



CITY COUNCIL

AGENDA

THURSDAY, FEBRUARY 2, 2023

SPECIAL HYBRID MEETING – 4:00 PM

MEETING PARTICIPATION INFORMATION CAN BE FOUND AT THE END OF THE
AGENDA

IN PERSON INFORMATION:

CIVIC CENTER MEETING HALL
CITY COUNCIL CHAMBERS
1016 S. LIVERMORE AVENUE

TELECONFERENCE INFORMATION:

ZOOM WEBINAR:

ATTENTION: Zoom update requirements found at the bottom of the agenda

<https://us02web.zoom.us/j/83774403932>

Zoom dial in phone number:

1 669 900 6833

Meeting ID: 837 7440 3932

CITY OF LIVERMORE YOUTUBE CHANNEL:

<https://www.youtube.com/c/CityofLivermoreCalifornia>

John P Marchand, Mayor

Brittini Kiick, Vice Mayor

Ben Barrientos, Council Member

Evan Branning, Council Member

Robert W Carling, Council Member

1. CALL TO ORDER

2. ROLL CALL

Council Member Ben Barrientos
Council Member Evan Branning
Council Member Robert W. Carling
Vice Mayor Brittni Kiick
Mayor John Marchand

3. SPECIAL MEETING ITEM

AN OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL REGARDING THE SPECIAL MEETING ITEM WILL BE PROVIDED BY THE MAYOR.

- 3.1 Discussion and direction regarding City Council Norms, Values and Principles of Governance and the City Council Meeting Rules of Procedure.

Recommendation:

Staff recommends the City Council receive this report and provide direction regarding the City Council Norms, Values and Principles of Governance and the City Council Meeting Rules of Procedure.

Staff Report

Attachments:

- 1. [Norms, Values and Principles of Governance](#)
- 2. [City Council Meeting Rules of Procedure\(redlines\)](#)

4. ADJOURNMENT

To a Regular City Council meeting on Monday, February 13, 2023 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

5. HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING

You can participate in the meeting in a number of ways:

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

Special Meetings, Workshops - The public will have the opportunity to address the City Council regarding the item that is the subject of the special meeting or workshop. Public comments are limited to a maximum of 3 minutes per person.

Platforms to Participate in Meetings:

Submission of Comments Prior to the Meeting:

Email Comments may be submitted by the public to the City Clerk's Office

(cityclerk@LivermoreCA.gov). Items received no later than 12:00 pm on the day of the meeting will be provided to the City Council and available on the City website prior to the meeting. These items will NOT be read into the record.

eComments may be submitted by the public using the eComment link [here](#). Comments may be up to 1000 characters in length and will be accepted up until 4:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by the City Council and the public upon submittal.

Submission of Comments During the Meeting:

Speakers are limited to a maximum of 3 minutes per person. To submit a comment in person, you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the City Clerk prior to the start of the item. To submit a comment using Zoom, you may use the 'raise hand' feature. Please note that the City Council is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

Zoom Webinar: <https://us02web.zoom.us/j/83774403932>

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If you would like to deliver written materials to the City Council as part of your public comments, and are commenting in person, please provide 10 copies to the City Clerk with your speaker card. If you are commenting using Zoom, the speaker must identify that intent in his or her comment and immediately email the materials to the City Clerk at cityclerk@LivermoreCA.gov.

The **City Council Agenda and Agenda Reports** are prepared by City staff and are available for public review on Tuesday evening, six days prior to the City Council meeting in the Civic Center Library, 1188 South Livermore Avenue, Livermore, and at the City Clerk's Office, 1052 South Livermore Avenue, Livermore. The Agenda is also available on the City's website, <http://LivermoreCA.gov/agenda>.

Under Government Code §54957.5, any supplemental material distributed to the members of the City Council after the posting of this agenda will be available for public review in the City Clerk's Office, 1052 South Livermore Avenue, Livermore, and included in the agenda packet available on the City's web site at <http://LivermoreCA.gov/agenda>.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND 28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE

CONTACT THE ADA COORDINATOR AT ADACoordinator@LivermoreCA.gov OR CALL (925) 960-4170 (VOICE) OR (925) 960- 4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.



CITY COUNCIL STAFF REPORT

ITEM NO. 3.1

DATE: February 2, 2023

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Discussion and direction regarding City Council Norms, Values and Principles of Governance and the City Council Meeting Rules of Procedure.

RECOMMENDED ACTION

Staff recommends the City Council receive this report and provide direction regarding the City Council Norms, Values and Principles of Governance and the City Council Meeting Rules of Procedure.

SUMMARY

Every two years, coinciding with City Council elections (and at other times as needed), the Council evaluates two guiding documents: City Council Norms, Values and Principles of Governance and the City Council Meeting Rules of Procedure. The Norms, Values and Principles of Governance provide a framework to guide how the City Council will work with each other and staff. The Norms, Values and Principles of Governance were last updated in 2022.

In 2018, the City of Livermore transitioned from an at-large to a district-based election system. With the 2022 election all Council members have now been elected from each of the City's four districts. The Mayor remains elected at-large. Each Council since the transition has used the Norms, Values and Principles of Governance to reaffirm their commitment to maintaining a community-wide focus on governance. The Principles of Governance section was specifically added for that purpose.

DISCUSSION

The Council's Norms, Values and Principles of Governance outline rules and behaviors the City Council places upon itself as a body (Attachment 1). The document reflects the City Council's collective expectations for their working relationship, the role of the Council and its principles of governance to represent the community as a whole, and the relations between the City Council, Advisory Bodies, and City staff.

The Meeting Rules of Procedure are established for the effective and fair conduct of City Council meetings. The City's advisory bodies are also instructed to follow and conform their rules to the City Council's.

Staff recommends the adjustments to the City Council Meeting Rules of Procedure shown in the redlines in Attachment 2. Those adjustments recommend a number of proofreading changes along with the following revisions:

1. Changing "Mayor" to "presiding officer" as directed by the City Council (section 7 and passim);
2. Incorporating the new provisions in SB 1100 that require a presiding officer warn a disruptive individual before removing the individual from the meeting (section 12.6);
3. Clarifying that speakers are entitled to a single public comment, either oral or in writing, for agenda items, except for the consent calendar where a speaker is afforded one comment for the consent calendar as a single item (sections 12.2, 12.3.13, and 12.7); and,
4. Clarifying that a Council Member's silence during a vote shall be tabulated as a vote in favor of the motion (section 15.3).

Staff recommends the City Council review the documents and provide direction on any desired adjustments, if any, to the Norms, Values, and Principles of Governance. Likewise, staff recommends the City Council review and provide direction on the proposed redlines to the City Council Meeting Rules of Procedure.

FISCAL AND ADMINISTRATIVE IMPACTS

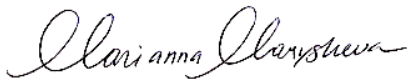
There are no fiscal or administrative impacts associated with receiving this report.

ATTACHMENTS

1. Norms, Values and Principles of Governance
2. City Council Meeting Rules of Procedure(redlines)

Prepared by: Christine Martin
Assistant City Manager

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

City Council Norms, Values, and Principles of Governance

COUNCIL NORMS

Demonstrate Respect

The City Council shows respect and compassion for community, staff, and other members of the City Council in all situations, including those involving disagreement and difference. We focus on forward thinking, while building on history and lessons learned from the past. We avoid responding to perceived derogatory or repugnant public comments during City Council meetings. Out of respect to each other, staff, and members of the public, we avoid using cell phones and other communication devices during City Council and other public meetings where we preside.

Take Responsibility

We are accountable to the community, staff, and to each other for our actions and words. We hold ourselves to the highest ethical standards. We act with integrity and lead by example.

Encourage Civic Engagement

We value and encourage the input of others, and challenge ideas not individuals in our role as policy makers. We recognize the importance of input from various groups and seek to actively engage the community.

Show Appreciation

When appropriate, we recognize and show genuine appreciation for the hard work and accomplishments of staff, advisory body members, community organizations, members of the public and fellow City Council members.

Maintain Transparent Communication

We strive to maintain transparent communication, in meetings and through online and written correspondence.

COUNCIL VALUES

Trust

We value and foster trust and honesty among staff and one another. We listen to others and seek to create an environment of mutual support.

Honest and Effective Communication

We commit to direct, respectful communication to seek a shared understanding. We value diversity of thought and will engage in open dialogue with each other and the public.

Data Driven Decision Making

We seek to make data driven policy decisions. Our findings will rely on fact-based evidence, not unvalidated assumptions.

**Teamwork**

We work as a team to create effective policy, focusing on the best outcomes for the community, as a whole.

Enthusiasm and Effort

We have a genuine enthusiasm for our role as policy makers and community leaders. We come to meetings well prepared and ready for robust discussion.

PRINCIPLES OF GOVERNANCE

The City Council will govern on an at-large basis to address the needs of the entire community. Resources will be allocated based on community-wide priorities. To ensure a community-wide focus, City Council members and residents may communicate directly regardless of the district the Council member represents or the district where the community member lives.

Council-Staff Relations

Council and staff work in partnership to achieve our goals. Consistent with Livermore's Council-Manager form of local government, the City Manager plays a central role in directing and facilitating Council-staff relations. Typically, Council members are expected to engage only with Department Directors and other executive staff, and to do so under the direction of the City Manager. Similarly, Council members are expected to engage with City Attorney staff only with the consent of the City Attorney. Trust and effective communication are key to ensure a productive partnership.

