PALMDALE
a place to call home

HUMAN RIGHTS ADVISORY COMMITTEE
CITY COUNCIL CHAMBER
38300 SIERRA HIGHWAY
SUITE B
PALMDALE, CA 93550
THURSDAY, FEBRUARY 1, 2024
5:00 PM
www.cityofpalmdale.org

WELCOME

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**
   CHAIR JUNG, VICE CHAIR J. HICKS, COMMITTEE MEMBERS ALVAREZ, FLORES, M. HICKS, HENRIQUEZ, PEREZ

PUBLIC COMMENT RULES

"(California Government Code Section 54954.3).
(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2 [section omitted].

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of the subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of

a local agency."

In furtherance of Section 54954.3 of the Brown Act, the public is allotted to speak a total of two (2) minutes on the entirety of the Consent Calendar, New Business, and Presentation, and, if desired, an additional two (2) minutes on items not on the agenda that are within the subject matter jurisdiction of the Human Rights Advisory Committee. As specified in the Brown Act, a speaker utilizing a translator will receive twice the amount of time specified.

4. **PUBLIC COMMENTS**
   Now is the time for public participation for any person wishing to speak to the Human Rights Advisory Committee on matters listed or not listed on the agenda. Each speaker is allotted two (2) minutes in total for items listed on the agenda and, if desired, an additional two (2) minutes on items not on the agenda within the Committee's authority or purview.

5. **CONSENT CALENDAR**
   All matters listed under the Consent Calendar will be enacted by one motion unless an item(s) is pulled by the Committee, in which case the item(s) will be removed from the Calendar and will be considered separately following this portion of the Agenda.

   5.1 Approve the minutes of the October 5, 2023 meeting.
   Minutes HRAC 10 05 2023.pdf

6. **PRESENTATION**

   6.1 Presentation by the City Attorney on the adopted Code of Conduct for public officials and Rules of Order for meetings of the City Council, City commissions, committees, and boards.
   Reso. No. CC 2023-052 Code of Conduct.pdf
   Reso. No. CC 2023-081 Rules of Order.pdf

7. **REPORTS AND ACTION ITEMS FROM CHAIR AND/OR COMMITTEE MEMBERS**

8. **STAFF COMMUNICATIONS**

9. **ADJOURN** meeting to April 4, 2024, at 5:00 p.m. in the City Hall Council Chamber located at 38300 Sierra Highway, Suite B, Palmdale, California.

MINUTES
HUMAN RIGHTS ADVISORY COMMITTEE
CITY HALL COUNCIL CHAMBER
38300 SIERRA HIGHWAY, SUITE B
PALMDALE, CALIFORNIA
OCTOBER 5, 2023
www.cityofpalmdale.org

1) CALL TO ORDER

Chair Jung called the meeting to order at 5:00 pm.

2) PLEDGE OF ALLEGIANCE

There was a moment of silence in honor of Deputy Clinkunbroomer.

3) ROLL CALL CHAIR JUNG, VICE CHAIR J. HICKS, COMMITTEE MEMBERS ALVAREZ, FLORES, M. HICKS, HENRIQUEZ, PEREZ

Present: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

Motion: Excuse the absence of Vice Chair Hicks and Committee Member Perez.
Moved by Elizabeth Henriquez, seconded by Marcos Alvarez.

Vote: Motion carried (5-0)
Yes: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

4) PUBLIC COMMENTS

Eugene Hernandez discussed the Committee meeting schedule and human rights issues.

Interim City Attorney Curley provided clarification on the role of the Human Rights Advisory Committee.

Committee Member Alvarez asked if the HRAC could discuss what they considered to be human rights issues. Interim City Attorney Curley responded it must be in the jurisdiction of the Human Rights Advisory Committee.

Committee Member Flores commented regarding the frequency of meetings.

5) CONSENT CALENDAR

5.1) Approve the minutes of the August 3, 2023 meeting.

Motion: Approve the minutes of the August 3, 2023 meeting.
Moved by Sky Jung, seconded by Marcos Alvarez.

Vote: Motion carried (5-0)
Yes: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

6) NEW BUSINESS

6.1) Presentation from Dr. Sharon O'Hara of UC Berkeley and Pueblo Y Salud on alcohol density.

Chair Jung commented regarding the purview of this item and advised sending it to the Planning Commission as it is a more appropriate body to handle the matter. She opened up the discussion to the commission regarding hearing the presentation.

Committee Member Flores discussed the vote that was taken at the August 3, 2023 meeting in favor of hearing the presentation item on alcohol outlet density.

Chair Jung suggested that Committee Member Flores recuse himself from this item due to a possible conflict of interest. Interim City Attorney Curley explained what it means to have a conflict of interest and asked a series of questions to Committee Member Flores. It was confirmed that there was no conflict.

Dr. Sharon O'Hara from U.C. Berkeley provided a detailed PowerPoint on alcohol outlet density.

Committee Member Alvarez discussed the data presented.

Committee Member Hicks asked about the policy tools used by the government. Dr. O'Hara and Interim City Attorney Curley discussed conditional use permits, development agreements, moratoriums, and deemed-approved ordinances.

Committee Member Flores asked about other studies conducted in the City of Palmdale. Dr. O'Hara discussed a study that was done by Dr. Robert Nash Parker and Ricardo Contreras from the Los Angeles County Department of Public Health.

Motion: Move to allow questions from the public.
Moved by Xavier Flores, seconded by Marcos Alvarez.

Vote: Motion carried (5-0)
Yes: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

The following individual provided public input: Eugene Hernandez discussed the Planning Commission actions related to alcohol outlets.

Committee Member Alvarez asked about the presentation by Pueblo Y Salud and recommended that it be heard at this time.

Chair Jung closed the public comments.

Pueblo Y Salud provided a handout to the Committee and discussed rising crime rates and alcohol outlets.

Committee Member Flores asked about displaying the Pueblo Y Salud presentation on the screen. Discussion ensued regarding the City's policy on displaying outside presentations.
A motion was made by Committee Member Alvarez to display the presentation by Pueblo Y Salud, the motion was not seconded at this time.

An alternate motion was made by Chair Jung to table the Pueblo Y Salud presentation to a future meeting. The motion died for lack of a second.

Motion: Move to allow displaying the Pueblo Y Salud presentation.
Moved by Marcos Alvarez, seconded by Xavier Flores.

Vote: Motion carried (5-0)
Yes: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

Pueblo Y Salud moved forward with the presentation.

