LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA
MARCH 1, 2023
6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAINE, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

- ***Remote Viewing:***
    - *Members of the public can view a livestream of the meeting online at* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
    - *Members of the public can access the Zoom webinar as follows:*
        - ***Join by Electronic Device:***
          https://us02web.zoom.us/j/82174204582
        - ***Join by Phone:***
          1-669-900-6833 or 1-833-548-0282 (Toll Free)
          Webinar ID: *821 7420 4582*

- ***Public Comment:*** *Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:*
    - ***Public Attendance:*** *Members of the public who attend in person may make comments from the Council Chamber podium.*

- ***Live Remote Public Comment:*** *Members of the public can submit a live remote public comment by:*

  - *Joining the virtual Council meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*

    https://us02web.zoom.us/j/82174204582

  - *Joining the virtual Council meeting by calling the phone number below. When public comment is opened, dial *9 to raise your hand and be called upon to speak for up to 3 minutes.*

    1-669-900-6833 or 1-833-548-0282 (Toll Free)
    Webinar ID: *821 7420 4582*

- ***Email Public Comment:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.*

- ***eComment Feature:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. *Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.*

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE AND INVOCATION

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

PRESENTATIONS AND RECOGNITIONS

PUBLIC COMMENT

Any person wishing to address the City Council on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. The City Council adopted a time limit of three minutes per person. The Brown Act does not allow for Council discussion of items not on the agenda. Councilmembers may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

1. City Council Meeting Minutes
   Recommendation: Approve the February 15, 2023, City Council Regular Meeting minutes.
   (Clarissa Menchaca, City Clerk)

2. Budget Calendar
   Recommendation: Receive and file.
   (James Ramsey, Finance Director)

BUSINESS ITEMS

3. Introduction of an Ordinance Amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business"
   Recommendation: Waive the first reading of the ordinance amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business" of the Live Oak Municipal Code.
   (Nicole Rosser, City Attorney)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

COUNCILMEMBER COMMENTS

ADJOURNMENT

LIVE OAK
CALIFORNIA

City of Live Oak
Report to City Council

Meeting Date: March 1, 2023

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the February 15, 2023, City Council Regular Meeting minutes.

Attachments:

Minutes

LIVE OAK CITY COUNCIL

MINUTES FEBRUARY 15, 2023 6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAINE, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

CALL TO ORDER

Meeting called to order by Mayor Woten at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:00 pm.

ROLL CALL

Present: Councilmembers Hernandez, Santana, Ghag, Vice Mayor Chapdelaine, and Mayor Woten

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Ghag led the Pledge of Allegiance. Councilmember Hernandez delivered the invocation.

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

There were no corrections and/or changes to the agenda.

PRESENTATIONS AND RECOGNITIONS

PUBLIC COMMENT

The following members of the public addressed the Council: Aarondeep Pamma and Bernie Didario.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: APPROVE THE CONSENT AGENDA.
(MOTION: GHAG; SECOND: CHAPDELAINE)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
   Clarissa Menchaca, City Clerk
   Council action: February 1, 2023, City Council Regular Meeting minutes approved.

2. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361
Nicole Rosser, City Attorney
Council action: Resolution No. 05-2023 adopted.

3. Memorandum of Understanding (MOU) with Public Employees Union Local #1
Aaron Palmer, City Manager
Council action: 1) MOU with Public Employees Union Local #1 approved; and 2) Mayor authorized to sign.

BUSINESS ITEMS

4. Award Construction Management Contract with Unico Engineering of Folsom, California for the Pennington Road West Project
Ron Walker, Public Works Director

Ron Walker, Public Works Director, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: 1) AWARD CONTRACT TO UNICO ENGINEERING TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR PENNINGTON ROAD WEST PROJECT; AND 2) AUTHORIZE THE CITY MANAGER TO SIGN.
(MOTION: GHAG; SECOND: HERNANDEZ)
VOTE: MOTION PASSED UNANIMOUSLY

5. Draft Ordinance Amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business"
Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, provided a report for the Council.

Public Comment was opened and closed without any speakers.

Council action: Feedback provided to City Attorney to bring back for First Reading and Introduction of Ordinance.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

There were no items removed from the Consent Agenda for Council consideration and action.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Nicole Rosser, City Attorney, announced that the State of Emergency for the COVID regulations has ended as of February 28, 2023, therefore AB361 will no longer apply.

Aaron Palmer, City Manager, highlighted that one of two of the shade structures at the Soccer Park has been installed. Additionally, Mr. Palmer informed that the hydroseeding has been completed on the softball field and staff will be working on the infield so the field is ready for softball season.

COUNCILMEMBER COMMENTS

Councilmember Hernandez touched on her meeting with Jeff from SAYLove and with the Yuba-Sutter Chamber of Commerce. Additionally, Councilmember Hernandez requested an item be placed on a future agenda to discuss the Planning Commission appointment process.

Councilmember Santana requested an update be provided regarding projects in the City and projected completion dates. Councilmember Santana touched on her excitement of the idea of a potential dog park in Live Oak.

Councilmember Ghag highlighted his attendance at the Yuba-Sutter Mosquito and Vector Control Board meeting.

Vice Mayor Chapdelaine discussed his attendance at the Regional Housing Authority Board meeting.

Mayor Woten commented on the Regional Housing Authority.