Council Responsibility

The primary role of the City Council is to act as policy makers and to govern the activities of the City of Livermore. We strive to understand and reflect the entire community's values and needs. To achieve this, we serve as an oversight body and provide clear policy direction to staff and follow through with the community. We recognize our responsibility of making sound financial decisions that enhance the quality of life for Livermore residents.

Council members are encouraged to seek information and advice from the City Manager and City Attorney as part of their due diligence when forming their own opinions and developing their courses of action on issues. The Council recognizes that staff time is a limited resource and that in some cases complying with Council direction may require substantial staff time. In such cases staff will inform Council if their direction cannot be absorbed and that reprioritization of other tasks may be necessary. Before requesting an item under Matters Initiated, a City Council member is expected to ask the City Manager if there is adequate staff resource capacity needed to address the requested item.

Staff Responsibility

Revised October 2022



It is the responsibility of staff, under the direction of the City Manager, to support the City Council and implement policies created by the Council. The City Manager is critical in helping to translate the policy direction for staff, and to ensure that there is sufficient clarity and context. The City Manager and staff shall not take any action requested by an individual Council Member even when that action is consistent with Council priorities.

To effectively support Council, staff will provide timely and complete information needed to make sound policy decisions. Reports and recommendations will be comprehensive and contain explicit and clear information including all facts. Staff will include options or alternatives when appropriate. Additionally, staff is expected to provide guidance and advice to Council, ensuring that they are complying with rules and procedures, and adhering to norms and values.

City Attorney Responsibility

It is the responsibility of the City Attorney, as the chief legal advisor of and attorney for the City and all its departments and office, to provide legal oversight of the City's governance, operation and public policy. The City Attorney provides legal advice and counseling to the City Council as a body and takes direction from a majority of the City Council. The City Attorney shall not take any action requested by an individual Council Member contrary to the desires of the City that have been expressed by a majority of the City Council. The City Attorney counsels and advises the City Council, City Manager, and staff of policy matters to help them make well informed decisions but does not create policy other than through the Risk Management Division's functions. The City Attorney advocates for the City and upholds the integrity of the City's ordinances, regulations, and policies.

As the advisor and advocate for the City, the City Attorney owes two duties directly to the public: to act as a check on governmental action in certain limited circumstances, and to accurately advise the public when called upon to do so. In addition, the City Attorney is a constitutional officer that has direct authority to take certain actions independent of direction from the City Council and must also fulfill the rules of professional responsibility as an attorney and as a government attorney.

Council- Advisory Body Relations

The City Council has created boards, commissions, and committees to advise the City Council. Advisory body members are appointed by and serve at the pleasure of the City Council. We recognize and value the role of advisory bodies to reflect the entire community through their recommendations to inform our policy decisions.



City Council Meeting Rules of Procedure

In addition, the City Council is also governed by City Council Meeting Rules of Procedure.

CITY COUNCIL MEETING RULES OF PROCEDURE

1. Authority

These rules of procedure are established for the effective and fair conduct of City Council meetings and to help promote public confidence in the integrity of local government. By adopting these rules, the City Council intends to balance a policy of full and free public action and debate with a need to manage its meetings effectively. [36813¹].

The rules also include expectations for the appointments to the City's advisory bodies and their conduct consistent with these rules, and the Mayor's assignment of the Council Member's offices and seats on the dais.

2. Purpose

The purpose of these rules is to document the City Council's accepted practices and to clarify expectations by establishing guidelines for the orderly, consistent, and fair conduct of the City Council's business.

These rules of procedure are intended to help implement, but do not limit or supersede, the state and local laws that govern the requirements and responsibilities for the City Council's meetings. Those laws include, but are not limited to, the California Constitution, the Brown Act, the Political Reform Act, the Livermore Municipal Code, and the Livermore Development Code.

These rules of procedure are not intended to limit the inherent power or the general legal authority of the City Council, and failure to follow these rules will not invalidate a City Council action. [*City of Pasadena v. Paine*, (1954) 126 Cal.App.2d 93].

3. Rules of Parliamentary Procedure

The City Council has adopted *Rosenberg's Rules of Order, Revised 2011*, as its rules of parliamentary procedure. In the event of a conflict between *Rosenberg's Rules of Order* and these rules of procedure, these rules of procedure shall control.

4. Applicability

These rules of procedure apply to the preparation, posting, and distribution of the agendas for City Council meetings. They also relate to the orderly discussion of items and the City Council's voting procedures to take formal action or provide direction to staff. Lastly, they relate to respective powers for the Mayor and Council Members.

¹ All citations are to the California Government Code unless otherwise noted.

5. Presiding Officer

The Mayor is the presiding officer for each meeting of the City Council that the Mayor attends. In the Mayor's absence, the Vice Mayor shall be the presiding officer for the meeting when the Vice Mayor is present. In the absence of both the Mayor and the Vice Mayor, the Council Members present at the meeting shall select a presiding officer. [36802].

~~The presiding officer shall have the Mayor's duties and responsibilities for conducting City Council meetings.~~

6. Mayoral Duties and Responsibilities

The Mayor is directly elected at-large for a two-year term in November of each even-numbered year. The Mayor is a member of the City Council and has all the powers of a Council Member, except when exercising his or her unique mayoral duties. The Mayor enjoys, and shall not be deprived of, any rights and privileges as a Council Member. Additionally, the Mayor shall have all the powers and duties of an elective Mayor as provided by statute ~~including~~. [34903, 36803; LMC 2.04.020; 81 Ops.Cal.Atty.Gen. 75 (1998)].

6.1 Appointment of Vice Mayor and Vice Mayor Duties and Responsibilities

The City Council has the statutory power to appoint a Council Member as mayor pro tempore, which is the position titled Vice Mayor in Livermore. [34905, 36801].

The Vice Mayor shall be selected for a one-year term and shall be selected at the meeting certifying the election results in each even-numbered year and in December of each odd-numbered year. The Vice Mayor shall have all the powers and duties of a mayor pro tempore as provided by statute. The Council Member selected as Vice Mayor typically rotates among the Council Members.

If the Mayor is absent or unable to act, the Vice Mayor shall then serve for the Mayor, and shall have all of the powers and duties of the Mayor until such time as the Mayor returns or is again able to act. [34905, 36801].

6.2 Reserved

6.3 Seats on the Dais

The Mayor shall sit at the center of the dais for all City Council meetings. If the Mayor is absent, the presiding officer shall sit at the center of the dais.

In December of each year, the Mayor shall assign the seats for the Vice Mayor and the Council Members on the dais. The Mayor should ask Council Members if they have any special needs that should be accommodated before making the assignments.

6.4 Council Member Rooms

The Mayor shall have use of office 216 at City Hall, or such other designation as that office may be given.

In December of each even-numbered year, the Mayor shall assign the use of rooms 218, 219, 220, and 222, or such other designation as those rooms may be given, to the Vice Mayor and the Council Members. Once assigned for use, each Council Member has the right to stay in a room they are occupying. The Mayor and each Council Member shall vacate their assigned rooms within two weeks of the date their respective terms of office expire.

7. ~~6.5~~ — Presiding Officer to Conducting Meetings

The ~~Mayor's duties and~~ presiding officer is responsible ~~ities~~ for conducting City Council meetings ~~as the presiding officer are~~ as follows:

~~6.5.17.1~~ Call to Order

The ~~Mayor~~ presiding officer shall call the meeting to order at the appointed time. If both the Mayor and the Vice Mayor are absent, then the City Clerk shall call the meeting to order and the Council Members present shall then select a presiding officer for that meeting who shall have the ~~Mayor's~~ duties and responsibilities in this section for conducting the meeting.

~~6.5.27.2~~ Preservation of Order

The ~~Mayor~~ presiding officer shall preserve strict order and decorum, and shall discourage personal, verbal attacks on Council Members, staff, and/or the public, but shall not prohibit criticisms of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council or members of the City staff. The presiding officer ~~Mayor~~ shall confine debate to the item under discussion. [36813, 38638, 54954.3, 54957.9].

~~6.5.37.3~~ Questions of Parliamentary Procedure

The presiding officer ~~Mayor~~ shall determine all questions of parliamentary procedure in consultation with the City Attorney and City Manager.

~~6.5.47.4~~ Reordering of Agenda

The presiding officer ~~Mayor~~ may reorder the items on the agenda for a noticed meeting to accommodate members of the public who wish to speak on an agenda item that would otherwise be considered by the City Council later in the meeting. The presiding officer

~~Mayer~~ shall announce the reorder prior to calling members of the public to speak during open forum.

~~6.5.57.5~~ Motion to Be Stated

The presiding officer ~~Mayer~~ shall state all motions submitted for a vote by the City Council and announce the result of the vote and identify the no votes and any Council Members that abstained or recused themselves from the vote. A roll call vote shall be taken for all teleconferenced and hybrid meetings, and taken upon the request of any Council Member. No action shall be taken by secret ballot, but electronic tabulation may be used to record and report roll call votes. [54953(b)(2) and (c)(2)].

87. General Rules – City Council Meetings

The City Council endorses, and agrees to comply with, the Brown Act. In the event of a conflict between the Brown Act and these rules of procedure, the Brown Act shall control. [54950 *et seq.*, 54953].

City Council meetings shall be open to the public, but the public shall be excluded from closed sessions as authorized by state law. [54953(a), 54957].

City Council meetings, except for closed sessions, shall be open to the media. The media shall be excluded from closed sessions as authorized by state law. [54953, 54953.5, 54957, 54957.9].

City Council meetings may be recorded by the public and the media, provided such recordings do not interfere with orderly conduct of the meetings and do not constitute a persistent disruption of the proceedings.

