

RESOLUTION NO. 17 - 3689

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA,
CALIFORNIA, RE-ESTABLISHING THE RULES OF PROCEDURES IN THEIR
ENTIRETY FOR CITY COUNCIL MEETINGS AND RELATED TO GOVERNING
BOARD ANNOUNCEMENTS HEREBY REPEALING RESOLUTION 16-3517

WHEREAS, Section 2.04.040 of the Municipal Code requires that the City Council adopt Rules of Procedure (the "Rules") to govern the conduct of its meetings and any of its other functions and activities, and regulations pertaining thereto; and

WHEREAS, Resolution No. 13-3052, adopted on February 19, 2013, re-established the Rules in their entirety; with improved meeting efficiency by consolidating Governing Body Announcements with Governing Body Actions/Comments near the end of the meeting; moving Department/Commission Announcements to follow Governing Body Announcements/Actions/Comments near the end of the meeting; and moving Consent Calendar to follow the public comments, rather than at a time specific, potentially allowing public hearings to be heard earlier; and

WHEREAS, Resolution No. 13-3052 also repealed Resolutions Nos. 07-1778, 08-1922, 08-1975, 08-2116, and 10-2571; and

WHEREAS, Resolution No. 13-3052, also repealed Resolution Nos. 07-1778, 08-1922, 08-1975, 08-2116, and 10-2571; and

WHEREAS, Resolution No. 13-3167, adopted on November 5, 2013, amended the rules of procedure with revisions to sections 3.14, 4.6, 4.8, 5.1, 5.6, 6.1, and 8.1 and repealed Resolution No. 13-3052; (vote 5-0); regarding closed sessions/workshops, public participation, required votes, and Brown Act updates; and

WHEREAS, On March 20, 2014, the City Council adopted Resolution No. 14-3202, amending the rules of procedure with revisions to section 2.8 by eliminating one (individual research/report) of three options for City Council Members to place an item on the agenda; and (Vote: 3-0, Lane and Ramos absent).

WHEREAS, On October 21, 2014, the City Council adopted Resolution No. 14-3301, amending the rules of procedure for meetings by moving Department Reports toward the beginning of the agenda (Vote: 4-0, one vacancy).

WHEREAS, On February 16, 2016, the City Council adopted Resolution No. 16-3517, amending Resolution No. 14-3301, Rules of Procedure, providing for the ceremonial transition of officers, and eliminating the provision that members elected in 2010 and thereafter be placed at the end of the rotational queue. (Vote: 3-2, Gibbs, Ramos opposed).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Murrieta that the Rules of Procedure for City Council meetings and related functions and activities are hereby adopted to read as follows:

PURPOSE: The purpose and intent of the City Council in adopting the within rules shall be to provide directory guidelines relating to the conduct of the public business by or on behalf of the

City Council, and in the event of any noncompliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

1. MEETINGS

1.1. REGULAR MEETINGS

The City Council of the City of Murrieta shall hold regular meetings in the place specified in the Municipal Code and on the first and third Tuesdays of each month with the exception of the first Tuesday in January. Meetings shall begin at 6:00 p.m. Under normal circumstances, Closed Sessions are to begin no earlier than 4:00 p.m. on regular meeting days. All regular meetings shall adjourn at 10:00 p.m. unless a majority of the City Council votes to continue the meeting past the fixed time of adjournment. The City Council may, at their option, extend the meeting up to two (2) times for thirty (30) minutes each, up until 11:00 p.m.

When the day of a regular meeting of the council falls on a legal holiday, no meeting shall be held on such holiday (i.e. July 4, Independence Day), but a regular meeting shall be held at the same hour on the next succeeding day thereafter that is not a holiday.

1.2. ADJOURNED MEETINGS:

Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting; otherwise, once adjourned, the meeting may not be reconvened.

1.3. SPECIAL MEETINGS:

Special meetings may be called by the Mayor or majority of Council Members with 24-hour notice, as set forth in Section 54956 of the Government Code of the State of California. Only matters contained in the notice may be considered and no ordinance (other than urgency ordinances) may be adopted.