CLOSED SESSION

After the Closed Session the City Council will leave the Council Chambers and the meeting will be adjourned by operation of law due to lack of a quorum. If there is any reportable Closed Session Action, a report will be made at the beginning of the next regular Council meeting. After the Closed Session Item descriptions are read by the City Attorney, all members of Council, applicable Consultants and Staff are asked to join the Closed Session meeting.

6. Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6:
   Agency Designated Representatives: Aaron Palmer, City Manager
   Employee Organization: Confidential and Unrepresented Employees

ADJOURNMENT

Mayor Woten adjourned the meeting at 6:40 pm.

_____
Bob Woten, Mayor

ATTEST:

_____
Clarissa Menchaca, City Clerk

City of Live Oak
Report to City Council

Meeting Date: March 1, 2023

Title: Budget Calendar

Contact Information: James Ramsey, Finance Director

Background: The City Council has asked to create a budget calendar with specific dates that allowed for timely review of the budget as well as allowed time for the public to provide input during study sessions for the budget. Management has developed the following budget calendar for the City Council's review. This item is a receive and file and there is no action that needs to be taken to approve the calendar.

Recommendation: Receive and file.

Attachments:

Budget Calendar

March 1, 2023

TO: Members of the City Council

FROM: James W Ramsey, CPA, CFE, Finance Director

SUBJECT: Budget

The City Council has asked to create a budget calendar with specific dates that allowed for timely review of the budget as well as allowed time for the public to provide input during study sessions for the budget. Management has developed the following budget calendar for the City Council's review. This item is a receive and file and there is no action that needs to be taken to approve the calendar.

Budget Calendar

Activity	Responsible Party	Timing
Budget requests *-Department heads meet with Finance Director to prepare estimates of revenues and non-payroll expenditures.*	Department Heads	3/6 – 3/17
Personnel Budget *-Finance prepares the payroll budget*	Finance	3/6 – 3/17
Compilation of all budget requests & narratives	Finance	3/20 – 3/24
City Manager evaluation of overall budget	City Manager / Finance Director	3/27 – 3/31
Budget study session materials disseminated to City Council	Finance	4/7
Budget study session - #1	City Council, City Manager, Department Heads, Public	4/12
Update budget document based on study sessions	Finance	4/12 – 4/14

Activity	Responsible Party	Timing
Budget study session - #2 to go over the result of the changes from previous sessions	City Council, City Manager, Department Heads, Public	4/26
Prepare GANN Limit calculation *California Department of Finance letter is typically not available until May 1st*	Finance	5/4
Approval of the budget	City Council	5/17

LIVE OAK
CALIFORNIA

City of Live Oak
Report to City Council

Meeting Date: March 1, 2023

Title: Introduction of an Ordinance Amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business" of the Live Oak Municipal Code

Contact Information: Nicole Rosser, City Attorney

Background: This agenda item previously came before Council on whether or not the Council would like a more formal Council Member Code of Conduct. At said meeting, the Councilmembers were in agreement that they would like a more formal Code of Conduct for Councilmembers and provided direction to the City Attorney. As a result, the Municipal Code was reviewed and Chapter 2.04 "RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS" was identified as the portion of the Municipal Code wherein provisions related to Council Decorum and a Code of Conduct should be included. City Attorney reviewed the draft Ordinance with Councilmembers at the February 15, 2023 meeting and received no proposed changes. Therefore, it is now being brought forward for the Introduction and First Reading of the Ordinance.

Fiscal Impacts: None.

Recommendation: Waive the first reading of the ordinance amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business" of the Live Oak Municipal Code.

Attachments:

Chapter 2.04 Municipal Code Red Line
Chapter 2.04 Municipal Code Proposed Final

Chapter 2.04 RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS

The City Council of the City of Live Oak does ordain as follows:

2.04.010 Meetings.

A. Regular Meetings. Regular meetings of the Council shall be held without notice on the first and third Wednesday of each month. Meetings shall commence at 6:00 p.m. in the Live Oak City Council Chambers in the City Hall of the City of Live Oak located at 9955 Live Oak Blvd., Live Oak, California, or at such other place as the Council may, from time to time, prescribe. In the event a Wednesday falls upon a legal holiday, the regular meeting which otherwise would have occurred on that date shall be held on the first business day thereafter at 6:00 p.m. In the event that Christmas Eve and/or New Year's Eve falls on a Wednesday, the regular meeting which otherwise would have occurred on that day shall be held on the first business day which is not a holiday thereafter at 6:00 p.m.

B. Special Meetings. Special meetings of the Council may be called at any time by the Mayor or by a majority of the members of the Council by delivering personally or by mail written notice to each member of the Council and to each local newspaper of general circulation and to any radio or television station that has submitted a written request of the City Clerk for such notification. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting. Written notice may be dispensed with for any member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. The waiver may be given by telegram or fax. Written notice shall be dispensed with for any member who is actually present at the meeting at the time it convenes.

C. Adjournment/Adjourned Meetings. The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Council member at least three hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

D. Emergency Meetings. The notice requirement for a special meeting may be dispensed with under the following emergency conditions:

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1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Council;

2. A crippling disaster which impairs public health, safety, or both, as determined by a majority of the Council.

E. Closed Sessions. The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. Any such closed session shall be appropriately agendized.