87.1 City Council Meeting Schedule

Each July, the City Council shall approve and thereafter follow an annual calendar for its regular meetings in the upcoming year. The annual calendar shall also identify dates for anticipated special meeting workshops. [36805]. When scheduling meeting dates, care should be taken to avoid conflicts with national holidays or dates that would preclude participation by members of the public due to religious or other observances.

87.2 Quorum

The presence of three Council Members shall constitute a quorum of the City Council necessary to transact business at a meeting. In the event a quorum is not in attendance, those attending the meeting will be named in the minutes, and they shall adjourn the meeting to a set date, time, and location. If all Council Members are absent, the City Clerk shall adjourn the meeting to a set date, time, and location. [36810, 36811].

87.3 Absences

87.3.1 Absence and Compelling Attendance

Council Members who are unable to attend a City Council meeting must request that the Mayor recognize the absence as excused. The purpose of an excused absence is not to relieve Council Members of their responsibility to be present, but is intended to provide the Mayor with an opportunity to ensure an absence is reasonable and to impress upon the Council Member, where necessary, the importance of regular attendance. The minutes shall note whether a Council Member's absence is excused. If a Council Member is repeatedly absent, the City Council may adjourn from day-to-day to compel the absent Council Member's attendance under the penalties prescribed by State law. [36513, 36810, 36813].

87.3.2 Absentee Participation

If a Council Member wants to participate remotely in a meeting, the appropriate way to participate is through a teleconferenced or hybrid meeting as provided for in section 87.4.6 Teleconferenced and Hybrid Meetings. Absent Council Members are discouraged from communicating their opinions on agenda items to staff or other Council Members to present at the Council Meeting on behalf of the absent Council Member.

87.4 Types of Meetings

87.4.1 Regular Meetings

The City Council shall meet in the City Council Chambers in the Civic Center Meeting Hall for all regular City Council meetings. The regular meetings shall begin at 7:00 p.m. on the second and fourth Monday of each month, unless otherwise specified by posted notice. If the meeting date falls on a legal holiday, the City Council shall meet at a date and time designated by the City Council. Regular meetings with closed session items may begin between 5:00 p.m. at 6:00 or 6:30 p.m. and 7:00 p.m. depending upon the number and complexity of the matters to be discussed. [36805, 54954; LMC 2.06.030].

87.4.2 Special Meetings

Special meetings may be called by the Mayor, the City Manager, the City Attorney, or by a majority of Council Members consistent with applicable laws. The call and notice for a special meeting must specify the items to be considered and the date, time, and location for the meeting. [36807, 54956(a)].

The City Council may take final action at a special meeting that is not a workshop.

87.4.3 Special Meeting Workshops

The City Council may meet ~~informally~~ in special meetings designated as workshops that are called by the Mayor, the City Manager, or by a majority of Council Members. Workshops are special meetings intended for training purposes such as ethics training, sexual harassment prevention and education, and specific technical subjects such as land use. Special meeting workshops are also intended for the City Council to work with staff to develop administrative items such as the budget and City Council goals and priorities, for the City Council to receive public input on matters of community wide concern, and for similar activities.

Workshops are open to the public and are meetings for purposes of the Brown Act. The City Council may provide direction, but unlike other special meetings the City Council may not take a final action at a workshop. [54956].

87.4.4 Closed Session Meetings

Closed sessions may only be held as authorized by state law and shall be held in accordance with the provisions of the Brown Act. The closed sessions may precede or follow a regular meeting or be called as a special meeting. In addition to the provisions in Section 87.4.2 Special Meetings, the City Attorney or City Manager may call and notice closed session meetings as special meetings. [54954.5, 54956.5, 54956.7-54957.1, 54962].

After meeting in closed session, the City Council shall reconvene in open session and make a public report, either orally or in writing, of any reportable action taken in the closed session and the related vote tabulation. [54957.1, 54957.7].

Closed session matters should be managed within the expected time limits for all items. Lengthy closed session matters should be scheduled at the end of a Council Meeting or as a separate special meeting. If a closed session is scheduled before the start of a regular Council meeting, it should conclude no later than 10 minutes before the start time for the regular Council meeting. When necessary, the closed session can be continued to the end of the agenda for the regular Council meeting, but that should be avoided when possible.

87.4.5 Concurrent Meetings

Since the Council Members are also the members of the Livermore Successor Agency, the City Council may concurrently convene the meetings of the City and the Livermore Successor Agency as well as any other legislative body that includes all Council Members. [54952.3].

Joint meetings of the City Council and any other legislative body or bodies shall be noticed as a meeting for each body.

87.4.6 Teleconferenced and Hybrid Meetings

The City Council may meet from different locations connected by electronic means consistent with the provisions of the Brown Act effective at the time of the scheduled meeting. The City Council may adopt, by resolution, specific procedures for teleconferenced and hybrid meetings consistent with state law. Those procedures should encourage staff and the City Council to monitor connectivity and to rapidly address the technical issues for orderly management of the meeting consistent with the applicable statutory requirements. [54953].

87.4.7 Adjourned Meetings, and Adjourned Regular Meetings

Any meeting of the City Council may be adjourned to a later date, time, and location, and the notice of adjournment shall be posted within 24 hours on or near the door of the place where the adjourned meeting was held. However, if the adjourned meeting is to reconvene less than 24 hours after adjournment, then a copy of the order or notice of the continuance shall be posted immediately following the meeting. [36809, 54955].

The Mayor, presiding officer, City Manager, or majority of Council Members may call for an adjourned regular meeting in consultation with the City Attorney to conduct a regular meeting on a date other than on a regular meeting date on the City Council's annual calendar. [54955]

87.4.8 Emergency Meetings

If at least three Council Members determine that a catastrophic event has caused an emergency situation to exist as defined by law, then the City Council may immediately hold an emergency meeting. [54956 and 54956.5].

87.4.9 City Council Committees

The City Council, may create standing and ad hoc City Council subcommittees, which creation shall occur at a duly noticed Council Meeting.

Care should be taken to not overburden staff, and therefore, City Council subcommittees should only be created in consultation with the City Manager and the City Attorney. City Council subcommittees should be created judiciously. Staff support shall only be provided to those City Council committees duly created as set forth in these rules.

Ad hoc City Council subcommittees are intended to be useful and efficient vehicles for less than a quorum of Council Members, with appropriate support staff, to explore and develop items for placement on a duly noticed City Council meeting agenda for the City Council to discuss and then provide direction or take action.

City Council standing subcommittees comprised of less than a quorum of the City Council and that have continuing subject matter jurisdiction or a fixed meeting

schedule established by the City Council, shall comply with the Brown Act and follow these rules of procedure. [54952(b)].

Ad hoc City Council subcommittee's comprised solely of less than a quorum of the City Council and that are limited to both a defined task and a duration that is less than one year, are not subject to the Brown Act and are not required to follow these rules of procedure. [54952(b); *Frazer v. Dixon Unified School District*, (1993) 18 Cal.App.4th 781].

Any City Council subcommittees comprised of less than a quorum of the City Council and have other persons as members, shall comply with the Brown Act and follow these rules of procedure. [54952(b); *Joiner v. City of Sebastopol*, (1981) 125 Cal.App.3d 799].

The City Manager shall keep a record of all standing and ad hoc City Council subcommittees that reflects the committee's creation date, composition, task, duration, and sunset date. The City Manager shall advise the City Council at a duly noticed Council Meeting of any ad hoc subcommittee that has not sunset within one year of its creation so that the City Council can consider whether to terminate the ad hoc subcommittee or reconstitute it as a standing committee.

87.5 Notice and Agenda Posting

The City Clerk shall post the notices and agendas for each City Council meeting in the kiosk in front of City Hall, on the City's website, and at the location where the meeting will be held. Any requirement to post notices and agendas at a remote teleconferenced meeting location outside the City's jurisdiction shall be the responsibility of the Council Member attending the meeting from that location. [54954.2].

87.5.1 Regular Meetings

It is the City Council's goal that the agendas for regular meetings should be posted at least 6 days before the meeting dates, but in no event shall the agenda for a regular meeting be posted less than 72 hours before the meeting date. [54954.2].

87.5.2 Special Meetings and Workshops

Notice of the call for a special meeting must be delivered and received by each Council Member and the media at least 24 hours before the special meeting, and must be posted at least 24 hours before the special meeting date. To the extent possible, it is the City Council's goal that the notice and agendas for special meeting workshops should be posted at least 6 days before the meeting dates, and in no event shall the notice and agenda for a workshop be posted less than 24 hours before the meeting date. [54956].

87.6 Actions Limited to Posted Agendas

The City Council shall not discuss or take action on any item not appearing on the posted notice or agenda for a duly noticed Council meeting. However, as permitted by the Brown Act, Council Members and staff may briefly respond to statements made or questions posed by the City Council or by members of the public addressing the City Council. City Council members should refrain from rejoinders to perceived derogatory or repugnant public comments during council meetings. Council Members may ask a question of City staff or a speaker for clarification, make a brief announcement, or make a brief report on their own activities.

Upon determination by three Council Members that an emergency situation exists as required by law, or upon a determination by four Council Members (or all members present if less than four are in attendance) that there is a need for immediate action that came to the City's attention after the meeting agenda was posted, the agenda may be amended as provided by law to add an item for consideration and action. [54954.2, 54956, 54956.5].

87.7 Continuance of Agenda Items

Items listed on a posted agenda should not be continued or postponed absent good cause.

87.7.1 Discovery of Good Cause Before an Item is Considered

If good cause to continue an item is discovered by City staff after a notice or agenda is posted but before the meeting commences, then after calling the meeting to order the ~~Mayer~~ presiding officer shall identify the item and announce that it has been continued.