Pueblo Y Salud proposed a comprehensive City-wide policy that prioritizes areas with high crime rates and elevated alcohol outlet density as a solution to address these present issues.

Discussion ensued regarding crime rates, alcohol outlet density, community deterioration, and suicide.

Chair Jung re-opened the public comments.

The following individuals provided public input: Eugene Hernandez discussed automobile fatalities and alcohol; Doretta Thompson discussed vapes and paraphernalia in schools; Rosie Mainella discussed crimes related to alcohol outlet density; and Aurora Hernandez discussed the danger of alcohol outlets from a personal level.

Chair Jung closed the public comments.

Committee Member Alvarez thanked the public and discussed human rights, and the presentation.

A motion was made by Committee Member Alvarez, seconded by Committee Member Flores, to forward the data presented to the City Manager, including the Planning Commission and/or the City Council, to request that they address the issues presented. There was no action taken.

Committee Member M. Hicks asked if the same presentation was made to the Council in the past and information regarding deemed approved ordinances. Diversity, Equity, and Inclusion Specialist Shah and Interim City Curley responded.

Discussion ensued regarding code enforcement and alcohol outlets, conditional use permits, health and safety, and sting operations on ABC-licensed outlets.

Motion: Recommend City Council and City Manager to address/acknowledge alcohol density and its relationship to crime in Palmdale and take action.
Moved by Marcos Alvarez, seconded by Xavier Flores.

Vote: Motion carried (5-0)
Yes: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

Motion: Forward a recommendation to the City Manager's to consult with the City Council on having Code Enforcement and/or the Sheriff's Department conduct a sting operation to have identification checks to see which ABC-licensed liquor outlets are selling to under-aged minors.
Moved by Sky Jung, seconded by Marcos Alvarez.

Vote: Motion carried (5-0)
Yes: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

Chair Jung apologized to Committee Member Flores for her lack of understanding of the item.

6.2) Develop scope, mission, and vision statement for Education and Awareness Partnership subcommittee for council consideration.

Chair Jung discussed this item with the Committee. She proposed that the subcommittee be a working body that would allow Committee Members to feel free to go out and address different organizations to find out what issues and concerns they may have related to human rights. Discussion ensued regarding outreach and awareness.

There was further discussion regarding forming a subcommittee to create the scope, mission, and vision statement. Interim City Attorney Curley provided clarification on forming a subcommittee.

Committee Member M. Hicks provided ideas for the mission of the committee: 1) Educate and create opportunities for engagement among our diverse community members; 2) Collaborate with community partners to celebrate and bring awareness to cultures that encompass the City of Palmdale; and 3) Advocate for inclusion and equity.

There was further discussion regarding forming a subcommittee.

Motion: Move to 1) Include the language provided by Committee Member M. Hicks as part of the mission/vision statement; 2) Include the scope of going out into the community meeting with different organizations and community groups to better gage the climate related to human rights issues; and 3) Create greater awareness of different human rights events taking place within the community to be brought back to the HRAC in a report at each meeting.
Moved by Xavier Flores, seconded by Sky Jung.

Vote: Motion carried (5-0)
Yes: Sky Jung, Marcos Alvarez, Xavier Flores, Elizabeth Henriquez, Margaret Hicks.
Absent: Jovan Hicks, Rudolpho Perez.

Chair Jung re-opened public comments.

Public Comments: Eugene Hernandez made remarks toward staff.

Chair Jung closed the public comments.

7) FUTURE AGENDA ITEMS

The following future agenda items were requested by the Human Rights Advisory Committee:

1) Presentation by the Sheriff's Department on hate crimes.

2) Presentation by Los Angeles County Human Rights Commission.

3) Nomination of three members to the HRAC subcommittee.

4) Requested City Council provide clear direction to the Human Rights Advisory Committee.

5) Appoint a Committee Member and an alternate to attend the City Council meetings.

6) Discussion regarding increasing the meeting frequency.

Diversity, Equity, and Inclusion Specialist Shah stated the meeting frequency item has been routed through City Administration, and she will report back once an update is received. Discussion ensued.

8) STAFF COMMUNICATIONS

Diversity, Equity, and Inclusion Shah reported on the following: The You Are Enough Foundation will be hosting an event at Poncitlan Square on October 14, and the Kaleidoscope event will be held on October 7.

9) HUMAN RIGHTS ADVISORY COMMITTEE COMMUNICATIONS

Committee Member Flores addressed Deputy City Manager Lopez regarding the importance of the Human Rights Advisory Committee.

Committee Member M. Hicks announced a Breast Cancer Awareness virtual event on October 11.

Chair Jung thanked Mayor Pro Tem Alarcón for her donation of hair to Locks of Love.

Chair Jung also attended the following events: AV Fair and Hispanic Heritage events.

Committee Member Alvarez announced the Hispanic Heritage Festival event to be held October 14 at Sgt. Steve Owens Park in Lancaster.

10) ADJOURN

Chair Jung adjourned the meeting at 7:11 p.m. to December 7, 2023 at 5:00 p.m. in the City Hall Council Chamber located at 38300 Sierra Highway, Suite B, Palmdale, California.

PASSED, APPROVED, and ADOPTED this 1st day of February 2024.

_____
Sky Jung, Chair

ATTEST:

_____
Rochelle Scott, Acting City Clerk

CITY OF PALMDALE, CALIFORNIA
RESOLUTION NO. CC 2023-052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE ESTABLISHING THE CODE OF CONDUCT FOR PUBLIC OFFICIALS.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Code of Conduct; Core Principles.

The City Council finds and declares that the following pertains to City of Palmdale Public Officials. The term "Public Officials" will be used when referring to all who serve on the city council, city commissions, boards, or committees (appointed or elected). The term "the body" applies to any of those groups while sitting as decision bodies (council, commission, committee, or board). When they sit in their respective decision bodies, they will be referred to in terms of City Council, or as commission, or as committee, or as board as applicable. The same is valid for the presiding officer, using either the Mayor or chairperson as appropriate when referring to the presiding officer of the individual bodies.

Public Officials will abide by the following Core Principles:

A. Public Officials should comply with both the letter and spirit of the laws and policies affecting the operations of government;

B. Public Officials will use, as a basis for the management of meetings, Rosenberg's Rules of Order in their most current published form;

C. Serving in public office is a privilege and should be exercised in trust for the public good, not for personal or political gain for the City of Palmdale; and,

D. Public deliberations and processes must be conducted openly, unless legally confidential, in an atmosphere of respect and civility that respects all points of view of all in attendance and in the best interest of all residents, businesses, and visitors to Palmdale.