F. Cancellation. Any meeting of the Council may be canceled in advance of a majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing their unavailability to attend a meeting.

G. Chair. The Mayor shall preside over all Council meetings. In his or her absence, the ~~Mayor pro tempore~~Vice Mayor shall serve as presiding officer. The Council shall choose one of its members to serve as Mayor and one of its members to serve as Vice-Mayor. The Mayor and Vice-Mayor shall be selected and seated in the manner following:

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In an election year in which Council members are elected, the Mayor and Vice-Mayor shall be selected and seated at such time as the election results for Council members so elected have been canvassed and certified to the Council and those results so declared by the Council. The Mayor and Vice Mayor ~~pro tempore~~ so selected and seated at that time shall hold their respective offices until the first regular City Council meeting following the first Wednesday of the month in the year following the year in which they were selected and seated. The Mayor 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. The Mayor shall vote on all questions, his or her name being called last.

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H. Attendance by the Public. Except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public. All persons desiring to attend shall be permitted to attend any meeting. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible ~~and order cannot be restored by removal of the offending individual or individuals~~, the Council may proceed as set forth in Municipal Code Section 2.04.050 et seq related to Rules of Decorum. ~~order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered during each session. Representatives of the press, unless participants in the disturbance, shall be allowed to attend such session, and nothing shall prohibit the Council from readmitting individuals not responsible for the disturbance.~~ (Ord. 550 § 1, 2014; Ord. 430 § 1, 1996; Ord. 414 § 2, 1995)

2.04.020 Order of business.

The business of the Council, at its meetings, shall be conducted in accordance with the following order of business:

A. Call to order; ~~and~~

B. ~~roll~~ Roll C~~c~~all;

C~~B~~. Pledge of allegiance and ~~/~~Iinvocation;

D. Corrections and/or changes to the Agenda by City Manager Only;

E~~C~~. Presentations and Recognitions;~~/proclamations~~;

~~D. Written communications;~~

F. ~~H. Appearance of interested citizens and/or requests by the public~~Public Comment;

G. ~~I.~~ Consent Calendar. The consent calendar groups together those matters which are considered to be noncontroversial and which require only routine action by the Council. Adoption of the consent calendar may be made by one motion only and by the roll call vote of the Council; provided, however, the chair shall first advise the persons in attendance that the consent calendar matters will be adopted in toto by one action of the Council unless any Council member, any member, any individual or organization interested in one or more consent calendar matters has any question or wishes to make a statement. In that event, the chair may defer action on the particular matter or matters, and the Council shall consider those matters separately;

H~~E~~. Public hearings;

~~F. Bid opening;~~

I~~G~~. ~~Ordinance introduction and adoption~~Business Items;

~~H. Appearance of interested citizens and/or requests by the public;~~

~~I. Consent Calendar. The consent calendar groups together those matters which are considered to be noncontroversial and which require only routine action by the Council. Adoption of the consent calendar may be made by one motion only and by the roll call vote of the Council; provided, however, the chair shall first advise the persons in attendance that the consent calendar matters will be adopted in toto by one action of the Council unless any Council member, any member, any individual or organization interested in one or more consent calendar matters has any question or wishes to make a statement. In that event, the chair may defer action on the particular matter or matters, and the Council shall consider those matters separately;~~

J~~J~~. ~~Reports and miscellaneous~~Items Removed From Consent Agenda for Council Consideration and Action;

K~~K~~. ~~Business from the Council~~Updates and Announcements From the City Attorney and City Manager; ~~and~~

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L. Councilmember Comments; and

M~~L~~. Adjournment. (Ord. 414 § 2, 1995)

2.04.030 Agenda—Posting action on other matters.

A. Preparation of Agenda. The City Clerk shall cause to be prepared an agenda of the Council meeting which agenda shall be prepared in accordance with the order of business as provided for in Section 2.04.020 above. A copy of said agenda shall be furnished to each member of the Council, the City Finance Director and the City Attorney at least 24 hours prior to the Council meeting.

B. Posting of Agenda. At least 72 hours before a regular meeting the City Clerk or designee shall post the agenda which shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda.

C. Items Not Appearing on Agenda. Notwithstanding the above, the Council may take action on items of business not appearing on the posted agenda under any of the following conditions:

1~~A~~. Upon a determination by a majority vote of the Council that an emergency situation exists as defined in the public meeting law (Section 54956.2(b)(1) of the Government Code);

~~B~~2. Upon a determination by a two-thirds vote of the Council or if less than two-thirds of the Council members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; and

~~C~~3. The item was posted as hereinbefore required 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 time was continued to the meeting at which action is being taken. (Ord. 414 § 2, 1995)

D. Items to be Placed on Agenda. During the "Councilmember Comments" portion of the City Council meeting, any member of the City Council may request that an item be placed on a future City Council agenda for initial consideration by the City Council. Initial consideration will allow Council to discuss the item during an open and public meeting and determine by a simple majority vote whether to direct the City Manager to add the item to a future agenda and provide specific direction. No motion, second, or vote or other action shall be required of the City Council to have the item placed on a future City Council agenda for initial consideration so long as the item is to be on an agenda thirty or more days later.