87.7.2 Good Cause to Continue During Consideration

Once an item has been taken up for consideration, City staff, a Council Member, or a participating party as defined in Section 109.5.3 Participating Parties may request a continuance of the item. The item may only be continued following a majority vote of the Council Members present.

87.7.3 Public Comment for a Continued Item

If the opportunity for the public to address the City Council has concluded, or the public hearing portion of an item was formally closed, and the item was returned to the City Council for deliberation before it was continued, then the opportunity for public comment on the item will not be reopened absent a motion by the City Council. [54955].

87.8 Consideration of items after 11:00 p.m.

87.8.1 Canvass and Reorder

At 10:30 p.m., or as soon thereafter as practical, the ~~Mayor~~ presiding officer shall canvass staff and Council Members present to identify the remaining agenda items for consideration. The ~~Mayor~~ presiding officer will then identify what items will be considered or continued, and in what order. Once the ~~Mayor~~ presiding officer outlines the balance of the agenda, it may not be amended absent an appeal by a Council Member.

If the City Manager, Mayor, presiding officer, or a City Council Member believes the duly noticed agenda for a Council meeting is not likely to be completed in one day, then the City Clerk shall poll the Mayor and Council Members in advance of the meeting to determine their availability to reconvene later that same week. To accommodate members of the public so they do not have to rearrange their schedules, to the extent possible, the public comment period for an item that was started should be completed before the continuance of an item.

87.8.2. No New Items Considered after 11:00 p.m.

The City Council shall not begin consideration of any items on an agenda after 11:00 p.m., but may complete their consideration of an item that was commenced prior to 11:00 p.m.

87.8.3 Exceptions

The City Council may commence consideration of an item after 11:00 under the following circumstances:

- a. An item is subject to a legal deadline, such as a project application subject to the Permit Streamlining Act; or,
- b. The City Council votes to allow consideration of the item after 11:00 p.m.

87.9 Breaks.

The ~~Mayor~~ presiding officer shall provide for a 10 min break after approximately every two hours of meeting time. The break should be called at a convenient point in the proceedings closest to the two-hour mark. Council Members may request breaks at other times as needed. Council Members and staff are expected to return promptly at the designated time to resume the meeting.

87.10 Points of Order, Privilege, and Personal Privilege

A Council Member may ask for a point of order, at which time the ~~Mayor~~ presiding officer will ask for an explanation. Appropriate points of order relate to matters that a Council Member considers inappropriate conduct for the meeting, such as the failure to observe

these Rules of Procedure, the City Council's Norms and Values, or the rules of parliamentary procedure.

A Council Member may seek a point of privilege. If so, the presiding officer~~Mayer~~ shall ask for an explanation of the Council Member's point. Points of privilege generally relate to matters that interfere with a normal flow or comfort of the City Council's meeting, such as the inability to hear testimony because of disruption.

A Council Member may ask for a point of personal privilege when the integrity, character, or motives of the Council Member are called into question by a speaker; or where the welfare of the City Council is concerned.

If a speaker is interrupted by a point of order, privilege, or personal privilege, the remainder of a speaker's time will be preserved by the City Clerk until the point is resolved.

87.11 Minutes

87.11.1. All Proceedings Recorded

An account of all open meetings of the City Council shall be recorded, and action minutes prepared, by the City Clerk. [36814, 40801]. After the City Council approves the meeting minutes, the City Clerk shall enter them into official minute books of the City Council. The City Attorney may prepare attorney work product notes for closed session meetings attended. [36814].

87.11.2 Approval

The minutes for a City Council meeting shall be reviewed and approved as set forth in this section.

- a. The City Council shall approve minutes for a regular meeting, special meeting, and special meeting workshops, except that City Council approval is not required for the City Attorney's closed session attorney work product notes.
- b. A Council Member may not approve the minutes for any City Council meeting that the Council Member did not attend, unless the Council Member observed the meeting or reviewed a video or audio recording prepared for that meeting. Also, a Council Member may not approve the minutes for a meeting that they were not eligible to attend as a Council Member.
- c. If no Council Members are eligible to approve the minutes for a City Council meeting, then the City Clerk shall attest to the accuracy of the meeting minutes and enter them into official minute books of the City Council.

87.11.3 Preferred Method of Recordation and Minutes

City Council meetings may be recorded by electronic means.
The City Council may adopt a resolution to specify the preferred method of recording for its meetings. [54953].

87.12 Staff Attendance

87.12.1 City Manager

The City Manager shall attend all City Council meetings unless excused by the Mayor, and the City Manager's designee attends. [LMC 2.08.060.F]. The City Manager may make recommendations and shall have the right to take part in all discussions of the City Council, but shall have no vote.

87.12.2 City Attorney

The City Attorney shall attend all City Council meetings unless excused by the Mayor, and an Assistant City Attorney attends. Upon the City Council's request, the City Attorney shall provide opinions and recommendations, either written or oral, on questions of law and procedure.

87.12.3 City Clerk

The City Clerk shall attend all City Council meetings unless excused by the City Manager, and in his or her absence, the City Clerk's designee shall attend. The City Clerk shall record, prepare, and maintain the official record of the City Council's proceedings and perform other related duties as may be prescribed by the City Council and the City Manager. [36814, 40801].

87.12.4 Department Heads/Employees

Department Heads and employees shall attend City Council meetings as directed by the City Manager. The City Manager and City Attorney are encouraged to minimize the number of employees and consultants attending the meetings in person and maximize the opportunities for employees and consultants to participate remotely.

87.12.5 Sergeant-at-Arms

A Sergeant-at-Arms, who shall typically be a sworn member of the City's Police Department, shall attend City Council meetings as directed by the ~~the~~ City Manager. [38638].

87.13 Meetings That Are Not Subject to the Brown Act

As provided by the Brown Act, a quorum of the City Council may attend conferences and similar gatherings, open community meetings organized by a person or organization other than the City Council, open and noticed meetings of another legislative body other than a City advisory body, and social and ceremonial gatherings without complying with the notice and agenda requirements in these rules of procedure, provided that the Council Members do not discuss among themselves business of a specific nature that is within the City's subject matter jurisdiction. [54952.2(c)(3)-(5)].

Meetings of an ad hoc City Council subcommittee ~~are~~ not subject to these rules of procedure unless the ~~Mayor or~~ City Council expressly states that the subcommittee shall follow these rules. [54952].

Briefings of less than a quorum of the City Council are not subject to these rules of procedure provided the briefings comply with the Brown Act. [54952.2; *Wolfe v. City of Fremont*, (2006) 114 Cal.App.4th 533].

98. Agenda Development

The City Manager is responsible for preparing the City Council's meeting agenda to present items requiring direction or action by the City Council. Items may also be placed on an agenda for City Council consideration in the following ways: by direction of a duly created City Council subcommittee with the City Manager's concurrence; by direction of the City Attorney in consultation with the City Manager; by direction of a majority of Council Members during the matters initiated portion of the agenda to place an item on a future agenda; and under any processes set forth by statute or ordinance that requires City Council action, including City Council consideration of land use matters, appeals, and other matters as set forth in the Livermore Municipal Code and the Livermore Development Code.

The agenda shall contain a brief general description of each item of business to be transacted or discussed, including any items to be discussed in closed session. [54954.2, 54954.5].

109. Order of Business – Regular Meetings

The usual order of business for regular meetings shall be as follows:

109.1 Call to Order

This portion of the agenda is for roll call, the pledge of allegiance, and the reporting out from any closed session items that may have occurred prior to the meeting.

109.2 Proclamations and Presentations

This portion of the agenda is for City proclamations to recognize significant community events, people, or days. The presiding officer ~~Mayor~~ shall read and present, or designate

a Council Member to read and present, the proclamations. The City Manager, or his or her designee, may develop a policy regarding proclamations as a guide. It is also for City advisory bodies to make brief presentations to the City Council on their activities. As authorized by the presiding officer~~Mayer~~ or the City Manager, this portion of the agenda is also for other local, regional, or state legislative bodies and elected officials to make brief presentations to the City Council concerning activities of interest to the City.

These are ceremonial matters and not action items by the City Council. While the preference is for proclamations to be included in the posted agenda, the desire to recognize a significant community event, person, or day may arise or be discovered after an agenda is posted. In that case, the presiding officer~~Mayer~~ may make additional proclamations at a City Council meeting so long as they do not unduly interfere with the City Council's business.

The public~~Public~~ does not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors*, (2005) 129 Cal.App.4th 205].

109.3 Confirmation of Advisory Body Appointments

This portion of the agenda is for City Council confirmation of appointments to advisory bodies and to administer the oath of office to advisory body members.

109.4 Open Forum

This portion of the agenda is for any member of the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. However, to prepare and preserve a proper administrative record, public comments concerning an item listed elsewhere on the agenda should be reserved and addressed to the City Council when that item is called for consideration.

Open forum shall be limited to 30 minutes, usually before the consent calendar. If there are additional members of the public who wish to speak at the conclusion of the 30-minute time period, then the presiding officer~~Mayer~~ shall reconvene the open forum at the conclusion of the matters for consideration portion of the agenda unless the presiding officer~~Mayer~~ announces that open forum is reordered to a different place on the agenda.

The procedures for public comments during open forum are set forth in Section 12~~4~~ *Speakers' Rights*.

109.5 Consent Calendar

The consent calendar portion of the agenda is for routine items that are not expected to require City Council discussion. Examples of items for the consent calendar include the approval of minutes, resolutions confirming actions from a previous meeting, the introduction and adoption of ordinances, and the processing of administrative items such

as the approval of contracts, the acceptance of public improvements, and other routine items requiring City Council approval by ordinance, resolution, or law. Any Council Member may pull an item for separate discussion. Members of the public may address the City Council on consent calendar items by following the procedures set forth in Section ~~124~~ *Speakers' Rights*.