1.4. STUDY SESSIONS / WORKSHOPS:

Members of the council may meet in a study session / workshop on the first and third Tuesdays of each month. Under normal circumstances, it is the Council's intention to begin such a session no earlier than 4:00 p.m., particularly if the session is held prior to a regular meeting.

1.5. NOTICE OF MEETINGS TO CITY COUNCIL:

Notice of regular meetings is not required; however, agenda packets are delivered more than 72 hours in advance of the meeting. Notice of special meetings must be delivered to each member of the legislative body (unless waived in writing) by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meetings. Notice is required of meetings adjourned by the City Clerk in the same manner as special meetings. Posted notice is required of all other adjourned meetings.

1.6. QUORUM:

Unless otherwise provided for in the Municipal Code, a majority of the Council shall be sufficient to do business and motions may be passed 2-1 if only 3 attend. The following matters, however, require three affirmative votes: a) adoption of ordinances; b) resolutions; and c) orders for payment of money. In addition, any General Plan Land Use Element amendment shall require for passage the number of positive votes equal to the number of Council Members legally able to vote on the matter, less one, with a minimum of three positive votes. Four affirmative votes are required for passage of an urgency ordinance or adoption of a resolution of necessity regardless how many Members attend.

1.6.1. Legally Required Participation:

If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the council shall determine, that number of its disqualified members which, when added to the members eligible to vote shall constitute a quorum.

1.7. MEETINGS TO BE PUBLIC:

Study sessions / workshops and all regular, adjourned, or special meetings of the City Council shall be open to the public, provided, however, the Council may hold closed sessions from which the public is excluded for the consideration of the following subjects:

1.7.1. Personnel Matters:

To consider appointment, employment, or dismissal of a public employee or to hear complaints or charges brought against such person or employee by another employee, unless such employee requests a public hearing. The Council may exclude from any such closed session, during the examination of a witness, any or all other witnesses in the matter being investigated.

1.7.2. Attorney-Client Matters:

To consider existing or anticipated litigation in which the City is or could be a party.

1.7.3. Conference with Real Property Negotiators:

To consider purchase, sale, exchange or lease of real property.

1.7.4. Other:

As otherwise permitted by law.

1.8. CLOSED SESSION MINUTES:

Pursuant to Section 54957.2 of the California Government Code, the City Clerk of the City of Murrieta may be required to attend a closed session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

2. ORDER OF BUSINESS

2.1. CONSOLIDATED AGENDA: (CITY COUNCIL, REDEVELOPMENT SUCCESSOR AGENCY, COMMUNITY SERVICES DISTRICT, FIRE DISTRICT, LIBRARY BOARD, FINANCING AUTHORITY AND HOUSING AUTHORITY)

Any reference to City Council or Council hereby defaults to Legislative Body.

2.1.1. The Order of Business of each meeting shall be as contained in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects which shall be taken up for consideration in the following order:

CLOSED SESSION

WORKSHOP

OPENING CEREMONIES

CALL TO ORDER

ANNOUNCEMENT OF CLOSED SESSION ACTION

ROLL CALL

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

APPROVAL OF AGENDA (priority consideration may be granted at this time)

COMMUNITY REPORT

DEPARTMENT / COMMISSION ANNOUNCEMENTS

GOVERNING BODY ANNOUNCEMENTS / ACTIONS / COMMENTS

PUBLIC COMMENTS

NOTE: START OF BUSINESS

The order of agenda items will be residents / consumers of city services, Council, and staff.

CONSENT CALENDAR

C1. (Numbers following in these rules are for illustrative purposes only.)

C2.

PULLED CONSENT CALENDAR ITEMS

PUBLIC HEARINGS

PH1.

PH2.

DISCUSSION (Includes introduction of ordinance, adoption of certain ordinances, certain resolutions, Council Member originated agenda requests, City Manager originated requests, and City staff originated requests)

D1.

D2.