SECTION 2. General Policies.

Implementing the Core Principles is one of the guiding objectives in adopting this Resolution. Accordingly, in addition to all requirements of applicable law, the Public Officials must adhere to the following policies:

A. Conduct of Public Official

The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials will refrain from abusive conduct, verbal attacks, or charges upon the character or the motives of other Public Officials, City employees, or the public and adhere to this Resolution at all times. The Rules of Order for decision-making bodies in the City of Palmdale are outlined in a separate resolution of the City Council.

B. Respect for Process

Public Officials in all decision bodies (Council, Commissions, Committees, and Boards) will perform their duties in accordance with the processes and rules of order established by the City Council's governing Rules of Order and Code of Conduct. They will stay within the bounds of these guiding resolutions with their interactions and interactions with City staff and the public attending public meetings. All public meetings will include deliberation of public policy issues, meaningful involvement, implementation of policy decisions along with well-controlled interactions with the public.

C. Conduct of Public Meetings

Public Officials will fully prepare themselves for public issues and listen courteously and attentively to all public discussions before the body, focusing on the business at hand. They will adhere to the meeting rules of order (see Council Policy Resolution No. CC 2023-081, Rules of Order) as managed by the Presiding Officer. For proper order, the Presiding Officer will provide an opportunity for members to address items and ask questions by general and consistent rotation. Members shall refrain from interrupting others who hold the floor, avoid speaking out of turn, or demand more time than allowed by the Presiding Officer. Personal comments not germane to the business of the body must be explained as relevant to the business at hand and may be allowed or disallowed by the Presiding Officer.

D. Communication (Exparte/Private)

At the appropriate time provided, Public Officials will publicly share substantive or new information relevant to a matter under consideration or which may become under consideration by the body, which they may have received from sources outside the public decision-making process.

E. Confidential Information

Public Officials must respect the confidentiality of information concerning City property, personnel, or proceedings of the City. Public Officials will neither disclose confidential information, actions, or discussions of authorized closed sessions without proper legal authorization.

F. Advocacy

When presenting their individual opinions and positions outside of a public meeting, Public Officials will expressly state they do not represent their body or the City of Palmdale, nor will they allow the inference that they do. All written or digital correspondence by a Public Official expressing an individual opinion and position must be on personal stationery, cannot use a digital likeness of the City logo or branding art or specific color schemes of any sort, and not be on City stationery.

G. Policy Role of Public Officials/ City Manager Authority

Public Officials must respect and adhere to the council-manager structure of the City of Palmdale. In this structure, the City Council determines the policies of the City with the professional advice, information, and analysis provided by the public, boards, commissions, committees City staff, and attorney. The City Manager implements Council policy. No Public Official possesses the authority to give individual direction to the City Manager or attendant staff or otherwise expect to direct action unilaterally unless otherwise allowed by City Council action. The same is true for any City employee, contractor, or consultant. The City Manager or attendant staff may decline individual orders, requests, or demands from an individual City Council Member without fear of repercussion and may guide the Member on how to adequately express their requests.

H. Policy regarding the Use of Private or Public Electronic Devices to ensure due process.

Public Officials shall not send or receive electronic communications concerning any matter pending before the Council during a Council Meeting from any person, group, or source.

Public Officials shall not use electronic communication devices to review or access information regarding matters not in consideration before the Council during a Council Meeting.

To ensure focus on the discussions during meetings, Public Officials should only use the internet to access agenda packet information Council resource documents, including but not limited to City Policies, Rosenberg's Rules of Order, or other research relevant to the discussion.

In deference to the meeting at hand, Public Officials shall not send or receive electronic communication of a personal nature during meetings, though it is understood as necessary to send or receive very urgent/emergency family or business communications during meetings.

The Presiding Officer may use an electronic device to contact the City Manager and attendant staff, for security only.

SECTION 3. Substance Abuse Policy.

A. Respecting the City's drug-free workplace policies while acting in their official capacities, Public Officials will refrain from consuming alcohol or any substance that may impair the Public Official in their official capacity. Members are required to comply with these heightened legal standards of use of such substances prior to and during the performance of City duties, except as medically required.

B. Public Officials struggling with substance issues are encouraged to make every effort to overcome such problems and to utilize the services of the Employee Assistance Program (EAP). Using the EAP is confidential.

SECTION 4. Anti-Harassment Policy.

A. Harassment, as defined by CA Govt. Code 12940 and relevant California Civil code for any reason toward anyone, including but not limited to the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, employment by the City, veteran status, sex, or age will not be tolerated. The City will take all actions necessary to terminate such behavior.

SECTION 5. Anti-Nepotism Policy.

A. A family relationship among employees can create an actual, perceived or potential conflict of interest in the employment setting, especially where one family member supervises another family member. In other cases, a conflict of interest or the potential for conflict of interest may arise, even if there is no supervisory relationship involved. In other cases, issues regarding supervision, safety, security, or morale can create problems. To avoid these problems, the City may refuse to hire or place a family member in a position where the potential for these problems exists. This rule applies to members of an applicant or employee's Immediate Family, as defined in the definitions section of these rules, and also includes individuals who are not members of the Immediate Family or otherwise legally related under law but who either reside together or whose relationship is such that the concerns related to conflict of interest, supervision, safety, security or morale set forth in this rule nevertheless exist. This rule also applies if a vendor or contractor of the City is a member of an employee's or applicant's Immediate Family.

B. An Immediate Family member of a City Councilmember will not be employed by the City. An Immediate Family member, other than a spouse or registered

domestic partner, of the City Manager, the City Attorney or a Human Resources employee will not be employed by the City.

C. Employees who become subject to the restrictions of this rule after they are hired may not be permitted to continue employment with the City if they work in a direct supervisory relationship with each other or otherwise pose actual or potential problems related to conflict of interest, supervision, safety, security or morale.

   If two employees become subject to the restrictions of this rule, the City will make reasonable efforts to eliminate the actual or potential problems of conflict of interest, supervision, safety, security, or morale. Such reasonable efforts may include transferring or reassigning one of the employees to another position for which the employee is qualified if such a position is available. If no such position is available, or there are no other reasonable efforts which the City can undertake to eliminate the actual or potential problems of conflict of interest, supervision, safety, security, or morale, then one of the employees may be required to terminate employment with the City.

   The decision as to which employee will terminate employment with the City will be made by the two employees within thirty (30) days of being so notified. If the employees do not reach a decision, then both employees will be subject to termination.