The items on the consent calendar are generally approved by the City Council by a single motion, but separate motions may be appropriate to accommodate a conflict of interest, an absence, or other Council Member interests.

10.69.5 Public Hearings

The public hearing portion of the agenda is reserved for items that require, by statute, ordinance, or practice, a noticed public hearing for action. The notices for public hearing items shall be posted in a newspaper of general circulation and mailed ~~to property owners~~ as required by law. [6060].

The procedures for public hearings are as follows:

109.65.1 Introduction

The presiding officer~~Mayer~~ shall call each item for hearing and consideration. If there are related public hearing items, the presiding officer~~Mayer~~ has the discretion to concurrently call the related items for hearing and consideration.

109.65.2 Staff Presentation

A member of City staff will then:

- a. Introduce themselves and the item by identifying the report and other written material included in the agenda packet for the City Council's consideration, as well as any written comments received from the public.
- b. Identify any supplemental written materials that have been provided to the City Council for consideration, which were received or prepared for the item after the meeting agenda was published.
- c. Identify any other staff members or consultants that will be part of the staff presentation or are otherwise present and available for City Council questions.
- d. State whether the applicant is present and whether the applicant intends to make a presentation to the City Council.
- e. Make an oral report, unless waived by the City Council.

109.65.3 Participating Parties

Following the staff presentation, the applicant, appellant, and other named participant in the item that is party to an agenda item (collectively “participating parties”) may address the City Council. Participating parties shall address the City Council following the procedures set forth in Section 124 *Speakers’ Rights*.

After the presiding officer~~Mayer~~ determines that no other participating parties wish to address the City Council on the hearing item, the presiding officer~~Mayer~~ will open the public hearing.

109.65.4 Opening and Closing the Public Hearing

The purpose of the public hearing is to provide members of the public with an opportunity to address the City Council concerning the hearing item, as well as to express their support or opposition of the item. The presiding officer~~Mayer~~ will formally announce the opening of the public hearing and invite members of the public to address the City Council on the hearing item. Public speakers shall address the City Council following the procedures set forth in Section 124 *Speakers’ Rights*.

After the ~~Mayer~~presiding officer determines that no other member of the public wishes to address the City Council on the hearing item, the presiding officer~~Mayer~~ will formally close the public hearing and return the item to the City Council for City Council questions and comments.

109.65.5 City Council Questions or Comments

Following the staff presentation and receiving~~,-receiving and from the~~ comments by the participating parties, the City Council may ask questions of City staff, consultants, and participating parties, or make comments on the item.

109.65.6 City Council Deliberation

Following City Council questions and comments, the ~~Mayer~~presiding officer will invite the Council Members to discuss the item to develop concurrence for a motion. Council Members may continue to ask questions of staff, consultants, and the participating parties as part of their deliberations. The procedures for City Council deliberation are set forth in Section 132 *City Council Deliberation*.

109.65.7. City Council Action

After City Council deliberation, the ~~presiding officer~~~~Mayer~~ shall call for a motion and a second as set forth in Section 14 *Motions*, and the City Council may make such motions as set forth in that section.

If the motion seconded for consideration is substantially different than the recommended action in the published staff report, the ~~presiding officer~~~~Mayer~~ may invite public comments on the motion. Each speaker will be limited to one minute to comment on the motion; and the City Council has discretion to decide not to hear further comment if they choose. ~~Public~~~~If invited, public~~ speakers shall address the City Council following the procedures set forth in Section 124 *Speakers' Rights*.

~~10.79.6~~ Matters for Consideration

This portion of the agenda is for items of business that require City Council action or, direction, ~~or the~~ receipt of reports, or that would benefit from City Council discussion -that do not also require a public hearing. Generally, the procedures for this portion of the agenda follow the same procedures found in ~~s~~Section 109.5 *Public Hearings*, except that the public hearing is replaced by the opportunity for the public to comment after the staff presentation.

Prior to deliberating on matters for consideration, the City Council shall receive public comment as provided for in Section 124 *Speakers' Rights*. After receiving public comment, the City Council shall deliberate as set forth in Section 132 *City Council Deliberation* and shall receive the report, take action, or provide direction as set forth in Section 14 *Motions*.

~~10.89.7~~ City Council Reports and Matters Initiated by Staff and City Council

This portion of the agenda is for:

1. Each member of the City Council to provide brief reports on any intergovernmental agency meetings, conferences, community meetings, meetings of other legislative bodies, or other events of interest to the community. For efficiency and completeness, each Council Member should use the activity reporting spreadsheet and submit their reports to the City Clerk by noon on the day of the Council meeting so the report can be included in the supplemental materials distributed in advance of the meeting. Council members are encouraged to highlight in their oral presentations only those events of most interest to the community. To the extent practical, Council members should report on significant decisions being considered by the regional boards, commissions, and committees to which they have been appointed for the City. For those events that the Council Member attended at the City's expense, it is the City Council's preference to satisfy the expense reporting requirement by submitting a written report of the activities attended. [53232.2(d)];

2. The City Manager, City Attorney, and City staff to provide information of community interest to the City Council and to seek direction from the City Council concerning items to be included on future agendas;
3. The City Council to provide guidance and direction to staff concerning items to be included on future agendas and information to be provided in response to questions raised during open forum;
4. The City Council to request a matters initiated for staff to provide information, perform studies, or undertake other administrative functions or to develop information for Council action at a future meeting. Before requesting a matters initiated, the initiating Council Member is expected to confirm with the City Manager that there is adequate staff resource capacity to address the request, and the City Attorney to the extent the matter involves legal review. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or will involve substantial staff resources, the City Manager will report to the City Council at a subsequent City Council meeting and request further direction. At that time, the consensus of a majority of the City Council will be required to proceed.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors*, (2005) 129 Cal.App.4th 205].

10.99.8 Adjournment

This portion of the agenda is for the presiding officer~~Mayer~~ to adjourn the City Council meeting at the conclusion of business and announce~~to~~ its next meeting. The meeting may be adjourned to a regular meeting, special meeting, special meeting workshop, adjourned regular meeting, or adjourned special meeting. The presiding officer~~Mayer~~ may adjourn the meeting in honor of a distinguished Livermore resident or other person of community interest that has passed away.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors*, (2005) 129 Cal.App.4th 205].

Adjournment at any other point in the meeting other than after the conclusion of the business items on an agenda will requires a formal motion by the City Council.

110. Order of Business – Special Meetings and Workshops

No matters except those specified in the notice and agenda for a special meeting or special meeting workshop may be discussed at those meetings.

The usual order of business for special meetings and workshops shall be as follows:

110.1. Call to Order

This portion of the agenda is the same as it is for a regular meeting.

110.2. Public Comment

The purpose of this portion of the agenda is to provide the public with the opportunity to address the City Council on only those items listed in the posted notice and agenda for the special meeting or workshop. Public comment shall be received immediately following the call to order for a workshop, and should be received immediately after the staff presentation, if any, for a special meeting.

Public speakers shall address the City Council following the procedures set forth in Section ~~124~~ Public's Speaker's Rights.

However, unlike a regular meeting, the agenda for a special meeting will not include an open forum for the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction, unless that opportunity is expressly included in the agenda.

110.3 Special Meeting Item and Workshop Item

Generally, the procedures for this portion of the agenda follow the procedures in Section ~~10.6.19.5.1~~ Introduction, ~~10.6.2~~ 9.5.2 Staff Presentation, ~~10.6.59.5.5~~ City Council Questions and Comments, and ~~10.6.69.5.6~~ City Council Deliberations. The City Council may take a final action at a special meeting, but not at a workshop, as set forth in Section ~~87.4.2~~ Special Meetings and Section ~~87.4.3~~ Special Meeting Workshops

110.4 Adjournment

This portion of the agenda is the same as it is for a regular meeting.

124. Speaker's Rights

A City Council meeting is a limited public forum. [78 Ops.Cal.Atty.Gen. 224 (1995); *Kindt v. Santa Monica Rent Control Bd.* (9th Cir. 1995) 67 F.3d 266; *White v. City of Norwalk*, (9th Cir. 1990) 900 F.2d 1421; *Leventhal v. Vista Unified School District* (SD Cal. 1997) 973 F.Supp. 951]. Members of the public have the right to address the City Council and to attend its meetings, except for closed sessions and other meetings that permit the public to be excluded as a matter of law. During the open forum portion of a regular meeting agenda, members of the public have a right to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. Members of the public also have the right to address the City Council before the City Council considers or takes action on an item on any regular meeting agenda, except for

items properly listed or considered in the *Call to Order, Proclamations and Presentations, City Council Reports and Matters Initiated by Staff and City Council*, and the *Adjournment* portions of the agenda. Members of the public shall be provided an opportunity to address the City Council concerning any item that is described in the notice for special meeting workshops and special meetings. [54954.3].

The procedures for addressing public comments to the City Council are as follows:

124.1 Addressing the City Council

Members of the public who want to address the City Council during open forum or before the City Council considers or takes action on an item must indicate their desire by personally submitting a request to speak to the City Clerk, or his or her designee, using the methods specified by the City Clerk in the agenda for that meeting. A member of the public may not submit a request to speak on behalf of any other person. The methods for addressing the City Council will be described at each meeting. The City Clerk will prominently display the methods to address the City Council in the City Council Chambers or other location where the City Council gathers in person for a meeting.