E. Agenda Items Added by City Council. Other than simple administrative report describing the nature of the request, no work on an item added by a member of the City Council shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies, until the City Council has had the opportunity to have a discussion and provide direction as provided herein. For the purposes of this section, work will be defined as generating, compiling, analyzing, researching, or writing new information, new policies, laws or plans and specifically excludes meetings or discussions with the City Manager and department heads jointly to obtain their comments on a Councilmember requested item. However, the City Councilmember requesting that the item be added for

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initial consideration shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing their item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Clerk at least one week prior to the City Council meeting.

At the meeting where the item is initially considered, if a majority of the City Council supports further study of the item by way of motion, second, and simple majority vote, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements, existing City Council priorities, the urgency of the item, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City.

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2.04.040 Rules of conduct.

Business shall be brought before the Council by motion in accordance with the following standards of conduct:

A. Obtaining the Floor. Any member of the Council wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any Council member who seeks the floor when appropriately entitled to do so.

B. Motions. The Mayor or any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the chair shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Council member properly recognized by the chair. Once the matter has been fully debated and the chair calls for a vote, no further debate will be allowed; provided, however, Council members may be allowed to explain their vote.

C. Voting. All Council members present at a meeting when a question comes up for a vote, shall vote for or against the measure. If the vote is a voice vote, the chair shall declare the result and note for the record all “aye” votes and all “no” votes. The Council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all “ayes” and “noes” must be clearly set forth for the record.

D. Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Council member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are nondebatable; the last four are debatable. All subsidiary motions require a simple majority vote for passage.

1. Subsidiary Motions.

    a. Lay on the Table. Any Council members including the Mayor, may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved, seconded

and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be taken from the table, seconded and passed. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise, the motion that was tabled dies, although it can be raised later as a new motion.

b. Move the Previous Question. Any Council member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate.

c. Limit or Extend Limits of Debate. Any Council member may move to put limits on the length of debate.

d. Postpone to a Time Certain. Any Council member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed.

e. Commit or Refer. Any Council member may move that the matter being discussed should be referred to a committee or commission for further study. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any Council member may move, at any time, to require the time be returned to the agenda.

f. Amend. Any Council member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. Any amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.

g. Postpone Indefinitely. Any Council member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

2. Motion of Privilege, Order and Convenience. The following actions by the Council are to insure orderly conduct of meetings and for the convenience of the Mayor and Council members. Those motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted:

a. Call for Orders of the Day. Any Council member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council, by vote, sets aside the orders of the day.

b. Questions of Privilege. Any Council member, at any time during the meeting, may make a request of the chair to accommodate the needs of the Council or his or her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

c. Recess. Any Council member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

d. Adjourn. Any Council member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

e. Point of Order. Any Council member may require the chair to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the chair.

f. Appeal. Should any Council member be dissatisfied with a ruling from the chair, he or she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

g. Suspend the Rules. Any Council member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote for passage.

h. Division of Question. Any Council member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

i. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council may reconsider any vote taken at the same session, but no later than the same or next calendar day, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

j. Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

E. Authority of the Chair. Subject to appeal, the chair shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

F. Public Hearings. Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner:

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

2. Continuance of Hearings. Any hearing being held, noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or recontinued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

3. Public Discussion at Hearings. When a matter for the public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his or her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. Members of the Council who wish to ask questions of the speakers or each other, during the public hearing portion, may do so but only after first being recognized by the Mayor. The Mayor shall conduct the meeting in such a manner as to afford due process.

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All persons interested in the matter being heard by Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk and made a part of the Clerk's record. Time limits may be established by the Council, limiting the duration of presentations as set forth herein. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance of such matters shall be made by the Mayor but may be appealed as set forth here and before.

4. Consideration of Question by Council. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Mayor and the Council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Mayor, to speak further on the question during this period of deliberation, although the Council members may ask questions of the speakers if so desired. At the conclusion of the Council discussion, an appropriate motion having been made and seconded, the Council shall vote on the matter.

5. Reports and Resolutions. All committee reports together with all resolutions shall be filed with the City Clerk and shall be entered in the minutes. Minutes of prior Council meetings nor a synopsis of said minutes, need not be read provided the City Clerk has previously furnished to each Council member a complete copy of said minutes.

6. Dissemination of Materials to Council. As required by law (Government Code Section 54957.5), agendas of the City Council and any other writings, when distributed to all or a majority of all members of the Council by any person in connection with a matter, the subject of discussion or consideration at a meeting of the Council, are public records under the Public Records Act and shall

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be made available as required by the Public Records Act, unless the writing is otherwise exempt from public disclosure under the Public Records Act. Writings which are public records and which are distributed during a public meeting of the Council shall be made available for public inspection at the meeting if prepared by the Council or a member thereof or after the meeting if prepared by some other person. (Ord. 414 § 2, 1995)

2.04.050 Rules of decorum.

A. Decorum. Consistent with Senate Bill 1100 passed by the State Legislature in 2022, starting on January 1, 2023, the Brown Act is amended to address disruptions at public local government meetings. Moving forward, consistent with SB 1100, the City of Live Oak adopts the following policy:

The Mayor and/or any Councilmember shall:

(1) Warn the individual that their behavior is disrupting the meeting and their failure to cease their behavior may result in removal.

(2) Order the removal of the individual if they do not "promptly" cease their disruptive behavior.

