

**CITY COUNCIL  
RULES OF PROCEDURE**

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## 1. Authority

1.1 Charter: General Law of the State of California provides that the City of Hercules City Council may determine its own rules of procedure. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

## 2. General Rules

2.1 Meetings to be Public: All official meetings of the Council shall be open to the public, except where State or local law allows Executive Sessions for certain limited topics. The journal of proceeding minutes shall be open to public inspection in accordance with the provisions of the State of California Open Meetings Law (Ralph M. Brown Act). Taped recordings of City Council Meetings shall be retained as per the requirements of the City's adopted Retention Schedule.

2.2. Quorum: A majority of the members of the Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

2.3 Compelling Attendance: City Councilmembers are expected to attend all scheduled meetings. If absence is unavoidable, the City Manager or Mayor shall be notified as stated in Government Code Section 36513.

2.4 Journal of Proceedings: An account of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

2.5 Ordinances: Confined to One Subject; Exceptions: No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.

2.6 Right of Floor for Council Members: Any member desiring to speak shall be recognized by the Chair, and shall confine his or her remarks to the subject under consideration or to be considered.

Right of Floor for Staff: The chair will be attentive to staff's desire to provide professional advice and recommendations.

Right of Floor for Public: Members of the public wishing to comment must submit a speaker's card, must be recognized and must go to the podium to speak from the microphone. All parties speaking shall present comments with courtesy and respect for all others attending the meeting.

- Persons wishing to speak must complete and submit a speaker's card.
- The City Council will listen with respect and an open mind.

- Council responses to speakers will be as follows:
  - 1) Short answers by Council or staff as appropriate; or
  - 2) Item is directed to staff for later action/follow-up; or
  - 3) Item is placed on a future agenda
- Conversation between the public and staff or the City Council will not be allowed.
- A 3-minute time limit per speaker shall be enforced when there are numerous speakers addressing a single agenda item.

2.7 City Manager: The City Manager shall attend all meetings of the Council unless excused. The City Manager shall designate at his/her discretion, staff representative to Subcommittees and Commission meetings.

2.8 City Attorney: The City Attorney shall attend all regular meetings of the Council unless excused by the Mayor and shall attend special meetings and workshops upon request. The City Attorney shall act as the Council's parliamentarian.

2.9 City Clerk: The City Clerk or his/her delegate shall attend all meetings of the Council unless excused and shall keep the official journal (minutes) and perform such other duties as may be requested by the Council.

2.10 Officers and Employees: Department Directors of the City, when there is pertinent business from their departments on the Council agenda, shall attend such Council meetings upon request of the City Manager.

2.11 Rules of Order: "Roberts Rules of Order" shall be adopted and govern the proceedings of Council Meetings where they are not in conflict with these rules.

### 3. Types of Meetings:

3.1 Regular Meeting: The Council shall meet in the Council Chambers for Regular and Adjourned meetings. Regular Council Meetings are to commence at 7:00 p.m., on the second and fourth Tuesday of each month, unless otherwise specified at least two (2) weeks in advance.

3.2 Special Meetings: Special meetings may be called by the Mayor or by a majority of the members of the Council. The call for a special meeting shall be filed with the City Clerk in written form, except that an announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least twenty-four hours (24) after the call is issued. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or an incident thereto.

3.3. Emergency Meetings: An emergency meeting may be called when the legislative body determines that an emergency situation exists. At least one hour prior to the meeting, telephonic notice must be provided to all Council Members as well as all media outlets, which have

requested that they receive notice of special meetings called pursuant to Government Code Section 54956. Emergency meetings may not be held in closed session per Government Code Section 54956.5.

3.4 Adjourned Meetings: Any meeting of the Council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next Regular Meeting.

3.5 Study Sessions: The Council may meet informally in Study Sessions (open to the public), at the call of the Mayor or a simple majority of the Council.

3.6 Executive Sessions: Executive Sessions or closed meetings may be held in accordance with the provisions of the Brown Act. Topics that may be discussed in some states would be: (1) Personnel matters, (2) Consideration of acquisitions of property for public purposes, (3) Potential or pending litigations in which the City has in interest.