The ~~presiding officer~~~~Mayor~~ shall open public comment during open forum and for agenda items by asking the City Clerk whether there are any members of the public who wish to address the City Council. If there are, the ~~presiding officer~~~~Mayor~~ will then ask the City Clerk to manage the process for calling on speakers physically present and participating remotely as described in Section 124.3.1. Once there are no more persons physically present who have expressed an interest in addressing the City Council, the City Clerk will then call upon the speakers participating remotely. Speakers may request the opportunity to address the City Council until the City Clerk announces that there are no more speakers who have expressed their interest to address the City Council. At that time, the ~~presiding officer~~~~Mayor~~ will close the public comment period. Once the ~~presiding officer~~~~Mayor~~ closes the public comment period, no more additional requests to address the City Council during open forum or for the agenda item will be accepted absent invitation by the ~~presiding officer~~~~Mayor~~.

The purpose of submitting a request to speak is to help the ~~presiding officer~~~~Mayor~~ conduct the City Council's meetings and to complete its business in an orderly fashion. The intent is not to limit testimony. Therefore, a member of the public will not be denied an opportunity to speak if a request to speak ~~does not provide all of the lacks~~~~information requested from a speaker~~ or because a speaker wants to remain anonymous. Speakers who have not submitted a request to speak on time may be heard by the ~~presiding officer's~~~~Mayor's~~ recognition or by another Council Member's successful appeal. [White v. City of Norwalk, (9th Cir. 1990) 900 F.2d 1421].

124.2 Speaker Time Limit

The amount of time allotted to each member of the public wishing to address the City Council shall be limited to a maximum of 3 minutes. For the consent calendar, a speaker's

time is limited to a single comment with a maximum of three minutes for all consent calendar items that are pulled by a Council Member for separate discussion, in which case the speaker's time shall be limited to 3 minutes on the item pulled for discussion and a separate 3 minutes for the balance of the consent calendar. Individual members of the public may not yield their allotted time, or any remaining portion thereof, to anyone else. The presiding officer~~Mayor~~ may reduce the amount of time allotted to each speaker based upon the number of persons wishing to speak, the complexity of the item if one is being considered, the anticipated time reasonably needed to complete the remaining items on the meeting agenda, and other reasonable factors. [54954.3(b); *Kindt v. Santa Monica Rent Control Bd.* (9th Cir. 1995) 67 F.3d 266; *Chaffee v. San Francisco Public Library Commission*, (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)]. A speaker using an interpreter~~-,~~ and speakers needing accommodation for a disability, shall be allowed twice the allotted time. [54954.3].

Prior to calling for public comment during the open forum, as well as before the City Council considers or takes action on an item, the presiding officer~~Mayor~~ shall set and announce the time limit for each member of the public to speak before inviting members of the public ~~to the lectern~~ to address the City Council. For the purposes of these rules, lectern means the physical podium in the meeting room provided for the public to address the City Council, but includes the electronic location utilized by the City Clerk to accept electronic comments during a City Council Meeting.

Open forum will conclude after 30 minutes, but if there are remaining speakers at the conclusion of the 30 minute time period who wish to address the City Council, then the open forum shall be reconvened after the Matters for Consideration portion of the agenda as set forth in Section 109.4 Open Forum.

124.3 Members of the Public Addressing the City Council

124.3.1 A list of people who have requested to speak shall be used to call each speaker to the lectern to address the City Council. The City Clerk will manage the process for calling speakers to the lectern or to unmute themselves if they are participating remotely. The speakers physically present in the meeting will be called upon before those participating remotely. When calling a speaker to the lectern the next two speakers will also be identified so they are prepared to address the City Council when called to the lectern.

124.3.2 The Mayor-presiding officer may request each speaker to state his or her name and city of residence before addressing the City Council. A speaker is not required to provide his or her name or address in order to address the City Council. However, to the extent such information is relevant to the issues being considered by the City Council during a public hearing, the absence of such information may bear on the speaker's credibility and the weight the City Council affords the speaker's comments.

- 124.3.3 Speakers shall address their comments only to the City Council as a body and not to a particular member.
- 124.3.4 Members of the public may only address the City Council from the lectern. No member of the public, other than the speaker at the lectern, may address the City Council, unless called upon by the presiding officer~~Mayer~~.
- 124.3.5 No question shall be asked of Council Members by a speaker, except through the presiding officer~~Mayer~~. No question shall be asked of a speaker by a Council Member, except through the presiding officer~~Mayer~~. Council Members, the presiding officer~~Mayer~~, and the speaker are not obligated to answer any questions asked. The presiding officer~~Mayer~~ may refer questions to staff for a brief answer while the speaker is at the lectern.
- 124.3.6 Speakers shall not use their time to unduly disrupt the orderly conduct of the City Council's meeting.
- 124.3.7 Speakers are encouraged to avoid repetition.
- 124.3.8 Speakers are encouraged to avoid making personal attacks.
- 124.3.9 Each speaker shall relinquish the lectern when his or her time to address the City Council has expired.
- 124.3.10A speaker may use his or her allotted time to read letters or other documents, play electronic recordings at a non-amplified volume, or otherwise present information to the City Council in a non-disruptive manner, provided those activities are completed within the allotted time. The City will not provide the means for a speaker to play an electronic recording.
- 124.3.11When called upon during open forum, speakers may address the City Council on any item of interest to the public within the City Council's subject matter jurisdiction. [54954.3(a)].
- 124.3.12When called upon to provide public comment on a specific item of business on the agenda, speakers shall focus their comments on that specific item of business before the City Council. [54954.3(a); *White v. City of Norwalk*, (9th Cir. 1990) 900 F.2d 1421; 78 Ops.Cal.Atty.Gen 224 (1995)].
- 124.3.13 Members of the public addressing the City Council are limited to one ~~oral~~ public comment per speaker per item regardless of format or time submitted.

124.4 Participating Parties Addressing the City Council

Participating parties shall comply with the procedures set forth in Section ~~124~~ *Public's Speaker's Rights* when addressing the City Council, except that the participating parties shall each have up to a maximum of 10 minutes to address the City Council. The ~~presiding officer-Mayer~~ may set and announce the time limit for each active participant to address the City Council based upon the same criteria set forth in Section ~~124.2~~ *Speaker Time Limit*.

When the City Council is acting in its quasi-judicial capacity, the ~~presiding officer~~Mayer may further modify the rules of procedure in this section, or adopt such additional rules of procedure and speaker times as may be reasonably necessary, to afford the active participants with procedural due process commensurate with the rights at issue.

124.5 Public Criticism

Public criticism of the City's policies, procedures, programs, or services, or of the acts or omissions of the City Council, shall not be prohibited. However, the rights of each speaker to express his or her views is not absolute and nothing in these rules of procedure are intended to confer any privilege or protection for expression beyond that otherwise provided by law. [54954.3].

124.6 Disruptive Speech and Conduct

Any person unduly disrupting a City Council meeting may be requested by the ~~presiding officer~~Mayer to leave the meeting. The ~~presiding officer-Mayer~~ shall discourage demonstrations before the City Council, such as applauding or booing. Upon instructions by the ~~presiding officer~~Mayer, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the ~~presiding officer's~~Mayer's judgment, has disrupted the meeting. [36813, 38638, 54954.3, 54957.9, Penal Code 403]. ~~Prior to removing a person for disrupting a meeting, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. However, a warning is not required before removing a disruptive individual whose behavior constitutes use of force or a true threat of force consisting of a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force. [54957.95].~~ When possible, the ~~presiding officer~~Mayer is encouraged to use alternative means, such as direction to speakers to avoid disruption or by taking a recess to review these rules with the speaker, to avoid disruptions to allow the City Council to complete its business.

124.7 Written Communications – Post Hearing Notice, and Post Agenda Publication

124.7.1 Submitted after the hearing notice, but before the Agenda Publication.

Any member of the public may submit written public comments and materials to the City Council through the City Clerk's Office. All written public comments and materials must be submitted between the date public hearing notices are published (10 days prior to the meeting or as otherwise required by statute) and noon on the day before agenda publication (7 days prior to the meeting). The City Clerk shall deliver all written public comments and materials received by 12:00 p.m. the days before agenda publication as part of the agenda packet for the posted agenda.

121.7.2 Submitted Post Agenda Publication.

Any member of the public may submit electronic public comments to the City Council using the electronic submission process the City Clerk specifies and makes available on the City's website within the timeframe provided on the agenda. Any additional attachments can be submitted directly to the City Clerk. All comments submitted using the City Clerk's electronic process will be available to the public and the City Council immediately upon submission. The City Clerk shall post on the City's website and deliver any additional materials received by 12:00 p.m. the day of the meeting to the City Council in a supplemental packet prior to the meeting.

Physical copies of written public comments and materials, and electronic and physical materials submitted to the Clerk's Office before 12:00 p.m. noon on the day of the City Council meeting, will be included in the supplemental packet. After 12:00 p.m. noon on the day of the City Council meeting, any member of the public who desires to submit materials to the City Council for consideration at that meeting is hereby instructed to present 8 copies of the materials to the City Clerk for distribution to the City Council at its meeting when the item is considered.

121.7.3 Special Meetings and Workshops.

For special meetings and workshops, the City Clerk shall specify the instructions and timeframes for the public to submit written public comments and materials in the agenda for those meetings.

121.8 Approaching the City Council

Once a meeting is called to order, no member of the public physically present shall enter the area between the lectern and the dais without an invitation from the presiding officer ~~Mayor~~. Members of the public may enter the area before and after the meeting, and during a recess, for the purpose of interacting with the individual City Council Members and City staff.

132. City Council Deliberation

City Council deliberations shall be orderly and guided by the presiding officer~~Mayer~~ to reach a decision on the item before them or to provide the direction sought by staff.