Consistent with SB 1100, the remainder of policies related to decorum at Council meetings shall also be in effect.

B. Preservation of Order. While the Council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb either any Council member or any member of the public while speaking nor refuse to obey the orders of the Council or the presiding officer except as otherwise provided. ~~Any persons making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith by the presiding officer barred from further audience before the Council unless permission to continue shall be granted by a majority vote of the Council.~~ All persons addressing the Council shall step to the designated podium and shall give his or her 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 person 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 chair. No question shall be asked a Council member except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine him or herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him or her to order or as otherwise here and before provided. If a person, while speaking, shall be called to order he or she shall cease speaking until the question of order shall be determined and if in order he or she shall be permitted to proceed. A Council member may request, through the chair, the privilege of having a written abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes. (Ord. 414 § 2, 1995)

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C. Civility: City of Live Oak elected officials and staff, will treat members of the public with respect and expect the same in return. The City is committed to maintaining orderly administrative processes in keeping City Council meetings and City operations in general free from disruptions. This section of the policy is intended to promote mutual respect, civility, and orderly conduct among City staff, elected officials, and the public.

D. Interactions: All interactions between City staff, elected officials, and members of the public shall be conducted in a respectful manner. With that in mind, the following rules shall govern interaction between the groups noted above while at City Council meetings:

1. Threats, including threats of violence, shall not be tolerated;

2. All City Council meeting attendees shall refrain from behavior that disrupts or threatens to disrupt City government operations. This includes, but is not limited to harassment and/or intimidation of City staff, elected officials, or members of the public; the willful destruction of public property; and conduct that threatens to provoke a violent reaction or disrupts the Council meeting;

3. If a sign, placard, banner, and/or other similar item disturbs, disrupts, or other otherwise impedes the orderly conduct of a City Council meeting, it shall not be permitted; and

4. No person attending the meeting shall engage in disorderly or boisterous conduct, including, but not limited to applause, whistling, stamping of feet, booing, or other loud noises.

~~While the Council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb either any Council member or any member of the public while speaking nor refuse to obey the orders of the Council or the presiding officer except as otherwise provided. Any persons making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith by the presiding officer barred from further audience before the Council unless permission to continue shall be granted by a majority vote of the Council. All persons addressing the Council shall step to the designated podium and shall give his or her 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 person 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 chair. No question shall be asked a Council member except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine him or herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him or her to order or as otherwise here and before provided. If a person, while speaking, shall be called to order he or she shall cease speaking until the question of order shall be determined and if in order he or she shall be permitted to proceed. A Council member may request, through the chair, the privilege of having a written abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes. (Ord. 414 § 2, 1995)~~

2.04.060 Approval of legislation and contract.

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A. Preparation of Ordinances. All ordinances shall be prepared or approved as to form by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or requested in writing by the City Clerk/City Finance Director or designee.

B. Prior Approval. All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or authorized representative and shall have been examined and approved for the administration by the City Clerk/City Finance Director or authorized representative when there are substantive matters of administration involved.

C. Introducing for Passage or Approval. Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council; provided, however, the Mayor, City Administrator or designee, or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be considered. (Ord. 414 § 2, 1995)

2.04.070 Ethics.

A. Purpose. The citizens and businesses of Live Oak are entitled to fair, ethical and accountable local government, which will instill public confidence in the fair operation and integrity of Live Oak's City government. To this end, the Live Oak City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

B. Conduct. Members of the City Council shall conduct themselves in accordance with the following ethical standards:

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, City Officials will work for the common good of the people of Live Oak and not for any private or personal interest, promoting the interests of the public and putting service to the public above service to oneself.

2. Comply with the Law. City Officials shall comply with the Constitution, Laws and Ordinances of the United States, the State of California and the City of Live Oak in the performance of their public duties.

3. Conduct of City Officials. The Professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. City Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards and Commissions, staff, or the public.

4. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, City Officials shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

5. Gifts and Favors. City Officials shall not take any special advantages of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

6. Proper Efficient Use of Public Resources. City Officials shall not use public resources which are not available to the public in general for private gain or for personal purposes not otherwise authorized by law.

7. Promote Democratic Participation. Inform the public and encourage active engagement in governance. Be open, transparent and responsive, and respect and assist all persons in their dealings with public organizations.

8. Conduct of Public Meetings. City Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

9. Advocacy. City Officials shall represent the official policies or positions of the City Council, Board, or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Officials shall explicitly state they do not represent their body or the City of Live Oak, nor will they allow the inference that they do. Council, Board, and Commission decisions shall receive the support of all City Officials.

10. Decisions. City Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

11. Confidential Information. City Officials shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

12. Strengthen Social Equality. Treat all persons with fairness, justice, equality, and respect individual differences, rights, and freedoms.

13. Demonstrate Personal Integrity. Adhere to the highest standards of conduct to inspire public confidence and trust in public service.

14. Policy Role of City Officials. City Officials shall respect and adhere to the council-manager structure of Live Oak City government as outlined by the Live Oak Municipal Code. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards and commissions, and City staff resulting in the City Manager implementing those polices. Except as provided by the City of Live Oak Municipal Code, City Officials shall not interfere with the administrative functions of the City or the professional duties of City staff nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, City Officials shall refrain from using their position to unduly influence the deliberations or outcomes of boards and commission proceedings.