3.7 Adjournment of Meetings: All City Council Meetings shall end at 12:00 a.m. with no new business beginning after 11:30 p.m. Agenda items, which have commenced consideration before the 12:00 hour, shall be completed prior to adjournment. Upon completion of that item the meeting shall be adjourned.

#### 4. Chairman and Duties

4.1 Chairman: The Chair of City Council meetings shall be the Mayor and in his/her absence, the Vice Mayor. In the absence of both the Mayor and the Vice Mayor, the Council shall elect a temporary Chair. City Council sub-committees and Commissions shall elect a Chair and Vice Chair annually.

4.2 Call to Order: The Mayor shall call the meetings of the Council to order or by the Vice Mayor in his/her absence. In the absence of both, the senior Council Member who shall act as the temporary Chair shall call the meeting to order.

4.3 Preservation of Order: The Mayor shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion. The public shall be held to the same standard.

4.3.1 Disruption of Remote Participation: Should the City Council utilize two-way remote participation (including, but not limited to, Zoom or any other two-way telephonic or audiovisual service) during a Council meeting, the City Council shall adhere to the procedure in this section in the event of a disruption in the two-way remote participation service. If a disruption in the City's two-way remote participation service prevents members of the public from remotely participating in or from remotely observing the meeting, the City Council shall recess for no less than one hour, during which time staff shall make good faith efforts to restore service. Following such efforts, should the City Council desire to continue the meeting, the City Council shall adopt, by roll-call vote, a finding confirming that reasonable

efforts were made to resolve the disruption and that the City's interest in continuing the meeting outweighs the public interest in remote participation and/or observation.

4.4 Points of Order: The Mayor shall determine all points of order, subject to the right of any member to request a vote of the entire City Council on the questions whether the determination of the Mayor should be sustained.

4.5 Questions to be stated: The Mayor shall re-state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member.

4.6 Substitution for Chairman: The Mayor may call on the Vice Mayor to temporarily chair the meeting in order to take part in debate, to make a motion, or to cover a temporary absence. Such substitution should not continue beyond adjournment.

4.7 Rights of Council to Discipline: Any deliberate assembly has the inherent right to make and enforce its own laws and to enforce its own rules and laws, including the discipline of a member of the deliberative body.

The City Council shall have a right to discipline, censure and punish a member where a standard majority of the Council finds with support of the City Attorney that actions of a member are arbitrary and conspiring to the detriment of the City of Hercules. Such discipline, after the Council duly notices and publicly conducts its investigation can include, public censure, civil charges and in grave or extreme cases recommendation to the Hercules citizens at large for the removal of a sitting Council Member. As a rule, such deliberative body including a City Council has no right to go beyond what is necessary for its self-protection.

4.8 City Council Leadership and Expectations: It is the policy and practice of the City Council that each year the City Council shall select a Mayor and Vice Mayor. For every election cycle, the City Council Members receiving the highest and the second highest number of votes will be identified. These City Council Members shall be selected by the City Council to rotate into the position of Mayor during the third and fourth year of their terms respectively. The Council Member receiving the highest number of votes shall serve as Mayor during the third year of his/her term and the Council Member receiving the second highest number of votes shall serve in the fourth year of his/her term.

4.8.1 Inability to Serve as Mayor or Vice Mayor: In the event of a death or removal from office, the City Council shall determine who shall serve as the Mayor or Vice Mayor for the term vacated based upon the rotation described in 4.8 above.

4.8.1 Appointment of Vice Mayor to Mayor: Upon completion of term as Vice Mayor, City Council shall appoint the Vice Mayor as Mayor for a term of one (1) year.