ADJOURNMENT

- 2.1.2. Except with majority consent of the Council, items shall not be taken out of the order prescribed above.
- 2.1.3. No matters other than those listed on the agenda shall be finally acted upon by the Council; provided, however, that the Council may take action on items of business which do not appear on the posted agenda under any of the following conditions or circumstance:
 - 2.1.2.1. Upon determination by a majority vote of the Council that an emergency situation exists, as defined in Section 54956.5 of the California Government Code.
 - 2.1.2.2. Upon determination by a two-thirds vote of the Council, or, if less than two thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda having been posted and that action is necessary for timeliness.
 - 2.1.2.3. The item was posted for a prior meeting of the Council occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is proposed to be taken.

2.1.3. The Council, by resolution or minute action or order, as it deems appropriate, may revise the agenda format as it deems necessary, from time to time.

2.2. DELIVERY OF AGENDA:

Barring unavoidable difficulties, the agenda for each regular meeting of the Council, and reports and other documentation related thereto, shall be delivered to the Members of the Council and typically made available to the public on the Thursday preceding the Tuesday meeting to which it pertains. In respect to every regular meeting, the agenda shall conform to Section 54954.2 of the California Government Code and shall be posted at least 72 hours prior to the time scheduled for the meeting. Agendas shall be posted on the bulletin board outside the administrative offices of the City and at such other places within the City as the Council has designated for posting notices of Council meetings.

2.3. ROLL CALL:

Before proceeding with the business of the Council, the City Clerk shall call the roll of the Council Members and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical with the Mayor called last.

2.4. APPROVAL OF MINUTES:

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the Clerk has previously furnished each Council Member with a copy thereof.

2.5. PUBLIC HEARINGS:

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Call the matter
- Give staff report
- Take questions from Council Members to staff
- Open Public Hearing
- Take testimony – applicant, proponents, opponents
- Allows applicant's rebuttal
- Council deliberates
- Close Public Hearing
- Call for a motion and a second
- Discuss/debate matter until there appears to be a consensus or debate ends
- Call for vote and vote

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit testimony. Any person may speak for a longer period of time, upon approval of the Mayor, when this is deemed necessary as in cases when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

At any public hearing before the City Council, testimony of witnesses under oath may be requested by the Council.

Any Council Member shall disclose during the hearing and prior to voting, for the record, when applicable, that he or she communicated independently with any project applicant, or with any proponent or opponent, or with their representatives, concerning the project or proposal under consideration, and shall disclose the substance of the communication.

2.6. PUBLIC COMMENTS:

Any person may address the Council on any subject pertaining to City business, during the Public Comments portion of each regular meeting; provided that comments relating to an item listed on the agenda should be heard when that item is being considered, unless otherwise determined by the Council.

2.7. CONSENT CALENDAR:

Items of routine and non-controversial nature shall be placed on the Consent Calendar portion of the agenda. All items may be approved by one blanket motion. Prior to, or following review of, the Consent Calendar by the City Manager, any Council Member may request that any item be withdrawn from the Consent Calendar for separate consideration. However, any Council Member may abstain from voting on any consent agenda item without requesting its removal from the Consent Calendar, and the City Clerk shall be instructed to record such abstentions in the minutes.

2.8. PRESENTATIONS BY MEMBERS OF THE COUNCIL:

2.8.1. Two Council Members may jointly place an item on a future agenda by making a written request to the City Manager describing the item as specifically as possible. (Caution advised to avoid potential Brown Act violation.) The City Manager shall determine which future agenda the matter shall be placed on based upon cost and staff time. The City Manager shall make every effort to place such item on the agenda as soon as possible.

2.8.2. A Council Member may request that an item be placed on a future agenda at the Governing Body Announcements/ Actions / Comments portion of the Council agenda. These matters need not be specifically listed on the agenda, but formal action on the substance of the matter(s) shall be deferred until a future Council meeting. With the concurrence of the majority of the Council Members, such items will be placed on a future Council agenda for discussion and possible action. An item may be immediately considered if deemed to be of an urgent nature and added to the agenda as permitted by the Ralph M. Brown Act.

In all cases, items related to the reconsideration of a City Council action shall comply with the provisions set forth in Section 7.4 Reconsideration.