16. Positive Work Place Environment. City Officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City Officials shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.

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Chapter 2.04 RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS

The City Council of the City of Live Oak does ordain as follows:

2.04.010 Meetings.

A. Regular Meetings. Regular meetings of the Council shall be held without notice on the first and third Wednesday of each month. Meetings shall commence at 6:00 p.m. in the Live Oak City Council Chambers in the City Hall of the City of Live Oak located at 9955 Live Oak Blvd., Live Oak, California, or at such other place as the Council may, from time to time, prescribe. In the event a Wednesday falls upon a legal holiday, the regular meeting which otherwise would have occurred on that date shall be held on the first business day thereafter at 6:00 p.m. In the event that Christmas Eve and/or New Year's Eve falls on a Wednesday, the regular meeting which otherwise would have occurred on that day shall be held on the first business day which is not a holiday thereafter at 6:00 p.m.

B. Special Meetings. Special meetings of the Council may be called at any time by the Mayor or by a majority of the members of the Council by delivering personally or by mail written notice to each member of the Council and to each local newspaper of general circulation and to any radio or television station that has submitted a written request of the City Clerk for such notification. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting. Written notice may be dispensed with for any member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. The waiver may be given by telegram or fax. Written notice shall be dispensed with for any member who is actually present at the meeting at the time it convenes.

C. Adjournment/Adjourned Meetings. The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Council member at least three hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

D. Emergency Meetings. The notice requirement for a special meeting may be dispensed with under the following emergency conditions:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Council;

2. A crippling disaster which impairs public health, safety, or both, as determined by a majority of the Council.

E. Closed Sessions. The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. Any such closed session shall be appropriately agendized.

F. Cancellation. Any meeting of the Council may be canceled in advance of a majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing their unavailability to attend a meeting.

G. Chair. The Mayor shall preside over all Council meetings. In his or her absence, the Vice Mayor shall serve as presiding officer. The Council shall choose one of its members to serve as Mayor and one of its members to serve as Vice-Mayor. The Mayor and Vice-Mayor shall be selected and seated in the manner following:

In an election year in which Council members are elected, the Mayor and Vice-Mayor shall be selected and seated at such time as the election results for Council members so elected have been canvassed and certified to the Council and those results so declared by the Council. The Mayor and Vice Mayor so selected and seated at that time shall hold their respective offices until the first regular City Council meeting following the first Wednesday of the month in the year following the year in which they were selected and seated. The Mayor 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. The Mayor shall vote on all questions, his or her name being called last.

H. Attendance by the Public. Except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public. All persons desiring to attend shall be permitted to attend any meeting. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible, the Council may proceed as set forth in Municipal Code Section 2.04.050 et seq related to Rules of Decorum. (Ord. 550 § 1, 2014; Ord. 430 § 1, 1996; Ord. 414 § 2, 1995)

2.04.020 Order of business.

The business of the Council, at its meetings, shall be conducted in accordance with the following order of business:

A. Call to order;

B. Roll Call;

C. Pledge of allegiance and Invocation;

D. Corrections and/or changes to the Agenda by City Manager Only;

E. Presentations and Recognitions;;

F. Public Comment;

G. Consent Calendar. The consent calendar groups together those matters which are considered to be noncontroversial and which require only routine action by the Council. Adoption of the consent calendar may be made by one motion only and by the roll call vote of the Council; provided, however, the chair shall first advise the persons in attendance that the consent calendar matters will be adopted in toto by one action of the Council unless any Council member, any member, any individual or organization interested in one or more consent calendar matters has any question or wishes to make a statement. In that event, the chair may defer action on the particular matter or matters, and the Council shall consider those matters separately;

H. Public hearings;

I. Business Items;

J. Items Removed From Consent Agenda for Council Consideration and Action;

K. Updates and Announcements From the City Attorney and City Manager;

L. Councilmember Comments; and

M. Adjournment. (Ord. 414 § 2, 1995)

2.04.030 Agenda—Posting action on other matters.

A. Preparation of Agenda. The City Clerk shall cause to be prepared an agenda of the Council meeting which agenda shall be prepared in accordance with the order of business as provided for in Section 2.04.020 above. A copy of said agenda shall be furnished to each member of the Council, the City Finance Director and the City Attorney at least 24 hours prior to the Council meeting.

B. Posting of Agenda. At least 72 hours before a regular meeting the City Clerk or designee shall post the agenda which shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda.

C. Items Not Appearing on Agenda. Notwithstanding the above, the Council may take action on items of business not appearing on the posted agenda under any of the following conditions:

1. Upon a determination by a majority vote of the Council that an emergency situation exists as defined in the public meeting law (Section 54956.2(b)(1) of the Government Code);

2. Upon a determination by a two-thirds vote of the Council or if less than two-thirds of the Council members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; and

3. The item was posted as hereinbefore required 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 time was continued to the meeting at which action is being taken. (Ord. 414 § 2, 1995)

D. Items to be Placed on Agenda. During the "Councilmember Comments" portion of the City Council meeting, any member of the City Council may request that an item be placed on a future City Council agenda for initial consideration by the City Council. Initial consideration will allow Council to discuss the item during an open and public meeting and determine by a simple majority vote whether to direct the City Manager to add the item to a future agenda and provide specific direction. No motion, second, or vote or other action shall be required of the City Council to have the item placed on a future City Council agenda for initial consideration so long as the item is to be on an agenda thirty or more days later.