D. The same rules will apply where an employee is an Immediate Family member of a vendor or contractor as appropriate.

E. The policy behind this rule will also apply where a current employee is a member of the Immediate Family of someone elected to the City Council. Even though the newly elected City Councilperson cannot be excluded from taking his or her seat by virtue of this rule, the provisions of this rule will apply to the current employee in such a manner so as to further the policy behind this rule and any otherwise applicable procedures may be applied to the current employee, modified only to the extent necessary by virtue of the fact that one family member is a member of the City Council.

   The appointing authority shall have the authority and discretion to make a reasonable effort to afford employees in violation of this rule the opportunity to be transferred or assigned to another department of the City, if a position for which they are qualified is open or to make exceptions to the restrictions of this rule for exceptional and unusual circumstances.

F. Any action under this rule by the City is not a disciplinary action and is not subject to the disciplinary appeal procedures contained in these rules.

SECTION 6. Required Conduct.

A. Public Officials will request administrative services only through the City Manager or her/his designee.

1. Public Officials, including the presiding officer, cannot unilaterally direct, order, or make demands on any City employee, contractor, consultant, or other City affiliates other than inquiries that can be readily answered routinely and without proper research and without specific Council action or policy to allow. The City Manager shall be the sole judge of the staffs' duty to respond to the Public Officials.

2. Public Officials may always request meetings with City staff through the City Manager's office. Meetings shall be planned in accordance with the constraints and availability of the members and staff. Public Officials should understand and respect staff time, therefore being mindful of the cost of unplanned and unrelated discussion items. All City staff have assigned workloads with performance expectations.

3. All inquiries and meetings should begin at the City Manager's office. While Public Officials can always expect responses to inquiries, questions, and ideas, they should not, however, expect or require immediate answers. The same is true for the requests for meetings. The specific staffing at such meetings, according to the request, will be assigned at the City Manager's discretion.

4. Public Officials will, in a timely fashion, provide City staff with notification of an unavoidable late arrival at a meeting or the need to cancel a meeting. Staff will follow the ten-minute rule and not wait beyond ten minutes in meetings where Public Officials do not provide prior notification of an unavoidable late arrival or a meeting cancellation.

5. Public Officials cannot attempt to reorganize the priorities of nor retaliate or threaten to retaliate against employees, contractors, consultants, or other City affiliates regarding previously defined and assigned functions or duties. Further, Public Officials cannot, including threats or termination, due to disagreements over policy, findings, or individual recommendations.

6. Members may add such requests to the monthly report.

B. Public Officials act as a body, collectively by majority, and do not have the authority to make decisions, commit to, or take actions on behalf of the body unless expressly authorized to do so.

When making public utterances, Public Officials must make it clear whether they are authorized to speak on behalf of the body of which they are a member or whether they are presenting their own views. The City Council provides this authorization.

C. Public Officials and members of boards, committees, and commissions limit their activities to matters within their subject matter jurisdiction.

1. Boards, committees, and commissions of the City of Palmdale, subsidiary bodies, are all advisory in nature and are allowed only those powers as delegated by the City Council. Boards, committees, and commissions are to address only those matters determined by the Palmdale Municipal Code or by the City Council to be within their subject matter jurisdiction; attendant staff need not place on an agenda, provide resources for, or implement requests, directions for actions, outside of that jurisdiction.

2. The City Council, as a whole, will provide direction and guidance to its subsidiary bodies. All subsidiary bodies are advisory only to the City Council and shall conform to Council-approved bylaws or guidelines.

3. City resources must be used solely for proper governmental purposes and only with appropriate authorization. Public Officials cannot use or disclose information obtained through City service for inappropriate, non-City specific purposes.

4. City employees cannot be asked or directed by any Public Official to spend City time on non-City business. Further, no Public Official shall direct, order, or impose on any City employee or contractor to act, take direction, refrain from acting, or violate a superior management direction, directly or indirectly, at any time. The work time of City staff should be considered a public cost and a public asset.

SECTION 7. Enforcement.

The policies set forth in this resolution apply to all Public Officials of the City of Palmdale. To enforce the policies set forth in this Resolution to implement those Code of Conduct, the City Council adopts the following requirements for enforcement:

A. A complaint regarding a violation of the Code of Conduct may be filed with either the Mayor, the City Manager, or the City Attorney (collectively, the "Investigator") by the reporting party. In no event is there any attorney-client privilege between the City Attorney and the person being investigated.

B. Upon receiving a complaint, the Investigator, receiving the complaint, must take one of the following actions depending on the circumstances of the alleged violations of law or policy and document the decision-making process, facts, and conclusions:

1. Take no action;

2. Conduct a preliminary investigation of the complaint allegations before recommending further action. Following such a preliminary investigation, the Investigator may either take no action, decide on a performance discussion only with the accused violator, or place the matter on a future City Council agenda with a recommendation for consideration.

3. Where such an investigation precedes after step two (2) above, the Investigator must share the complaint with the accused violator for review. This must be done at least as the investigation begins or at least seven days before the public notification of the matter on the City Council agenda.

C. If a complaint and investigation is placed on the City Council agenda, the City Council may take the following action:

1. Take no action;

2. Initiate further investigation of the allegations as required before considering any discipline identified in this Resolution; or should evidence be found or corroborated, the City Council may take one of the disciplinary actions specified in this Resolution.

3. Nothing in this policy precludes the accused Public Official from making public statements regarding alleged conduct.

D. In addition to any other remedy provided by applicable law, the City Council expressly may undertake one or more of the following actions after finding a violation of this Resolution has allegedly occurred:

1. **Admonition**. An admonition is typically directed to all members of a City Council, commission, committee, or board, reminding them that a particular type of behavior is in violation of law or City Policy. An admonition can be issued by anyone and may be issued to the body before any findings of fact regarding allegations. An admonition is a warning or reminder therefore, would not necessarily require an investigation or separate hearings to determine whether the allegation is true. An admonition must be circulated to all members and may be read publicly in the discretion of the Presiding Officer.

2. **Sanction**. Sanction may be directed to a particular member of the City Council based on an action (or set of actions) that is determined to be in violation of law or City policy. A sanction is distinguished from censure in that it is not a punishment. A sanction may be issued based upon City Council review and consideration of a written allegation of a policy violation.

   Any written allegation must be provided to the offending Public Official at least seven days prior to the posting of an agenda for the meeting where the Council will hear it. The offending Public Official will be provided the opportunity to provide a written response to the allegation. The City Council may issue a sanction and because it is not punishment or discipline, would not necessarily require an investigation or separate hearings.