2.9 GOVERNING BOARD ANNOUNCEMENTS

Each Council Member will be given three minutes to speak under their Governing Board Announcements. The agenda item Governing Board Announcement will be placed at the beginning of the agenda and if the announcements are not completed they will be completed at the end of the meeting. The City Clerk will use the computerized timer.

3. PRESIDING OFFICERS

3.1. PRESIDING OFFICERS:

The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the Council shall elect a temporary Presiding Officer until the arrival of the Mayor or Mayor Pro Tem or until adjournment.

In accordance with Elections Code Section 10411 and 15400, the Council shall meet following receipt of the statement of election results and declare those nominated or elected to office and the results of any measures. Annually, at the first regular meeting in December, the Council shall choose one of its Members as Mayor and one as Mayor Pro Tem.

The ceremony for the transition of officers shall occur at the regular meeting following the selection of officers (typically the second meeting in December).

The Mayor and Mayor Pro Tem shall be determined according to the following:

3.1.1. Qualifications for Presiding Officers

- 3.1.1.1. The Mayor shall have served at least two years on the City Council.
- 3.1.1.2. The Mayor shall have served as Mayor Pro Tem at some time prior to serving as Mayor, with normal progression being from Mayor Pro Tem to Mayor.
- 3.1.1.3. The Mayor Pro Tem shall have served at least one year on the City Council.

3.1.2. Term of Position as Presiding Officers

- 3.1.2.1. The term of office of Mayor shall be one year.
- 3.1.2.2. The term of office of Mayor Pro Tem shall be one year.

3.1.3. Rotation into Presiding Officer Positions

- 3.1.3.1. The Mayor shall be the most senior City Council Member who has not served as Mayor, or if all City Council Members have served

as Mayor, the City Council Member who has not served as Mayor for the longest period of time, providing the Qualifications for Presiding Officers have been met.

3.1.3.2. The Mayor Pro Tem shall be the most senior City Council Member who has not served as Mayor Pro Tem, or if all City Council Members have served as Mayor Pro Tem, the City Council Member who has not served as Mayor Pro Tem for the longest period of time, providing the Qualifications for Presiding Officers have been met.

3.1.3.3 Omitted.

3.1.3.4. In the event two or more members are newly elected at the same election, the rotation shall be based on the member with the highest number of votes received in the municipal election and will continue in descending order of the most votes received. However, members re-elected to successive terms will remain in the rotation order established with their initial election.

3.1.3.5. Recognizing the responsibility placed on the Mayor and Mayor Pro Tem, no member shall have the obligation to serve as either Mayor or Mayor Pro Tem should he/she not wish to do so.

3.1.3.6. A member shall not serve successive terms as Mayor or Mayor Pro Tem unless all other members decline to serve.

3.1.4. The Mayor may be censured or be removed by unanimous vote of the remaining members in the event that the Mayor's conduct in office does not represent the best interests of the City, including violation of the code of conduct, unprofessional conduct and failure to represent the positions of the City Council when acting in the capacity of Mayor.

3.2. CALL TO ORDER:

The meeting of the Council shall be called to order by the Mayor or, in his absence, by the Mayor Pro Tem. In absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

3.3. PARTICIPATION OF PRESIDING OFFICER:

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer.

However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the Council, he/she should consider turning the Chair over to another Member.

3.4. QUESTION TO BE STATED:

The Presiding Officer shall verbally restate or confirm each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

3.5. SIGNING OF DOCUMENTS:

The Mayor, or Mayor Pro Tem, in the absence of the Mayor, shall sign ordinances adopted by the City Council. The City Clerk, or Deputy City Clerk, shall attest to the signature of the Mayor and Mayor Pro Tem.

3.6. MAINTENANCE OF ORDER:

The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

4. RULES, DECORUM, AND ORDER

4.1. POINTS OF ORDER:

The Presiding Officer shall determine all points of order subject to the right of any member of appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

4.2. DECORUM AND ORDER – COUNCIL MEMBERS:

4.2.1. Any Council Member desiring to speak shall address the Presiding Officer and, upon recognition, shall confine himself/herself to the question under debate.

4.2.2. A Council Member desiring to question the staff shall address his/her question to the City Manager or City Attorney, in appropriate cases, who shall be entitled either to answer the inquiry himself or to designate some member of his/her staff for that purpose.

