda Committee finds that the matter does not meet the definition of Time Critical and the sponsor does not wish to hold the report for the next Council meeting, the City Clerk shall place the item on the Action Calendar under the Time Critical section.

If the item is received by the City Clerk after the meeting of the Agenda Committee and prior to the publishing of the Council Agenda, the City Clerk shall place the item on the Action Calendar under the Time Critical section. The City Clerk shall not accept any item past a deadline if it will result in a delay in the publishing and/or distributing of the Council Agenda and Agenda Packet.

4. Scheduling a Presentation

Any request for a presentation to the Council will be submitted as an agenda item and follow the time lines for submittal of agenda reports. The agenda item should include general information regarding the purpose and content of the presentation; information on the presenters; contact information; and the length of the presentation. The request may state a preference for a date before the Council. The Agenda Committee will review the request and recommend a presentation date and allotted time based on the Council's schedule.

The City Clerk will notify the presenters of the date and time of the presentation and will coordinate use of any presentation equipment and receipt of additional written material.

D. PACKET PREPARATION AND POSTING

1. Preparation of the Packet

Not later than the sixth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the Agenda plus all its corresponding duplicated Agenda items. No item shall be considered if not included in the packet, except that a correction or supplement to an item already included in the packet may be considered. Reports carried over as Old Business need not be reproduced again.

2. Distribution and Posting of Agenda

a) The City Clerk shall post each agenda of the City Council Regular Meeting at least seventy-two hours in advance of the meeting and shall post each agenda of a Special Meeting at least twenty-four hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.

b) The City Clerk shall also post agendas and summaries of all City Council meetings and notices of public hearings on the City's Website.

c) Not later than the fifth day prior to said meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge at the Office of the City Clerk.

3. Distribution of the Packet

Not later than the fifth day prior to said meeting, the City Clerk shall distribute the packet to each member of the City Council. The ePacket shall also be posted to the City's website.

4. Failure to Meet Deadlines

a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.

b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section IIIB5.
- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.

c) Matters listed on the printed agenda but for which support materials are not received by the City Council on the fourth day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon. In cases where the good of the City outweighs the lack of time for citizen review or Councilmember evaluation of an item, the Council by a two-thirds vote may waive this rule.

E. AGENDA SEQUENCE AND ORDER OF BUSINESS

- The Council agenda for a regular business meeting is to be arranged in the following order:
 1. Preliminary Matters (Ceremonial, Comments from the City Manager, Public Comment, Youth Forum (on the first regular business meeting of the month))
 2. Consent Calendar
 3. Action Calendar
 - a) Appeals and Public Hearings
 - b) Old Business
 - c) New Business
 - d) Time Critical
 4. Information Reports
 5. Communications
 6. Adjournment

IV. CONDUCT OF MEETING

A. COMMENTS FROM THE PUBLIC.

A thirty minute period shall be devoted at the beginning of regular Council meetings to provide an opportunity for citizens to address Council on any issue concerning City business. Each speaker shall limit his/her remarks to no more than two minutes.

A twenty minute period shall be set aside for public comment at all special meetings, including closed sessions and work sessions, and meetings of Council subcommittees. Each speaker shall limit his/her remarks to no more than two minutes. However if the only matter on the agenda for a special meeting is a public hearing, the public shall speak following the rules for public comment during public hearings and no additional time shall be set aside for public comment on other subject matters.

A ten minute period (Youth Forum) shall be devoted at the beginning of the first business meeting of each month to provide an opportunity for citizens eighteen years of age or younger, to address Council on any issue concerning City business. Each person speaking during Youth Forum period shall limit his/her remarks to two minutes.

Councilmembers may ask questions but the Council shall not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A Councilmember may, however, refer a subject to staff or other resources for factual information or for action, if appropriate.

B. CONSENT CALENDAR

There shall be a consent calendar on all regular meeting agendas on which shall be included those matters which the Mayor, Councilmembers, Boards, Commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that Councilmembers wishing to ask questions concerning consent calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items removed from the Consent Calendar will automatically be moved to the end of the agenda to be considered after completion of the Action Calendar.

C. INFORMATION REPORTS CALLED UP FOR DISCUSSION.

Following passage of the Consent Calendar, the presiding Officer shall ask if any Councilmember wishes to discuss any of the Reports for Information. Reports for Information designated for discussion by any Councilmember shall be added to the appropriate Section of Reports for Action and carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of any Councilmember a Report for Information may be acted upon by the Council.

D. COMMUNICATIONS.

Letters from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications," with the exception that communications regarding appeals will be listed with the appeal.

All such communications must have been received by the City Clerk no later than the Monday eight days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the Clerk's Office.