3. **Censure**. Censure requires a Resolution of the Council. Censure is a formal statement of the City Council officially reprimanding one of its members. The written allegation must be provided to the offending Public Official at least 7 days before the posting of an agenda for the meeting where it will be heard. The accused Public Official will have an opportunity to provide a written response to the allegation. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the member's rights as an elected official. A censure resolution can carry up to removing a Public Official from commission, board, or committee assignments, including but limited to Maddy Act committees and ancillary assignments as determined by the Council.

   Censure should be used for cases where the City Council determines that the violation of law or policy is a serious offense. To protect the overriding right to freedom of speech, the City Council cannot impose censure on any of its members for the exercise of First Amendment rights, no matter how inappropriate the expression. However, nothing can be construed to prohibit the City Council from collectively condemning and expressing their strong disapprobation of such remarks. As a decision to censure requires the adoption of a Resolution making findings about the specific charges based on substantial evidence, a two-thirds approval vote of the City Council is required.

4. **Removal from Commission, Committee, or Boards**. City Commission members, members of Committees, or Boards serve at the pleasure of the City Council. As such, the City Council may, at any time, with a majority vote, remove any member from these bodies without cause.

E. Prior to any action on Section 7 being commenced, the City Attorney must review the law, as it may change from time to time, and ensure all parties' rights are maintained.

SECTION 8. Amendment/Suspension.

The City Council may amend or suspend these rules at any time upon a majority vote of the City Council.

SECTION 9. Administrative Mandamus.

Persons dissatisfied with a decision of the City Council may have the right to seek review of that decision by a court. In addition, the City has adopted §1094.6 of the Code of Civil Procedure, which generally limits ninety (90) days the time within which the decision of City boards and agencies may be judicially challenged.

SECTION 10. Administrative Standing.

Unless specifically referenced, this Resolution supersedes all previous resolutions purporting to establish rules and procedures for rules of conduct and procedures for City Council meetings, including, without limitation, Resolution No. CC 2022-103. Accordingly, those resolutions are rendered moot upon adoption of this Resolution and are accordingly repealed. Nothing in this Resolution is intended to, nor does it supersede the City's most recently adopted Conflict of Interest Code or State law, including Fair Political Practices Commission rulings and common law rulings.

SECTION 11. Electronic Signatures.

This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 12.

The Mayor, is hereby authorized to affix his/her signature to this Resolution, signifying its adoption by the City Council of the City of Palmdale, and the City Clerk is directed to attest thereto.

SECTION 13.

This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALMDALE THIS 16TH DAY OF NOVEMBER 2023.

Laura Bettencourt, Mayor

Approved as to Form:

William P. Curley III, City Attorney

ATTEST:

Rochelle Scott, Acting City Clerk

I, Rochelle Scott, Acting City Clerk of the City of Palmdale, California, do hereby certify that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 16th day of November, 2023 by the following roll call vote:

AYES: Bettencourt, Bishop, Loa, Ohlsen

NOES: None

ABSTAIN: None ABSENT: Alarcón

Date: November 20, 2023

Rochelle Scott, Acting City Clerk

CITY OF PALMDALE, CALIFORNIA
RESOLUTION NO. CC 2023-081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE ESTABLISHING RULES OF ORDER FOR MEETINGS OF THE CITY COUNCIL, CITY COMMISSIONS, COMMITTEES AND BOARDS.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Rules of Order for City Council, appointed commissions, committees, and boards.

The City Council finds and declares that the following pertains to Palmdale Public Officials. The term "Public Officials" will be used when referring to all who serve on the City Council, city commissions, boards, or committees. The term "the body", applies to any of those groups sitting decision bodies (council, commission, committee, or board). When they sit in their decision bodies, terms they will be referred to as City Council, or as commission, or as committee, or as board as applicable. The same is true for the presiding officer, either Mayor or chairperson. Shall be used when referring to the presiding officer of the individual bodies. Public Officials will abide by the following Core Principles:

A. Public Officials should comply with both the letter and spirit of the laws and policies affecting the operations of government;

B. Public Officials will use, as a basis, Rosenberg's Rules of Order in its most current published form;

C. Public Officials are expected by the public to be independent, impartial, and fair in their judgment and actions;

D. Serving in public office is a privilege and should be exercised in trust for the public good, not for personal or political gain; and,

E. Public deliberations and processes should be conducted openly, unless legally confidential, in an atmosphere of respect and civility that respects all points of view, desires of attendees, and the best interest of all residents, businesses, and visitors to the City.

SECTION 2. Policies.

Implementing the Core Principles is one of the guiding objectives in adopting this Resolution. Accordingly, in addition to all requirements of applicable law, the Public Officials must adhere to the following policies:

A. Conduct of Public Official

The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials will refrain from abusive conduct, verbal attacks, or charges against another member outside of proper protocol, or abuse upon the character or motives of other Public Officials, City employees, or the public and adhere to this Resolution at all times. The conduct of Public Officials is outlined in the Code of Conduct, a separate resolution of the City Council. The Presiding Officer may, at his/her sole discretion, use the 'request to speak' lighting system.

B. Respect for Process

Public Officials will perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions. The Presiding Officer manages this process.

C. Conduct of Public Meetings

Public Officials will fully prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They will adhere to the meeting rules of order managed by the presiding officer. For proper order, they will be provided the opportunity and after that request to speak through the Presiding Officer. They will refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

D. Communication (Exparte/Private)

At the appropriate time provided, Public Officials will publicly ask questions and/or share substantive or new information relevant to a matter under consideration or which may become under consideration by the body, which they may have received from sources outside the public decision-making process.

E. Confidential Information

Public Officials must respect the confidentiality of information concerning City property, personnel, or proceedings of the City discussed in closed sessions or in

confidential oral communication, in attorney-client privileged communications, and in personnel matters of any nature. Further, no Public Official should maintain the confidentiality of all agenda items and information until the agenda packet is made available to the public. Public Officials will neither disclose confidential information, actions, or discussions of authorized closed sessions, without proper legal authorization.

F. Advocacy

When presenting their individual opinions and positions outside of a public meeting, Public Officials will expressly state they do not represent their body or the City of Palmdale, nor will they allow the inference that they do. All written or digital correspondence by a Public Official expressing an individual opinion and position must be on personal stationery, cannot use a digital likeness of the City logo or branding of any sort, and not on City stationery.