4.2.3. A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a point of order is raised by another Council Member, or unless the speaker chooses to yield to questions from another Council Member.

4.2.4. Any Council Member called to order while he/she is speaking shall cease immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall

remain silent or shall alter his/her remarks so as to comply with rules of the Council.

- 4.2.5. Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.
- 4.2.6. Any Council Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of majority of the Council shall require him/her to so act.
- 4.2.7. When a Council Member desires to express their individual opinion on legislation or ballot measures, they shall do so from the podium rather than from the dais. Speaking from the podium clarifies that it is an individual opinion and not that of the City Council.

4.3. DECORUM AND ORDER – EMPLOYEES:

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to Members of the Council. The City Manager shall insure that all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

4.4. DECORUM AND ORDER – PUBLIC:

Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body. No privilege or protection for expression beyond that otherwise provided by law is conferred (Government code 54954.3). Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

4.5. ENFORCEMENT OF DECORUM:

The head of the City's police agency or his/her designee shall be ex-officio sergeant-of-arms of the Council. He/she shall carry out all orders and instructions given him/her by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-of-arms or his/her representative to eject any person from the Council Chambers or place him/her under arrest or both.

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals

who are willfully interrupting the meeting, the members of the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

4.6. PERSONAL PRIVILEGE:

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned or imposed.

4.7. CONFLICT OF INTEREST:

All Council Members are subject to the provisions of California Law, including, but not limited to, Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest, and to conflicts of interest codes adopted by the Council. Any Council Members prevented from voting because of a conflict of interest shall refrain from debate and voting. Such Council Member must leave the Council Chambers during debate and voting on the issue.

4.8. LIMITATION OF DEBATE:

No Council Member normally should speak more than once upon any one subject until every other Member choosing to speak thereon has spoken. No Member shall speak for a longer time than five minutes each time he/she has the floor, without the approval of a majority vote of the Council.

4.9. DISSENTS, PROTESTS, AND COMMENTS:

Any Member shall have the right to express dissent from or protest to or comment upon any action of the Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons."

4.10. PROCEDURES IN ABSENCE OF RULES:

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

4.11. RULINGS OF CHAIR FINAL UNLESS OVERRULED:

In presiding over Council meetings, the Mayor, Mayor Pro Tem or temporary Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council Members present and voting, and shall be binding and legally effective (even when clearly erroneous) for purposes of the matter under consideration.

4.12. ACTIONS NOT INVALIDATED:

Failure to strictly comply with these Rules of Procedure shall not necessarily invalidate any action taken by the City Council.

5. ADDRESSING THE COUNCIL

5.1. MANNER OF ADDRESSING THE COUNCIL:

Any member of the public desiring to address the Council shall proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, he/she may state their name and city for the records.

All remarks and questions shall be addressed to the Presiding Officer and not to any individual Council Member, staff member or other person. During a public hearing, all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

5.2. TIME LIMITATION:

Any member of the public desiring to address the Council shall limit his/her address to three (3) minutes per item with a 30-second warning, unless further time has been granted by the Presiding Officer in the individual case, or in accordance with Section 2.5.

5.3. ADDRESSING THE COUNCIL AFTER MOTION IS MADE:

After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission by a majority of the Council.

5.4. LIMITATIONS REGARDING PUBLIC COMMENTS:

The making of oral communications to the Council by any member of the public during the Public Comments portion of the agenda shall be subject to the following limitations:

5.4.1. At any time, before or after the oral communication is commenced, the Presiding Officer may, if he/she deems it preferable, direct that the communication be made instead either to the City Manager or other appropriate staff member during regular business hours or in writing for subsequent submittal to Council Members, pursuant to Section 5.5.

5.4.2. No speaker shall be permitted to address the Council on a topic which is currently before or about to be submitted for consideration by a City commission, board or other agency before which the speaker should make his presentation, until that latter body has completed its deliberations and taken its final action. In case the speaker should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communication to the Council outside that procedure.