## 5. Orders of Business and Agenda

5.1 Order of Business: Shall be as in the agenda prepared by City Clerk as follows:

## **JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA**

- I. ROLL CALL – CALL TO ORDER**
- II. PUBLIC COMMUNICATION – CLOSED SESSION AGENDA ITEMS**
- III. CONVENE INTO CLOSED SESSION**
- IV. RECONVENE TO OPEN SESSION AND REPORT ON ACTION TAKEN IN CLOSED SESSION**
- V. PLEDGE OF ALLEGIANCE**
- VI. MOMENT OF SILENCE**
- VII. CITY OF HERCULES INTRODUCTIONS/PRESENTATIONS**
- VIII. AGENDA ADDITIONS/DELETIONS**
- IX. PUBLIC COMMUNICATIONS**
- X. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR**
- XI. DISCUSSION AND/OR ACTION ITEMS**
- XII. PUBLIC COMMUNICATIONS**
- XIII. CITY COUNCIL/AGENCY BOARD AND CITY MANAGER/EXECUTIVE DIRECTOR ANNOUNCEMENTS AND COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS**
- XIV. ADJOURNMENT**

5.2 Agenda: the City Clerk shall as contained in the Agenda prepare the order of business of each meeting. The Agenda shall be a listing by topic of subjects to be considered by the Council, and shall be delivered to members of the Council prior to the meeting to which it pertains, and within the time frame established by the Brown Act.

5.3 Presentation by Members of Council: The Council shall have time to deliberate when the Mayor or any Council Member brings before the Council any business that he/she feels is appropriate for Council deliberation. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting. Immediate action may be taken upon a standard majority of the Council if the issue qualifies as an emergency.

#### 5.4 Process for Addressing Agenda Items Before the City Council

- Mayor reads the agenda item
- Staff presents their report
- Council questions staff
- Public Comments are heard
- Council discusses item
- A motion is made
- Final Council discussion
- Council votes or provides direction to Staff

5.5 Reading of Minutes: Minutes belong to the City Council/Board of Directors. Unless a member of the Council requests a reading of the minutes of a Council meeting, such minutes may be approved without reading if the City Clerk previously furnished each member with a copy thereof. On Consent Calendar, approval of minutes shall be by a standard majority vote and items can be pulled for discussion and reinserted or pulled for discussion and a separate vote taken.

5.5 Basis for Appeals: Non-material changes should be directed to the City Manager or appropriate staff. Challenges to material points should be presented to the City Manager and at that time the City Clerk shall review the tape of the meeting. The results of the review will be reported at the next meeting. Action items cannot be rescinded, but can be pulled at the meeting for further discussion and the results of this review reported at the next meeting.

#### 6. Ordinances

6.1 Ordinances Deferred: Emergencies and Appropriations: Ordinances introduced/read at a Council meeting shall not be formally acted upon until at least the next official meeting, except that urgency ordinances may be acted on immediately. A standard majority affirmative vote of the Council shall be required for the final passage of an urgency ordinance. Urgency defined in Government Code Section 36937.

6.2 Reading by Title Only: Upon being introduced, each proposed ordinance shall be read by title only, unless any member of the Council requests a full reading of the ordinance.

6.3 Majority Vote Required: An affirmative vote of at least a majority of the members of the Council shall be necessary to pass an ordinance, but a resolution, motion, or any other proposition may be adopted by a majority voting on the issue except as otherwise specified by City Ordinance or the State Statutes. When any vote is called, each Council Member shall respond “yes (aye),” “no”, “abstain”, or “pass”. Any Council Member who responds, “pass” will be given the opportunity at the end of the roll call to change their vote. Any “pass” response not changed shall be recorded as an abstention.

6.4 Tie Vote: In the event of a tie in votes on any motion, the motion shall be considered lost unless the chair votes for the affirmative. The chair may also cast a negative vote to make a tie and thus defeat the measure.