E. Agenda Items Added by City Council. Other than simple administrative report describing the nature of the request, no work on an item added by a member of the City Council shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies, until the City Council has had the opportunity to have a discussion and provide direction as provided herein. For the purposes of this section, work will be defined as generating, compiling, analyzing, researching, or writing new information, new policies, laws or plans and specifically excludes meetings or discussions with the City Manager and department heads jointly to obtain their comments on a Councilmember requested item. However, the City Councilmember requesting that the item be added for initial consideration shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing their item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Clerk at least one week prior to the City Council meeting.

At the meeting where the item is initially considered, if a majority of the City Council supports further study of the item by way of motion, second, and simple majority vote, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements, existing City Council priorities, the urgency of the item, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City

2.04.040 Rules of conduct.

Business shall be brought before the Council by motion in accordance with the following standards of conduct:

A. Obtaining the Floor. Any member of the Council wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any Council member who seeks the floor when appropriately entitled to do so.

B. Motions. The Mayor or any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the

motion has been properly made and seconded, the chair shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Council member properly recognized by the chair. Once the matter has been fully debated and the chair calls for a vote, no further debate will be allowed; provided, however, Council members may be allowed to explain their vote.

C. Voting. All Council members present at a meeting when a question comes up for a vote, shall vote for or against the measure. If the vote is a voice vote, the chair shall declare the result and note for the record all "aye" votes and all "no" votes. The Council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record.

D. Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Council member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are nondebatable; the last four are debatable. All subsidiary motions require a simple majority vote for passage.

1. Subsidiary Motions.

   a. Lay on the Table. Any Council members including the Mayor, may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved, seconded and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be taken from the table, seconded and passed. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise, the motion that was tabled dies, although it can be raised later as a new motion.

   b. Move the Previous Question. Any Council member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate.

   c. Limit or Extend Limits of Debate. Any Council member may move to put limits on the length of debate.

   d. Postpone to a Time Certain. Any Council member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed.

   e. Commit or Refer. Any Council member may move that the matter being discussed should be referred to a committee or commission for further study. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any Council member may move, at any time, to require the time be returned to the agenda.

f. Amend. Any Council member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. Any amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.

g. Postpone Indefinitely. Any Council member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

2. Motion of Privilege, Order and Convenience. The following actions by the Council are to insure orderly conduct of meetings and for the convenience of the Mayor and Council members. Those motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted:

a. Call for Orders of the Day. Any Council member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council, by vote, sets aside the orders of the day.

b. Questions of Privilege. Any Council member, at any time during the meeting, may make a request of the chair to accommodate the needs of the Council or his or her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

c. Recess. Any Council member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

d. Adjourn. Any Council member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

e. Point of Order. Any Council member may require the chair to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the chair.

f. Appeal. Should any Council member be dissatisfied with a ruling from the chair, he or she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

g. Suspend the Rules. Any Council member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote for passage.

h. Division of Question. Any Council member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion

requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

i. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council may reconsider any vote taken at the same session, but no later than the same or next calendar day, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

j. Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

E. Authority of the Chair. Subject to appeal, the chair shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

F. Public Hearings. Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner:

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

2. Continuance of Hearings. Any hearing being held, noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or recontinued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

3. Public Discussion at Hearings. When a matter for the public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his or her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. Members of the Council who wish to ask questions of the speakers or each

other, during the public hearing portion, may do so but only after first being recognized by the Mayor. The Mayor shall conduct the meeting in such a manner as to afford due process.

All persons interested in the matter being heard by Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk and made a part of the Clerk's record. Time limits may be established by the Council, limiting the duration of presentations as set forth herein. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance of such matters shall be made by the Mayor but may be appealed as set forth here and before.

4. Consideration of Question by Council. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Mayor and the Council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Mayor, to speak further on the question during this period of deliberation, although the Council members may ask questions of the speakers if so desired. At the conclusion of the Council discussion, an appropriate motion having been made and seconded, the Council shall vote on the matter.

5. Reports and Resolutions. All committee reports together with all resolutions shall be filed with the City Clerk and shall be entered in the minutes. Minutes of prior Council meetings nor a synopsis of said minutes, need not be read provided the City Clerk has previously furnished to each Council member a complete copy of said minutes.

6. Dissemination of Materials to Council. As required by law (Government Code Section 54957.5), agendas of the City Council and any other writings, when distributed to all or a majority of all members of the Council by any person in connection with a matter, the subject of discussion or consideration at a meeting of the Council, are public records under the Public Records Act and shall be made available as required by the Public Records Act, unless the writing is otherwise exempt from public disclosure under the Public Records Act. Writings which are public records and which are distributed during a public meeting of the Council shall be made available for public inspection at the meeting if prepared by the Council or a member thereof or after the meeting if prepared by some other person. (Ord. 414 § 2, 1995)

2.04.050 Rules of decorum.

A. Decorum. Consistent with Senate Bill 1100 passed by the State Legislature in 2022, starting on January 1, 2023, the Brown Act is amended to address disruptions at public local government meetings. Moving forward, consistent with SB 1100, the City of Live Oak adopts the following policy:

The Mayor and/or any Councilmember shall:

(1) Warn the individual that their behavior is disrupting the meeting and their failure to cease their behavior may result in removal.