- 5.4.3. The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. Those whose presentations are postponed shall be given priority at the next meeting during the Public Comments portion of the agenda.
- 5.4.4. If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.
- 5.4.5. No oral communications shall be allowed to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her. All charges or complaints against employees shall be submitted to the City Manager for appropriate action, and may also be submitted to Members of the Council by written communication.

5.5. WRITTEN CORRESPONDENCE:

The City Manager is authorized to receive and open all mail addressed to the Council as a whole and give it immediate attention to the end that all administrative business referred to in said communications, and not necessarily requiring Council action, may be disposed of between Council meetings. A copy of such communication shall be sent to each Council Member marked "Information Only."

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

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the Municipal Code, or other ordinances.

Copies of all other communications sent to the Council will be transmitted to them.

5.6. PERSONS AUTHORIZED TO BE WITHIN PLATFORM:

No person except City officials shall be permitted within the platform area in front of the Council table without the invitation or consent of the Presiding Officer.

5.7 ELECTRONIC PRESENTATIONS

Members of the public may make an electronic presentation (i.e. Power Point) to the legislative bodies utilizing the City's audio/visual equipment, provided that the public make their request to the City Clerk 72 hours in advance of the meeting in order to coordinate review by the proper department and to coordinate with the Information Services Department for use of the equipment.

- 5.7.1. All electronic presentations must comply with applicable time limits for verbal presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.

- 5.7.2. A printed hard copy of the electronic presentation or CD must be provided to the City Clerk for the public record.

6. MOTIONS

6.1 PROCESSING OF MOTIONS:

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

6.2. MOTIONS OUT OF ORDER:

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

6.3. DIVISION OF QUESTION:

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

6.4. PRECEDENCE OF MOTIONS:

When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- Adjourn
- Fix hour of adjournment
- Table
- Limit or terminate discussion
- Amend
- Postpone

6.5. MOTION TO ADJOURN: (not debatable)

A motion to adjourn shall be in order at any time, except as follows:

- When repeated without intervening business or discussion.
- When made as an interruption of a member while speaking.
- When discussion has ended and vote on motion is pending.
- While a vote is being taken.

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

6.6. MOTION TO FIX HOUR OF ADJOURNMENT:

Such a motion shall be to set a definite time at which to adjourn and shall be undebatable and shall be unamendable except by unanimous vote.

6.7. MOTION TO TABLE:

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

6.8. MOTION TO LIMIT OR TERMINATE DISCUSSION:

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

6.9. MOTION TO AMEND:

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

6.10. MOTION TO CONTINUE:

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

7. VOTING PROCEDURE

7.1. VOTING PROCEDURE:

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical with the Mayor voting last. The Clerk shall call the names of all Members seated when a roll call vote is ordered or required. Members shall respond "aye", "no" or "abstain", provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council Member not audibly and clearly responding "no" or "abstain" or otherwise registering an objection shall have his vote recorded as "aye".

7.2. ROLL CALL VOTING:

Every ordinance and any resolutions or orders for franchises or payments of money require three affirmative votes. A roll call vote shall be used for these changes. Any other question before the Council shall not require a roll call vote unless demanded by any Member. It shall not be in order for Members to explain their vote during roll call. Any Member may change his vote before the next order of business.

7.3. FAILURE TO VOTE:

Every Council Member should vote unless disqualified for cause. A Council Member who abstains shall, for purpose of the item under consideration, be considered as if absent.

7.4. RECONSIDERATION:

Any Council Member who voted with the majority may move a reconsideration of any action at the same or the next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Council.

7.5. TIE VOTES:

Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council unless otherwise ordered by the Council.

8. RESOLUTIONS

8.1. DEFINITIONS:

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by resolutions. The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance. As used in this City, however, three terms are in general use to denote such non-ordinance actions: resolutions, minute order, and motion (thereafter recorded by minute entry). Technically, all three are equally as legally effective and binding; they just vary in the formality of respective memorialization. The most formal is referred to locally as a resolution. This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such resolutions are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document with the additional "whereas" explanatory material it often recites to facilitate such future reference and research.