6.5 Requests for Preparation of Ordinances or Issuance of Legal Opinions: Any member of the City Council may request the City Manager to place the proposed adoption of an ordinance on the City Council agenda for discussion purposes. Upon direction by the City Council, the City Attorney shall review proposed ordinances for consideration and adoption by the City Council. Upon direction by the City Council, the City Attorney shall render legal opinions, either written or oral, on questions of law. Individual members of the City Council may consult with the City Attorney informally regarding legal issues pertaining to City business, but all legal inquiries requiring a substantial commitment of City Attorney time must be authorized by the City Council as a whole, except that an individual City Council member may request written legal advice regarding a potential conflict of interest which may affect that Council member's ability to participate in an upcoming decision. All written legal opinions and ordinances prepared by the City Attorney shall be provided to the City Manager, who shall distribute them to all members of the City Council so that they may be fully informed of the status of City affairs.

## 7. Creation of Committees, Boards and Commissions

7.1 Citizen Committees, Boards and Commissions: The Council may create committees, boards, sub-committees and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify which are consistent with the City Code.

7.2 Membership and Selections: Membership and selection of members shall be as provided by the Council if not specified by the City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Code.

7.3 Removal of Members of Boards and Commissions: The Council may remove any member of any board or commission which it has created or as created by the City Code by a vote of at least a majority of the Council.

7.4 Sub-Committees - Operation of City Council Sub-Committees: The City Council shall utilize the Sub-Committee process to assist the work of staff and to conduct preliminary policy evaluation for purpose of recommendation to the full City Council. Such Sub-Committee shall have no authority to resolve and act on policy issues and shall not act as a committee of the whole committee. With the exception of urgency items and personnel issues, notice of a scheduled Sub-Committee meeting shall be posted not later than seven (7) days prior to the scheduled Sub-Committee meeting. Such notice shall include the date, time, location and item to be discussed. In addition, the Sub-Committee shall cause a summary report of the discussion held to be prepared and submitted to all Council Members and appropriate staff.

## 8. Citizens Rights

8.1 Public Comment: Any person desiring to address the Council, Commission, Subcommittee or other duly established body shall first present a speaker's card to the Chair and shall be recognized by the Chair. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked the Council Members, except through the presiding officer.

8.2 Time Limits on Speakers: Disruptive Conduct: The Mayor or presiding officer may establish reasonable limits on the amount of time allocated for public testimony on particular issues and for each individual speaker. In addition, the Mayor may rule a speaker to be out of order if that speaker engages in disorderly conduct, which disrupts, disturbs or otherwise impedes the orderly conduct of City Council business. By, among other things; a) uttering loud, threatening, personal or abusive language; b) by being unduly repetitious; or c) by making comments which are not relevant to the City Council's business."

8.3 Reading of Protests: Interested persons, or their authorized representatives, may address the Council for the reading of protests, petitions, or communications relating to any matter over which the Council has control when the item is under consideration by the Council, if a majority of the Council present agrees to let them be heard.

8.4 Mayor May Appoint A Committee or Refer Citizen's Complaints: The Mayor may appoint a committee of two members of the City Council to hear Citizens' complaints as the same are referred thereto by the Mayor or may refer Citizens' complaints to an Executive Session of the City Council, whenever the subject meets the criteria specified in the Brown Act.

8.5 Written Communications: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at anytime by direct mail or by addressing the City Clerk and copies will be distributed to the Councilmembers.

## 9. Regional Appointments

9.1 Appointments to Regional Committees:

9.2 Appointments to City Sub Committees:

## 10. Amendments

10.1 Amendment of These Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

## 11. Rules of Conduct

11.1 Council Members should be prepared to attend all meetings of the City Council.

11.2 Council Members should prepare themselves for all meetings by reading and reviewing the material provided to them.

11.3 Members of the City Council should be aware that all information covered in Closed Session is confidential and not for public discussion.

11.4 Council Members are encouraged to set up appointments with the City Manager, Department Heads and staff, if possible. Section 2-3.105 of the Municipal Code should always be considered when working with staff at City Hall.

11.5 Council Members conduct when attending meetings, as a representative of the City of Hercules should always reflect the highest standards.

11.6 Members of the City Council should remember that they are representing the City of Hercules when attending events, not just themselves.

11.7 Council Members should be cognizant of the funds allocated to them within the City's budget and not use more than their allocated amount for trips and events so that other member's allocations will not be impacted.