G. Policy Role of Public Officials and Administrative Executives

1. **Public Officials.** Public Officials must respect and adhere to the council-manager governmental structure of the City of Palmdale, per the City Charter and the Palmdale Municipal Code. In this structure, the City Council determines the policies of the City with the assistance of information, analysis, and recommendations provided by the public, boards, commissions, committees, and professional advice from the City Manager and staff, City Attorney and subject-matter consultants.

   The following highlights, but does not alter, the contents of Title 2 of the Palmdale Municipal Code, which shall prevail over any inconsistencies in this resolution.

2. **City Manager.** The City Manager will attend all meetings of the City Council unless excused. In his/her absence, the City Manager will designate an Acting City manager to attend. The City Manager delegates attendant staff to provide professional guidance meetings to commissions, committees, and boards.

   The City Manager implements City Council policy. Unless otherwise allowed by specific City Council action, no Public Official possesses the authority to give individual direction to the City Manager, or to attendant staff, or otherwise expect to unilaterally direct action. The same limitation is true for Public Officials toward any City employee, contractor, or consultant. The City Manager, or attendant staff, shall not take as direction, individual orders, requests, or demands from an individual City Council member, but work to re-

align or assemble the request toward the proper procedure of majority direction from the full body and do so without fear of repercussion.

The City Manager is responsible for all staff reports to all city decision bodies and shall address, disseminate, or delegate information as appropriate. Only items requested by the body as a majority will be addressed in full. The City Manager may make recommendations and has the right to take part in all City Council discussions of the Council but cannot vote. The City Manager, or appropriate delegated attendant staff, is available to all Members to discuss and answer questions between meetings.

3. **Attendant City Staff**. An Attendant City staff member will provide the same such services as the City Manager to commissions, committees, and boards when so delegated the responsibility by the City Manager.

4. **City Attorney**. The City Attorney will attend all meetings of the Council unless excused, and in his/her absence, the Assistant City Attorney will attend. Attendance of the Attorney for commissions, committees, or boards is planned as needed. The City Attorney, upon request, may give legal opinions, either written or oral, on questions of law and act as the body's parliamentarian under this Resolution with the guide of Rosenberg's Rules of Order. The City Attorney may also provide general comments related to City matters or discussion as necessary.

5. **City Clerk.** The City Clerk will attend all meetings of the City Council unless excused. In his/her absence, the Deputy City Clerk will attend. The City Clerk will record, prepare, and maintain the body's official record and perform other related duties as prescribed by the City Code, City Council and/or City Manager.

SECTION 3. Rules of Procedure for Meetings; Authority.

Rules of Procedure for City Council meetings are adopted pursuant to Government Code §36813. Pursuant to applicable laws, including, without limitation, this Resolution and Rosenberg's Rules of Order (attached). These rules will apply to all City subsidiary commissions, committees, and boards. These Rules are intended to comply with the Ralph M. Brown Act (Government Code §§ 54950-54962). The Brown Act will supersede any conflicting provision of the Rules.

The City Council is the unit of authority for the City. The City Council has specific authority over all commissions, committees and boards and the Public Officials appointed to said bodies. Apart from their normal function as a part of this unit, Public Officials have no individual authority. As individuals, Public Officials may not commit the City to any policy, act, or expenditure. No individual Public Official may

speak or write on behalf of the City in print media, either written or digitally, or otherwise be interviewed, live or recorded, inferring representation of the City, without express authorization from the City Council.

SECTION 4. General Meeting Rules.

A. Rules of Order

The City Council finds as follows:

1. The Presiding Officer maintains the responsibility for conducting and managing the public meeting. This includes all procedures, rules, input and discussion.

2. The proceedings of a body of elected or appointed Public Officials in the City of Palmdale should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, this Resolution and Rosenberg's Rules of Order (attached) (this Resolution controls), any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for in these Rules may be determined by the Presiding Officer, subject to a vote of the entire body. The Presiding Officer is charged with applying the rules of order of the meeting.

   In addition, only the City Council may, upon majority vote, alter or modify any provision of this Policy.

3. These Rules are adopted to expedite the City's Public bodies, whom are subject to Brown Act business transactions in an orderly fashion and are procedural only. Failure to strictly observe these rules will not affect the body's jurisdiction or invalidate any action of the body-conforming with applicable law. The Presiding Officer, therefore, is charged to be well-informed of the rules of order and, when in doubt, request guidance from the City Manager, City Attorney, or attendant staff.

SECTION 5. Presiding Officer - Duties.

A. Presiding Officer

The Presiding Officer will preside at all meetings. In the Mayor's absence, the Mayor Pro-Tem will preside. In the absence of a Commission, Committee, or Board Chairperson, a designated Pro-Tem shall preside. In the absence of both, the Members present will select a Temporary Presiding Officer by majority vote.

B. Call to Order

The Presiding Officer will bring a meeting to order at the time noticed in accordance with applicable law. In the absence of both the Presiding Officer and Pro-Tem, the meeting may be called to order by the City Clerk.

C. Motion to Be Stated

The Presiding Officer will state all motions submitted for a vote and announce, or request that the clerk announce, the result of a vote. A roll call vote must be taken upon the request of any Member unless the majority of the City Council, by majority vote, declines to carry out the roll call vote.

D. Right to Hold the Meeting Floor

The Presiding Officer shall provide for a consistent engagement process, allowing, as appropriate, the Public Officials, the public, City staff, and the City Attorney, time to address an item.

The Presiding Officer may, at his/her sole discretion, use the 'request to speak' lighting system. Thereafter, members request to address 'through-the-Mayor/Chair'. This allows for one member to have the floor managed by the Presiding Officer as deemed necessary by the Presiding Officer. The Presiding Officer does not, however, have the authority to unilaterally limit debate.

Members wishing to speak in public meetings, holding the floor, must first request and be recognized by the Presiding Officer. The Presiding Officer may control the expression from a member by rotation or any other method deemed as expedient. Failure to observe this meeting control by any member is a violation of this Resolution and shall be deemed controlled by the Presiding Officer as deemed necessary.

SECTION 6. Agenda Preparation.

A. Agenda Items

1. Agenda items will be organized and presented solely in accordance with the City Manager's, or designated attendant City staff, direction for the efficient business of the City.

2. Minutes - Unless requested by a majority of the quorum, minutes may be approved without reading.

The City Manager has discretion as to when an agreed future item will appear before the body, unless specified by the body.

SECTION 7. Meeting Protocols.