Once an item is before the City Council for deliberation, the presiding officer~~Mayer~~ shall call upon each individual Council Member present, in turn, to comment on the item and the recommended action or direction sought by staff. When participating remotely, Council Members should use the raise hand feature, or other feature offered by the electronic platform used for the meeting, to indicate they wish to speak and the presiding officer~~Mayer~~ should call upon them in the order they requested to speak. Council Members may debate the merits of the item and recommendation, but shall not interrupt any other Council Member who is speaking. After each Council Member has the opportunity to express an opinion on the item, the presiding officer~~Mayer~~ shall invite discussion and then a motion.

~~13. Reserved~~

14. Motions

14.1 Making a Motion

A motion may be made by the presiding officer~~Mayer~~ or a Council Member. Once a motion has been made, the presiding officer~~Mayer~~ will solicit a second. A motion shall die unless it receives a second. If a motion receives a second, the presiding officer~~Mayer~~ shall then invite debate and discussion on the motion and any amendments.

Any Council Member who makes a motion may withdraw it during debate and discussion, even to the point of interrupting a speaker to do so. If the motion is withdrawn, the presiding officer~~Mayer~~ may ask the person who seconded the motion if ~~that the~~ Council Member wishes to make the motion, subject to another Council Member's second.

14.2 Categories of Motions

There are four categories of motions that the City Council may consider.

The first category is a basic motion, which is one that puts forward a decision for consideration. For example, a motion to approve City staff's recommendation.

The second category is a motion to amend an earlier motion. Such an amending motion changes a basic motion under discussion in a minor way, but does not supersede it. For example, adding a condition to a basic motion to approve staff's recommendation. If the maker of the basic motion, and the second, accept the amendment, then the amendment shall be incorporated into the original motion without the need for a second on the amending motion. If an amendment is not accepted into the basic motion by the moving Council Members, the process for voting on simultaneous motions is then followed.

The third category is a substitute motion. Such a motion completely does away with the basic motion under discussion and puts a new motion before the City Council. For example, if the basic motion is to approve staff's recommendation, a substitute motion would propose numerous changes to staff's recommendation or assembles multiple amending motions into a single motion. If a substitute motion ~~is approved~~receives a second, then the initial basic motion does not require action since it was substituted. If a substitute motion fails, the process for voting on simultaneous motions is then followed.

The fourth category is a hostile motion. A hostile motion is one that seeks to accomplish the opposite effect of the basic motion. For example, when a basic motion is to approve a project, a hostile motion is one to deny the project. If a hostile motion is made, the process for voting on simultaneous motions is then followed.

A decision whether a motion is one to amend or substitute is left to the presiding officer's~~Mayor's~~ sole discretion. A decision whether a motion is hostile is left to the presiding officer~~Mayor~~ in consultation with the City Attorney.

14.3 Simultaneous Motions

The City Council may consider up to three motions on the floor at one time. The presiding officer~~Mayor~~ may reject a fourth motion until the three before the City Council have been resolved. When ~~two or three~~multiple motions with seconds are before the City Council, ~~after motions and seconds, the City Council shall consider and vote first vote will be~~ on the last motion made. Generally, the discussion when a motion is before the City Council should focus on the last motion made. Once the vote on the last motion takes place, if necessary, the discussion and decision on additional motions will take place in order working back to the first motion made.

However, a hostile motion shall not be in the floor at the same time as the motion it challenges. A hostile motion shall be considered after a vote on the basic motion and its amendments, that it challenges.

14.4 Debatable and Non-debatable Motions

Debatable motions are subject to Council Member comment and discussion before calling for a vote. Non-debatable motions are not subject to Council Member comment and discussion, and are to be voted on immediately.

14.4.1 Debatable Motions

Debatable motions are motions to take action on agenda items and other items of City business. For the purpose of these rules of procedure, all motions are debatable except those expressly identified in Subsection 14.4.2 *Non-Debatable Motions*. Debate on a motion should continue as long as Council Members wish to discuss an item, subject to the presiding officer's determination~~Mayor's decision~~ that it is time to ~~move on and take action~~call the question.

14.4.2 Non-Debatable Motions

Non-debatable motions are procedural and terminating motions. Certain motions once made immediately stop the City Council's deliberations and, upon receipt of a second, should be voted on immediately. The City Council's non-debatable motions are as follows:

- a. Motion to Adjourn. If passed, a motion to adjourn requires the City Council to immediately adjourn to its next regularly scheduled meeting.
- b. Motion to Recess. If passed, a motion to recess requires the City Council to immediately take a recess, the length of which the ~~presiding officer~~ Mayor will determine. The ~~presiding officer~~ Mayor may order a recess without a motion, and without adjourning the meeting, as the ~~presiding officer~~ Mayor determines necessary to maintain decorum and conduct the meeting in an orderly fashion.
- c. Motion to Fix the Time to Adjourn. If passed, a motion to fix the time to adjourn the meeting requires the City Council to adjourn at a specific time set in the motion.
- d. Motion to Table an Item. If passed, a motion to table an item postpones an item indefinitely or to a date and time certain set in the motion. If the motion does not contain a specific time, an additional motion is required to bring the item back to the City Council at a future meeting.
- e. Motion to Continue an Item. A motion to continue an item has the same effect as a motion to table, but is generally used when good cause exists or in response to a request by staff, a Council Member, or a participating party, as set forth in Section ~~8~~7.7 *Continuance of Agenda Items*, or a scheduling problem arises. If passed, the motion continues the item indefinitely or to the date and time set in the motion. If the motion does not contain a specific time, an additional motion is required to bring the item back to the City Council at a future meeting.
- f. ~~Motion to~~ Call for the Question. A motion to call the question, also known as moving the previous question or limiting debate, stops further City Council deliberation, debate, and discussion on an item. It can be stated as stopping debate or discussion within a certain period of time, such as 15 minutes. If seconded, the ~~presiding officer~~ Mayor shall then call for a vote on the motion or motions pending before the City Council as provided for in Section ~~6~~7.5 *Motion to Be Stated*.

14.5 Miscellaneous Motions and Appeals

14.5.1 Motion to Suspend the Rules of Procedure

A motion to suspend these Rules of Procedure is debatable and to the extent possible should be addressed to a specific rule. If the Rules of Procedure are suspended in their entirety, such a motion does not supersede law or the Livermore Municipal Code.

14.5.2 Motion to Reconsider

A motion to reconsider any action taken by the City Council may be made as follows: (1) The motion must be made by a Council Member who voted along with majority that voted for the original motion that passed, ~~but although~~ the motion for reconsideration may be seconded by any Council Member; (2) The motion must be made either at the meeting at which the action to be reconsidered was taken, or, at the next regular meeting, provided appropriate due process is afforded to any participating parties; (3) The motion is debatable; (4) If any participating party has left the meeting, or if the motion comes at a subsequent meeting, the ultimate decision to be reconsidered must take place at a subsequent meeting; and, (5) If the original hearing was a public hearing, a new notice of hearing must be given before the matter is reconsidered.

14.5.3 Council Member Appeal

Any Council Member may appeal any ruling by the ~~presiding officer~~Mayor. If a Council Member so moves and the motion is seconded, after debate, the ruling of the ~~presiding officer~~Mayor may be reversed by majority vote. If an appeal is taken, the question shall be, "Shall the decision of the ~~presiding officer~~Mayor be sustained?"

15. **Action and Direction**

15.1 Votes, General Rules

Unless otherwise provided, the City Council's actions must be passed pursuant to a majority vote on a motion, and the motion may not be considered unless it is seconded. A simple majority vote by those Council Members present is necessary to pass a motion providing direction to staff or establishing administrative policy, however motions for the adoption of resolutions and ordinances require an affirmative vote of at least three Council Members to pass the motion as provided in Rule 17.4 *Majority Vote by Three City Council Members Required*.

Any Council Member may, before the "Nays" are called for, demand that a roll call vote be taken on the motion before the City Council. The ~~presiding officer's~~Mayor's name shall be called last, ~~preceded by the Vice Mayor,~~ with other Council Members' names called in alphabetical order by the City Clerk. Council Members shall not give explanations for their vote during roll call.

If a motion does not receive the necessary majority vote for passage, the presiding officer~~Mayer~~ may solicit additional discussion and another motion for further deliberation and voting. If further discussion and deliberation does not result in a motion receiving a majority vote necessary to pass a motion, the presiding officer~~Mayer~~ may declare that “no action has been taken” and proceed with the remainder of the agenda. In the event of a tie vote, the procedures in Section 15.2 Tie Votes, shall control.

If a Council Member is present at the meeting but abstains from voting on a motion or is silent during the vote on the motion, then the rules in Section 15.3 Abstentions and Silence shall govern how the Council Member’s silence or abstention is tabulated.

15.2 Tie Votes

Generally, a motion fails if there is a tie vote. After a tie vote, the presiding officer~~Mayer~~ may solicit additional discussion and another motion in an attempt to break the tie. If the tie vote occurs during a Council Member absence, and the absent Council Member does not have a conflict of interest related to the item being voted on, the City Council may continue the item to a subsequent City Council meeting when the absent Council Member is expected to be present in an effort to resolve the tie. If the tie vote is not resolved, the motion shall fail and the presiding officer~~Mayer~~ may declare that “no action has been taken” and proceed with the remainder of the agenda. However, if a decision is legally compelled under state law (such as the Permit Streamlining Act), the tie vote shall constitute a denial of the application, project, or appeal before the City Council and the decision shall be considered final.