All communications shall be simply deemed received without any formal action by the Council. A Councilmember may refer a communication to staff for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

E. PUBLIC HEARINGS.

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to presentations of the public. Anyone desiring to speak to the Council on the subject of the public hearing shall submit a written request to the City Clerk at the meeting at which the public hearing is held. In the conduct of the public hearing, the presiding officer will request that those making presentations avoid repetition in order to permit maximum information to be provided the Council within the time allotted to the hearing.

Speakers may speak on public hearing matters only during the designated public hearing and not as part of Public Comment. Council may allow the elderly, disabled and those with child care needs to speak early during Public Hearings.

When more than one public hearing is scheduled, there will be a Council recess between the hearings.

F. PUBLIC DISCUSSIONS.

The City Council may, from time to time, schedule a matter for public discussion and may limit the amount of time to be devoted to said discussions. At the time the public discussion is scheduled, the City Council may seek comment from others if they so determine.

G. TIME LIMITATION FOR PUBLIC TESTIMONY AT PUBLIC HEARINGS AND PUBLIC DISCUSSIONS.

Each speaker shall be limited to two minutes with the exception that one representative for an appellant or applicant of an appeal shall be allowed five minutes during the public hearing on this matter. The Mayor may establish overall time limits for applicants, appellants and other speakers at public hearings and set up such other procedures that may facilitate the orderly and efficient conduct of such hearings.

H. PROTOCOL.

Each person addressing the Council shall first give his name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked a Councilmember except through the presiding officer.

V. PROCEDURAL MATTERS

A. PERSONS AUTHORIZED TO SIT AT TABLES

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. DECORUM

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent. Any message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.

C. ENFORCEMENT OF DECORUM

Any law enforcement officers on duty or whose services are commanded by the presiding officer shall be Sergeant-at-Arms of the Council meetings. He/she, or they, shall carry out all orders and instructions given by the presiding officer of the purpose of maintaining order and decorum at the Council meetings. Upon instructions of the presiding officer, it shall be the duty of the Sergeant-of-Arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of applicable law.

D. PRECEDENCE OF MOTIONS

When a question is before the Council, no motion shall be entertained except:

- a) To adjourn,
- b) To fix the hour of adjournment,
- c) To lay on the table,
- d) For the previous question,
- e) To postpone to a certain day,
- f) To refer,
- g) To amend,
- h) To substitute, and
- i) To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to adjourn, amend, or substitute, shall be put to a vote without debate.

E. ROBERTS RULES OF ORDER

Roberts Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in V-D shall supercede.

F. RULES OF DEBATE

a) Presiding Officer May Debate. The presiding officer may debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of his acting as the presiding officer.

b) Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself to the question under debate.

c) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

d) Privilege of Closing Debate. The Councilmember moving the adoption of an Ordinance or Resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Councilmember moving adoption of an Ordinance, Resolution or other action shall have three minutes to conclude the debate.

e) Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only on the day such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made and seconded by one of the prevailing sides, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

f) Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater. Any Ordinance or Resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an Ordinance or Resolution, shall require the vote of the same percent of the Council to repeal or amend the Ordinance or Resolution.

G. DEBATE LIMITED

a) Except as provided in Section F.b) hereof, consideration of each matter coming before the Council shall be limited to twenty minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Good of the City; provided that either of the following two not debatable motions shall be in order:

1. A motion to extend consideration which, if passed, shall commence a new twenty minute period for consideration; or
2. If there are one or more motions on the floor, the previous question, which, if passed, shall require an immediate vote on pending motions.

b) The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.

c) In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in subparagraph a)1. hereof is made and is passed.

H. MOTION TO LAY ON TABLE

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. DIVISION OF QUESTION

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. ADDRESSING THE COUNCIL

Any person desiring to address the Council shall first secure the permission of the presiding officer to do so. Under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

a) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to matters of concern to them. Communications received by the City Clerk prior to close of business on the day of a Council meeting shall be duplicated by the City Clerk and submitted to the City Council at the meeting if related to an item which is on the agenda for that meeting.

b) Public Hearings. Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

c) Public Comment. Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment, except comments relating to appeals before the City Council where the Council must make its decision based on the written record or set the matter for public hearing.

K. ADDRESSING THE COUNCIL AFTER MOTION MADE

When a motion is pending before the Council, no person other than a Councilmember shall

address the Council without first securing the permission of the presiding officer or Council to do so.

VI. FACILITIES

A. COUNCIL CHAMBER CAPACITY

Council Chamber attendance shall be limited to the posted seating capacity thereof. Entrance to the City Hall will be appropriately regulated by the City Manager on occasions when the Council Chamber capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the Council Chamber except to address the Council, and sitting on the floor shall not be permitted. The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers.

B. ALTERNATE FACILITIES FOR COUNCIL MEETINGS

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the City Council Chambers.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the City Council Chambers and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the City Council Chambers.

BE IT FURTHER RESOLVED, that Resolution No. 61,968-N.S. and all resolutions amendatory thereof are hereby rescinded.