A. Conduct of Public Meetings

Public Officials will fully prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They will adhere to these meeting rules of order as managed by the Presiding Officer. For proper order, members will be provided an opportunity and request to speak through the presiding officer. They will refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

B. Policy regarding Use of Private or Public Electronic Devices

Public Officials shall not send or receive electronic communications concerning any matter pending before the Council during a Council Meeting from any person, group or source.

Public Officials shall not use electronic communication devices to review or access information regarding matters not in consideration before the Council during a Council Meeting.

To ensure focus on the discussions during meetings, Public Officials should only use the internet to access agenda packet information Council resource documents, including but not limited to City Policies, Rosenberg's Rules of Order, or other research relevant to the discussion.

In deference to the meeting at hand, Public Officials shall not send or receive electronic communication of a personal nature during meetings, though it is understood as necessary to send or receive very urgent/emergency family or business communications during meetings.

The Presiding Officer may use an electronic device to contact the City Manager, attendant staff, for security only.

SECTION 8. Order of Agenda.

The following represents the general order of the agenda for all Brown Act public meetings of the Palmdale City Council and its subsidiary advisory commissions, committees, and boards. The Presiding Officer may request of the body adjusting the order for expediency.

1.0 Call to Order (Presiding Officer Gavels, meeting to Order)

2.0 Roll call

3.0 Pledge of Allegiance and/or Moment of Silence, etc.

4.0 Waiver of full reading of Resolutions(s) and Ordinance(s)

5.0 Pre-approved recognitions, etc. (the Presiding Officer may simply announce the title of recognitions or pronouncements being made.)

6.0 Public Comment - items from the audience regarding items NOT on the agenda (3 min.) (The public is reminded by the Presiding Officer at this time, that they will have opportunity to address subsequent upcoming action items as they are heard.)

7.0 Consent Calendar

8.0 New Business/Action Items

A. Item introduced by the Presiding Officer or Clerk.

B. The Presiding Officer asks for a staff report (usually, the City Manager, and attendant City staff, will bring the report or delegate that report to another.) For the purposes of the public online or watching at home, all staff members begin with a self-introduction. Staff usually makes a recommendation of the preferred professional options and outlines the impacts of each option.

C. Presiding Officer asks members if there are any clarifying questions for staff at this time. Those members wishing to ask questions may do so by indicating on the "*request to speak*" lighting system.

D. Presiding Officer asks if anyone from the public wishing address this item may do so at this time? (3 min, or more as Presiding Officer uniformly allows each speaker)

E. The Presiding Officer returns the discussion to the Council for any discussion or potential or potential action. The Presiding Officer manages the discussion order. One round for each to speak, the Presiding Officer last, then another round, as requested. Those members wishing to ask questions may do so by indicating on the "*request to speak*" lighting system. Members do not address each other directly, only as allowed through the Presiding Officer.

F. If a Motion is made for action or position, a second found, any further discussion can be requested of the Presiding Officer, then call for the vote.

9.0 Public Official Reports, announcements and process requests for future agenda items (see part 9D below)

10.0 City Manager's Report (Attendant City Staff for commissions, committees, and boards).

11.0 City Attorney's Reports.

12.0 Closed session (as necessary for items legally outlined by Ralph M. Brown act).

13.0 Report from Closed session (if applicable).

14.0 Adjourn – next meeting time/place announced.

SECTION 9. Public's Rights to address the Body.

A. Persons seeking to address the body will comply with the following:

1. Matters not on the publicly noticed agenda - Public members may address the body on any matter within the agenda item – Public Comment. Speakers are to address the entire body and speak under the constraints allowed for this section by the Presiding Officer.

2. Matters publicly noticed and on the agenda - Public members may address the body only on items within the subject-matter jurisdiction of the body at the appointed time per the request by the Presiding Officer. A determination of whether an item is appropriate for discussion may be made by the Presiding Officer with the body's consent.

3. Persons addressing the body are encouraged to complete a speaker card, and submit it to the City Clerk.

4. Each speaker may be limited to a time period determined by the Presiding Officer for Public Comment and on all other publicly noticed Agenda public business items.

5. All remarks should be directed to the whole body and not to any particular Member or City employee.

6. No person, other than Public Officials and the person having the floor are permitted to participate in the discussion except as otherwise allowed by the Presiding Officer.

7. No question may be asked of Members or City employees except through the Presiding Officer.

8. When any identifiable group of persons, as distinguished from the general public, seeks to address the body on the same agenda item, the Presiding Officer may ask that the group select a spokesperson to address the body. If additional issues are to be presented at the hearing by any other member of such group, the Presiding Officer may limit the number of persons to address the body to avoid unnecessary repetition of information presented to the body.

B. Input Materials

Any person may submit written hardcopy or non-video digital input materials to the body for consideration and entry into the record. Should a person wish materials to be considered as part of an agenda items, other than a public hearing, materials must be submitted during working hours no later than twenty-four (24) hours before the scheduled meeting. If materials are submitted are to be addressed at and upon a public hearing matter, materials must be submitted 24 hours before the meeting.

C. Disrupting legal public meetings

Consistent with the Ralph M. Brown law and the California Penal Code, any member of the public making disruptive remarks and/or conducting inappropriate activities so as to become disruptive, thereby impeding the orderly conduct of the public meeting, the Presiding Officer has the authority, at his/her sole discretion, issue one formal warning, to request the party(s) to stop the disruption.

Should the behavior continue after the warning, the Presiding Officer may take actions as necessary, such as cutting the microphone, recessing the meeting, removing an individual from the meeting, or clearing the room as necessary.

Those barred from any meeting are barred from further audience participation before the body for the remainder of that meeting. Permission to allow the disruption to continue, therefore overruling the Presiding Officer method(s) of relief, may be taken by a majority vote of the body.

D. Future Agenda Items

The City Manager assembles all agendas for meetings of decision bodies as necessary to facilitate orderly City business. The City Manager and City Attorney

may, at any time deemed necessary and expedient, add agenda items for future meetings.

Public Officials may request that items be added to a future agenda at a regular meeting, during the agenda item entitled, "Public Official Reports." The Public Official may request to place an item on a future Agenda by a majority consensus process as deemed necessary by the Presiding Officer. The request/motion requires a second and is non-debatable.

The City Manager, or attendant staff, may poll members at an agreed later time to attain such consensus as seen fit by the Presiding Officer.

SECTION 10. Miscellaneous Rules. (The rules in Sections 10 and 11 closely align with Rosenberg's Rules of Order and were selected because they had been used within Palmdale meetings in the past few years).

A. Silence

During a collective oral vote (Ayes and Nays), the silence of any Member denotes an affirmative vote.