15.3 Abstentions and Silence

The City Council discourages abstentions since abstentions without legal conflict may impede the City Council’s ~~actions~~business, for example by causing a tie vote. Abstentions also deprive Livermore residents of one vote of five and may diminish accountability of Council Members on items of legitimate concern. At the same time, it is not the City Council’s intention to impede any individual Council Member’s right to choose not to speak or vote on an item.

If any Council Member wishes to abstain from voting on a motion, the Council Member must announce the abstention when the item of business is first called for consideration and must not participate in the consideration of the item, in which case the ~~minutes~~vote tabulation will reflect that the Council Member abstained from the vote.

If the Council Member does not announce an abstention when the item of business is first called for consideration, or the Council Member participates in the consideration of the item after announcing and intent to abstain, and the Council Member’s ~~abstains~~ during the vote, then that Council Member’s vote shall be tabulated in favor of the motion.

Silence of any Council Member shall be tabulated ~~along with the majority of the votes cast by the Council Members present and voting on their favor of the~~ motion since the silent Council Member is conceding to the ~~majority's wishes~~ motion and not registering an objection.

This rule is intended to expressly modify *Rosenberg's Rules of Order* for ~~tabulating counting~~ votes with regard to abstentions and silence by a Council Member.

15.4 Protests

Any Council Member shall have the right to enter into public record reasons for dissent, no vote, or protests against any motion carried by the majority.

16. Advisory Bodies

16.1 Implementation of Municipal Code

16.1.1 Creation and Appointments

The City Council may create boards, commissions, or committees, herein after collectively referred to as City advisory bodies, to advise the City Council. [LMC Title 2]. It is recommended that newly formed City advisory bodies ~~be are~~ limited to no more than 7 members due to the capacity of the recording system in the Mendenhall Room.

16.1.2 Appointments of Council Members to Regional Bodies; Appointments of Persons to City Advisory Bodies

The Mayor has the statutory authority, with the City Council's approval, to make all appointments of City Council Members to regional bodies that require an appointment from the City of Livermore. The Mayor also has the statutory authority, with the City Council's approval, to make all appointments of persons to City advisory bodies. [40605; LMC 2.04.020; 81 Cal.Ops.Atty.Gen. 75].

16.1.3 Eligibility of City Employees

While City employees are not precluded from serving on advisory boards, commissions, and committees, there is a potential for conflict. The City Council and any subcommittees to the City Council shall not make appointments that are potentially incompatible with City employment for any reason. For example, an appointment will be incompatible with City employment if:

- a. An act of the advisory board, commission, or committee may later be subject directly to the control, inspection, review, audit, or enforcement of any other City officer or employee.

- b. The time demands of the advisory board, commission, or committee would render performance of duties as a City employee less efficient.

16.1.4 Interviews of Members Eligible for Reappointment

As stated in ~~S~~section 16.1.2 above, the Mayor has the statutory authority, with the City Council's approval, to make all appointments to City advisory bodies. The purpose of the standing City Council subcommittee identified in this section is to interview candidates who apply for a City advisory body and to then recommend candidates to the Mayor for appointment, with the City Council's approval.

Members of City boards, commissions, and committees who are eligible for and interested in reappointment shall be interviewed by the standing City Council subcommittee, along with any other applicants for the position. Membership on this standing City Council subcommittee shall rotate among the Council Members who will be appointed for staggered terms, if possible, to ensure that at least one Council Member has prior experience on the subcommittee. Based upon those interviews, the standing City Council subcommittee shall recommend ~~a~~ nominees s for appointment by the Mayor, with the City Council's approval. However, the entire City Council will interview Planning Commission applicants (including incumbents); and the Livermore Area Youth Advisory Commission incumbents do not need to be interviewed to be considered for reappointment.

16.2 Direction to Advisory Boards, Commissions, and Committees

Within the scope of their duties and responsibilities established in Title 2 of the Livermore Municipal Code, or otherwise by the City Council, the boards, commissions, or committees, and standing City Council subcommittees (collectively referred to as "advisory bodies" or "advisory body" for the purposes of this ~~sub~~section) created by the City Council are directed to:

1. ~~Conform their respective rules of procedures to follow~~ Follow these rules of procedure for their meetings, with appropriate modifications to account for their individual structure including the number of members for the advisory body, the titles for their presiding officer and members, consistent with the restrictions set forth in subsection 3 below;
2. Follow *Rosenberg's Rules of Order* for parliamentary procedure as modified by these rules of procedure;
3. Conform their respective meeting rules to these rules of procedure to reflect the following restrictions hereby directed by the City Council:
 - a. Advisory bodies shall not meet through electronic means;
 - b. Advisory bodies may create ad hoc committees, but shall not create standing committees without prior City Council approval;

- c. The staff liaison for each advisory body, with approval from the City Clerk, shall determine the preferred method of preparing action minutes for their advisory body meetings, with the exception of Planning Commission who will work with the City Clerk to determine the preferred method of preparing summary minutes for their meetings-advisory body minutes;
 - d. Staff attendance and agenda development will be determined by the staff liaison for the advisory body, or as directed by the City Council;
 - e. The City Clerk shall determine agenda format, software, and language for all advisory body meetings to ensure consistency and compliance with applicable laws and regulations;
 - f. Each advisory body, with input from the City Clerk and consistent with the uniform format provided by the City Clerk, may establish their own rules to specify the method for speakers to address the advisory body, including their to request, and the speaker time limits, for the public addressing the advisory body, and but the advisory body must then administer them uniformly;
 - g. The advisory body liaison, City Attorney or designee, and City Clerk must approve all advisory body agendas, notices, and cancellations; and,
 - h. Section 17 *Document Preparation and Approval* for an Agenda do not apply to advisory body agendas.
4. Coordinate with their assigned staff liaison and the liaison's Department Head to obtain the City Council's approval before beginning any self-initiated project that will require more than 8 hours of staff time to complete that year. However, advisory bodies may pursue self-initiated projects that can be accomplished utilizing the City resources currently allocated to the particular advisory body and that do not take resources away from that advisory body's anticipated work to fulfill its duties and responsibilities to the City Council.

16.3 Annual Reporting

- 1. Each of the following advisory bodies shall annually appoint one of their members to present a brief ~~verbal update~~ oral presentation to the City Council describing that particular advisory body's activities for the past year:

Airport Commission
 Beautification Committee
 Commission for the Arts
 Historic Preservation Commission
 Human Services Commission
 Library Board of Trustees
 Livermore Area Youth Advisory Commission.

- 2. Other advisory bodies may provide written updates to the City Council as necessary or as directed by the City Council.

3. The City Clerk shall schedule the annual advisory body presentations and updates to the City Council in coordination with the staff liaisons to the advisory bodies.

17. Document Preparation and Approval for an Agenda

17.1 Ordinances

No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, prepared by the City Attorney on his or her own initiative, or recommended by the City Manager and developed with the City Attorney's assistance. [36936; LMC 1.08.060.E and 2.12.030.A.1.d].

17.2 City Attorney Approval as to Form

All ordinances, resolutions, and contracts shall be approved as to form by the City Attorney, or his or her attorney designee, before being placed on the agenda. [LMC 2.12.030.A.1.d]. If the City Manager finds it necessary or expedient to place a contract on a City Council agenda for authority to execute it, but the contract is not yet in final form or has not been signed by the other parties, the City Council shall condition its authorization to execute the contract on: (a) the final contract being in substantially the same form as the one presented for the City Council's consideration with such changes as may directed by the City Council; and (b) upon the City Attorney's approval of the final contract as to form. If the contract is substantially changed ~~or is not approved as to form by the City Attorney~~, then the contract must be placed on a subsequent agenda for the City Council's consideration.

17.3 Ordinance Introduction/Adoption

The City Council hereby establishes and directs that ~~the presiding officer shall read~~ing the title of a proposed ordinance when the item is called for consideration, which will be considered to constitute a full reading of the ordinance, unless a majority of the City Council present asks for a full reading. [36934]. For ordinances placed on the consent calendar for introduction and adoption, a motion by the City Council that moves staff's recommendation for the approval of the consent calendar shall mean the title of the ordinance was read by the maker of the motion.

17.4 Majority Vote by Three Council Members Required

An affirmative vote of at least three members of the City Council shall be necessary to adopt an ordinance and a resolution, and to approve a contract for the expenditure of funds. An urgency (emergency) ordinance must be adopted by at least four members of the City Council. [36936, 54954.2, 54956, 54956.5].

17.5 Ordinance Preservation

Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, publish a summary, and post the full text according to law. The ordinance shall be filed and preserved in the City Clerk's Office.

17.6 Consent Calendar, Public Hearing, or Matters for Consideration

Ordinances not requiring a public hearing may be presented to the City Council for introduction and adoption on either the consent calendar or matters for consideration portion of the agenda. The City Attorney shall determine the placement of an ordinance on a City Council agenda in consultation with the Mayor and City Manager, or as directed by the City Council.

18. **City Council Norms and Values, and Principles of Governance**

The City Council has also adopted *City Council Norms and Values* that guide their interactions among each other, and Principles of Governance that guide their interactions with staff and the community-

19. **City Council Expectations for Brown Act Compliance**

The City Council has established an expectation that Council Members will not utilize electronic devices to communicate with themselves, the public, or anyone else during a City Council meeting on substantive matters related to City business. In addition, they have established an expectation that they will not maintain a social media presence as a Council Member, except on the City's official website, with the understanding that personal campaign activities are not official Council Member activities. They have also established an expectation that they will use their official City email address when communicating electronically about matters related to City business. [*San Jose v. Superior Court [Smith]*, 2 Cal.5th 608]. The City Council also directs staff to prepare formal policies to guide their utilization of electronic communications.