(2) Order the removal of the individual if they do not "promptly" cease their disruptive behavior.

Consistent with SB 1100, the remainder of policies related to decorum at Council meetings shall also be in effect.

B. Preservation of Order. While the Council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb either any Council member or any member of the public while speaking nor refuse to obey the orders of the Council or the presiding officer except as otherwise provided. All persons addressing the Council shall step to the designated podium and shall give his or her 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 person 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 chair. No question shall be asked a Council member except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine him or herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him or her to order or as otherwise here and before provided. If a person, while speaking, shall be called to order he or she shall cease speaking until the question of order shall be determined and if in order he or she shall be permitted to proceed. A Council member may request, through the chair, the privilege of having a written abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes. (Ord. 414 § 2, 1995)

C. Civility: City of Live Oak elected officials and staff, will treat members of the public with respect and expect the same in return. The City is committed to maintaining orderly administrative processes in keeping City Council meetings and City operations in general free from disruptions. This section of the policy is intended to promote mutual respect, civility, and orderly conduct among City staff, elected officials, and the public.

D. Interactions: All interactions between City staff, elected officials, and members of the public shall be conducted in a respectful manner. With that in mind, the following rules shall govern interaction between the groups noted above while at City Council meetings:

1. Threats, including threats of violence, shall not be tolerated;

2. All City Council meeting attendees shall refrain from behavior that disrupts or threatens to disrupt City government operations. This includes, but is not limited to harassment and/or intimidation of City staff, elected officials, or members of the public; the willful destruction of public property; and conduct that threatens to provoke a violent reaction or disrupts the Council meeting;

3. If a sign, placard, banner, and/or other similar item disturbs, disrupts, or other otherwise impedes the orderly conduct of a City Council meeting, it shall not be permitted; and

4. No person attending the meeting shall engage in disorderly or boisterous conduct, including, but not limited to applause, whistling, stamping of feet, booing, or other loud noises.

2.04.060 Approval of legislation and contract.

A. Preparation of Ordinances. All ordinances shall be prepared or approved as to form by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or requested in writing by the City Clerk/City Finance Director or designee.

B. Prior Approval. All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or authorized representative and shall have been examined and approved for the administration by the City Clerk/City Finance Director or authorized representative when there are substantive matters of administration involved.

C. Introducing for Passage or Approval. Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council; provided, however, the Mayor, City Administrator or designee, or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be considered. (Ord. 414 § 2, 1995)

2.04.070 Ethics.

A. Purpose. The citizens and businesses of Live Oak are entitled to fair, ethical and accountable local government, which will instill public confidence in the fair operation and integrity of Live Oak's City government. To this end, the Live Oak City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

B. Conduct. Members of the City Council shall conduct themselves in accordance with the following ethical standards:

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, City Officials will work for the common good of the people of Live Oak and not for any private or personal interest, promoting the interests of the public and putting service to the public above service to oneself.

2. Comply with the Law. City Officials shall comply with the Constitution, Laws and Ordinances of the United States, the State of California and the City of Live Oak in the performance of their public duties.

3. Conduct of City Officials. The Professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. City Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards and Commissions, staff, or the public.

4. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, City Officials shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

5. Gifts and Favors. City Officials shall not take any special advantages of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

6. Proper Efficient Use of Public Resources. City Officials shall not use public resources which are not available to the public in general for private gain or for personal purposes not otherwise authorized by law.

7. Promote Democratic Participation. Inform the public and encourage active engagement in governance. Be open, transparent and responsive, and respect and assist all persons in their dealings with public organizations.

8. Conduct of Public Meetings. City Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

9. Advocacy. City Officials shall represent the official policies or positions of the City Council, Board, or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Officials shall explicitly state they do not represent their body or the City of Live Oak, nor will they allow the inference that they do. Council, Board, and Commission decisions shall receive the support of all City Officials.

10. Decisions. City Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

11. Confidential Information. City Officials shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

12. Strengthen Social Equality. Treat all persons with fairness, justice, equality, and respect individual differences, rights, and freedoms.

13. Demonstrate Personal Integrity. Adhere to the highest standards of conduct to inspire public confidence and trust in public service.

14. Policy Role of City Officials. City Officials shall respect and adhere to the council-manager structure of Live Oak City government as outlined by the Live Oak Municipal Code. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards and commissions, and City staff resulting in the City Manager implementing those polices. Except as provided by the City of Live Oak Municipal Code, City Officials shall not interfere with the administrative functions of the City or the professional duties of City staff nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, City Officials shall refrain from using their position to unduly influence the deliberations or outcomes of boards and commission proceedings.

16. Positive Work Place Environment. City Officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City Officials shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.

Introduced and the first reading waived at a regular meeting of the City Council of the City of Live Oak on the 1st day of March, 2023, and passed and adopted after waiving the second reading at a regular meeting thereafter on the __ day of____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

APPROVED: _____
Bob Woten, Mayor

ATTEST:

_____
Clarissa Menchaca, City Clerk

APPROVED AS TO FORM:

_____
Nicole Rosser, City Attorney