A minute order as used locally denotes a separate document which is also maintained in a separate set of books, under a system of sequential numbering, and is referenced in the minutes; however, the minute order is drafted far more briefly than a resolution and is distinguished from a mere minute entry only by the need, in general, to have a separate document to facilitate certain administrative processes to which it pertains.

The motion (assuming it was one which passed) is a Council action, which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

8.2. RESOLUTIONS PREPARED IN ADVANCE:

Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

8.3. RESOLUTIONS NOT PREPARED IN ADVANCE:

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Council meeting.

8.4. URGENCY RESOLUTIONS:

In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in 8.2 above shall be followed.

Urgency resolutions shall be avoided except when absolutely necessary, and shall be avoided entirely when resolutions are required by law, in improvement acts, zoning matters, or force account work on public projects. Where the resolution has been drafted in written form, either before or during the meeting, this paragraph shall not be deemed applicable.

9. ORDINANCES

9.1. INTRODUCTION AND ADOPTION OF ORDINANCES:

Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction at either a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council Members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introductions, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

9.2. EFFECTIVE DATE:

All ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

9.3. PUBLISHING:

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code.

9.4. URGENCY ORDINANCES:

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

10. STUDY SESSIONS

10.1. SCHEDULE OF STUDY SESSIONS / WORKSHOPS:

The time for study sessions / workshops as specified above may be altered by the Council or by the Mayor on individual occasions when appropriate to the convenience of the Council Members, provided that when this occurs, written notice of the change shall be delivered personally or by any other means that ensures receipt to each local newspaper of general circulation, radio or television station at least 24 hours before the study session / workshop to be held at the changed time. Each Council Member shall be notified of the changed time personally or by whatever means the Mayor or City Manager deem appropriate.

10.2. OPEN TO THE PUBLIC:

Study sessions / workshops shall at all times be open to the public and the news media, except for a) closed sessions held at such times pursuant to Government Code Section 54954.5 whereat the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations; b) closed sessions to consider existing or anticipated litigation in which the City is or could be a party; c) closed session to consider appointment, employment or dismissal of a public employee or to hear complaints or charges brought against such person or employee unless such employee requests a public hearing; d) real property negotiations; or e) other closed sessions as permitted by law. Unless comments are invited by the Chair or Council, or otherwise required by law, participation by interested members of the public shall not take place at study sessions.

10.3. PURPOSE:

Study sessions / workshops are not intended to constitute a formal meeting of the City Council and they shall be carried on regardless of the number of Council Members in attendance.

At said study sessions / workshops, no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings being to provide background information to members of the Council and to allow Council

Members to ask questions and to express personal opinions. This shall not, however, be deemed to apply with respect to closed sessions referred to in Section 10.2.

If an item is presented at a study session / workshop or under Governing Body Actions / Comments by a Council Member for the purpose of placing it on the agenda of a regular Council meeting, if the majority of the Council Members concur, the item will then be placed on the agenda of the next regular Council meeting at least one week later.

10.4. AGENDA:

The City Manager shall be responsible for preparing an agenda of items for discussion at each study session / workshop.

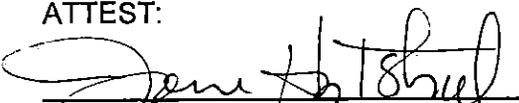
BE IT FURTHER RESOLVED, that the Resolution No. 13-3517, adopted by the Murrieta City Council on February 7, 2017, is hereby repealed.

PASSED, APPROVED AND ADOPTED this 7th day of February, 2017.



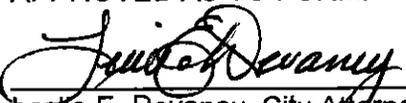
Rick Gibbs, Mayor

ATTEST:



Jane Halstead, City Clerk

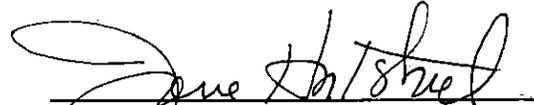
APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney

I, Jane Halstead, City Clerk of the City of Murrieta, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 7th day of February 2017, by the following roll call vote:

AYES: INGRAM, LANE, LONG, SEYARTO, AND GIBBS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



City Clerk