B. Continuance of an Item

Upon a Member's request and by majority vote, an item (not subject to a deadline) may be continued to the next agreed-upon meeting. Anyone member may request a continuance of an item and the City Council, by majority vote, may grant a continuance.

C. Failure to Vote

Every Council Member should vote on all items on the agenda unless disqualified by reason of a Conflict of Interest. If a member abstains because of a legal conflict of interest, he/she is not counted as part of the quorum and is not deemed to be voting. If a member abstains for reasons other than a legal conflict of interest, he/she will be counted in establishing a quorum. Such an abstention will be counted with the majority vote of the quorum unless there is no majority in which case it will not be counted as a vote. It is best practice for the Public Official to announce the reason for the abstention.

D. Lost Motions

1. A lost motion is one that fails to receive the necessary number of votes to carry. To revive a lost motion at the same meeting, the proper action is a motion to reconsider. That motion to reconsider (#E below) can only be proposed by a

member who voted against the original motion, thereby changing their mind or desire to hear further debate or new information. In the case of an Urgency Ordinance, the matter will be automatically continued should one Member is absent.

E. Motion to Reconsider

A motion to reconsider any action taken by the City Council may be made in accordance with the following:

1. A motion to reconsider may only be made by a member who voted in the majority on the original motion (see Rosenberg's Rules of Order guidance) and may be seconded by any Member.

2. Except as otherwise provided, the motion must be made before the adjournment of the meeting at which the original action was taken.

3. The motion is debatable and has precedence over a pending motion.

4. Except as otherwise provided, if the action to be reconsidered is a Public Hearing item and, in the event the motion to reconsider passes, it must be re-noticed. Where it is clearly established that all interested members of the public are still present, the item may be reconsidered without further notice.

F. Tie Votes

If a tie vote occurs when a Member of the body is absent, the item will be automatically continued once to the next regular meeting of the body. In the event of an appeal to the City Council, if a tie vote occurs as result of the abstention of a Member, the motion is lost. If a tie vote on an appeal occurs as a result of the abstention of a Member, the appeal is deemed denied.

G. Changing the Vote

A Member may change his/her vote only if the change is made immediately following the announcement of the vote by the Presiding Officer and before the next agenda item is announced. This rule is providing that the Presiding Officer determines the matter should be voted upon again and not continued to a future meeting.

H. Abstention

A member who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention. A member should generally state a reason for abstention.

I. Recusal - Non-Profit Organization Board of Director Member

Subject to the law, as amended and interpreted from time to time, in California Government Code, Section 1090 through and including 1092, a member must recuse themselves from City contract and/or City funding-related decisions if they sit on the board of directors of the requesting non-profit organizations. State and Federal conflict laws apply for conflict in these matters.

SECTION 11. Rules of Debate.

Presiding Officer as Member

The Presiding Officer may move, second, and debate from the Chair, retains all rights and privileges of a Member.

A. Appeals

Any ruling of the Presiding Officer may be appealed at the request of any Member. The appeal is nondebatable, must gather a second, and the Presiding Officer must call for a roll call vote to determine if the ruling is upheld.

B. Motions

A motion may be debated by the body after it is made. During debate any member may "Call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

C. Precedence of Motions (Rosenberg's Rules)

When a motion is before the body, no other motion may be considered except:

1. Motion to Amend

Debatable only as it relates to the amendment. An amendment which modifies the motion is an order; however, a substitute motion is in order if the intent is changed, a friendly amendment is intended to add clarity. Amendments are voted on first, the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There may only be one amending motion on the floor at any one time.

2. Motion to Postpone

   A motion to postpone indefinitely is debatable as managed by the Presiding Officer.

3. Motion to Table

   A motion to table is not debatable and not subject to amendment, this second is sought by the Presiding Officer. Should a second be found, the vote must be taken.

   The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the best regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

4. Request for Personal Privilege

   Any request for a "Point of Personal Privilege" must be approved by the Presiding Officer as an interruption. The Presiding Officer will ask the requestor to '*state your point*' and provide the floor for a prescribed timeframe and may allow or deny the request to continue for consideration by the body.

5. Point of Order Request

   Any request for "Point of Order' must be allowed by the Presiding Officer as an interruption. The Presiding Officer will ask the requestor to '*state your point*' and provide the floor for a prescribed timeframe and may allow or deny the request to continue for consideration by the body.

SECTION 12. Adjournment.

At 10:30 p.m., if business has not concluded, no new business will be considered unless by a majority vote the body to begin new business. Those items under consideration at 10:30 p.m. may be concluded. Any remaining items will be postponed to the next meeting.

SECTION 13. Amendment/Suspension.

The body may amend or suspend these rules at any time upon a majority vote of the body.

SECTION 14. Administrative Mandamus.

Persons who are dissatisfied with a decision of the body may have the right to seek review of that decision by a court. In addition, the City has adopted §1094.6 of the Code of Civil Procedure, which generally limits ninety (90) days the time within which the decision of City bodies may be judicially challenged.

SECTION 15.

Unless specifically referenced, this Resolution supersedes all previous resolutions purporting to establish rules and procedures for rules of conduct and procedures for City Council meetings, including, without limitation, Resolution No. CC 2022-103. Accordingly, those resolutions are rendered moot upon adoption of this Resolution and are accordingly repealed. Nothing in this Resolution is intended to, nor does it supersede the City's most recently adopted Conflict of Interest Code or State law, including Fair Political Practices Commission rulings and common law rulings.

SECTION 16. Electronic Signatures.

This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 17.

The Mayor, is hereby authorized to affix his/her signature to this Resolution signifying its adoption by the City Council of the City of Palmdale, and the City Clerk or her/his duly appointed deputy, is directed to attest thereto.

SECTION 18.

This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALMDALE THIS 16TH DAY OF NOVEMBER 2023.

Laura Bettencourt, Mayor

Approved as to Form:

William P. Curley III, City Attorney

ATTEST:

Rochelle Scott, Acting City Clerk

I, Rochelle Scott, Acting City Clerk of the City of Palmdale, California, do hereby certify that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 16th day of November, 2023 by the following roll call vote:

AYES: Bettencourt, Bishop, Loa, Ohlsen

NOES: None

ABSTAIN: None ABSENT: Alarcón

Date: November 20, 2023

Rochelle Scott, Acting City Clerk



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg

LEAGUE® OF CALIFORNIA CITIES

MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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About the Author

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move … "

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion,** for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body,** "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion.** As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item.* This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice?
Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention not to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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