



CITY OF PITTSBURG

POLICIES AND PROCEDURES FOR CITY COUNCIL

Rev. 11/15/21

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CITY OF PITTSBURG
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I. AUTHORITY

Preamble

The purpose of this document is to ensure the orderly and efficient conduct of the meetings of the City Council. These policies and procedures are intended to ensure the right of the majority of the Council to decide items of business brought before the Council; the right of the minority to be heard; and the rights of any absentee Council Members to be protected. These policies are also intended to foster and promote the right of residents to have adequate notice of business scheduled for consideration by the Council and a fair and reasonable opportunity to attend meetings and be heard.

Statutory Authority

These policies and procedures for the meetings of the City Council are adopted in compliance with laws of the State of California, in particular, Government Code sections 54950 et seq. (hereinafter referred to as the “*Brown Act*”). Whenever these rules are found to be in conflict with the terms and provisions of the Brown Act, or any other state law, state law governs. Further, the City of Pittsburg Municipal Code shall govern over any conflicting rule found in this document.

II. GENERAL RULES

Quorum

A quorum shall be three or more Council Members. Policies and goals for the City of Pittsburg shall be established by a majority vote of the Council.

Orientation of New Members

It is important the members of the Council gain an understanding of the full range of services and programs provided by the organization. As new members join the City Council, department heads are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or programs about which a new member would like more information, arrangement will be made to increase the new member’s awareness of these operations.

Ethics Training Requirements

Each Council Member shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service. New Members must receive this training

within their first year of service on the City Council. An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions. The City may develop its own ethics training course or use an outside provider. If the City develops its own ethics training, the City must consult with the Fair Political Practices Commission and the State Attorney General. The City must maintain all records relating to a Council Members' ethics training for at least five years. These documents are public records subject to disclosure. (Resolution No. 06-10462 and 09-11310)

Sexual Harassment Prevention Training and Education Requirements

State law, at Government Code Section 53237 et seq., also known as AB 1661 of 2016, requires that each local agency official must receive at least two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years after that. The City is required to maintain all records relating to a Council Members' ethics training for at least five years. These documents are public records subject to disclosure.

Seniority of Council Members

Seniority shall be determined by the highest vote count in the most recent general municipal election.

Seating Arrangement During Meeting

The Mayor should always be seated center. The Vice-Mayor may choose to be seated to the Mayor's right or left. Other seats shall be selected by Council Members in order of their relative seniority in office and they shall occupy seats so selected until the next regular reorganization of the Council; provided, however, that any two or more Council Members may exchange seats at any time by mutual consent.

Journal of Proceedings

An account of all open sessions of the Council shall be prepared and kept by the City Clerk or the City Clerk's authorized designee and shall be entered in a permanent book or other permanent form constituting the official record of the Council meetings (excluding closed sessions) for which the City Clerk will be fully indemnified.

Closed Sessions

All closed sessions shall be noticed and conducted in accordance with the provisions of the Brown Act. Actions taken in closed session shall be publicly reported in open session when appropriate in accordance with section 54957.1 of the Brown Act. The City Attorney shall record the votes taken on each closed session item where appropriate. The record of the votes taken shall constitute the exclusive record of the closed session, shall not be considered a public record, and shall be confidential pursuant to section 54957.2 of the Brown Act. No other notes or minutes of closed session discussions shall be recorded.

Ordinances

- A. No ordinance, except an appropriations ordinance, an ordinance adopting or embodying an administrative or government code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.
- B. Any proposed new or revised zoning ordinance shall be reviewed by the Planning Commission before submission to the City Council.

III. VIOLATIONS OF POLICY BY COUNCIL MEMBERS

The provisions of this Policy contained below apply exclusively to the Mayor and Council Members and do not extend to members of City Commissions. Violations of this Policy or any other applicable City Council/Administrative Policy by Commissioners may be considered by the City Council, or by a City Council Subcommittee who will make a recommendation to the City Council on an appropriate City Council response.

A City Council Member who does not follow this Policy or any other applicable City policy may face admonition, sanction or censure.

The following sets forth the procedures to be followed when there is a belief that a Council Member has violated this Policy or any other applicable City policy. This rule shall not be used for violations of State or Federal laws, as such laws are subject to separate penalty and enforcement provisions outside of the City's purview.

Notification of Allegation

If a Council Member believes that another Council Member has violated this Policy or any other applicable City policy, he or she shall notify the Mayor. If the allegation is against the Mayor, the Vice-Mayor shall be notified in writing, outside a regularly scheduled or any public business meeting. If the allegation concerns both the Mayor and Vice-Mayor, then the most senior Council Member shall be notified and, if two Council Members share seniority, then the Council Member who received the most votes in their most recent election shall be notified. The official selected will be provided with all background information that the Council Member making the allegation has in their possession.

Once an allegation has been received, the official receiving the allegation shall meet with the City Manager and the City Attorney within 5 business days. At that time, the official who received the allegation will determine whether more information is needed, whether the allegation is unfounded, or whether to recommend that the full Council hear the allegation.

If the official who received the allegation determines that the allegation is unfounded or requires additional information, he or she will notify the Council Member making the allegation, in writing, within 2 business days. At that time, if the Council Member making the allegation is not satisfied with the official's determination, he or she may bring the matter to the full Council for review by asking the City Manager in writing, within 2 business days for the matter to be placed on the next regularly scheduled City Council agenda. The City Manager will, in writing,

notify, the Council Member against whom the allegation is made about the violation and the future agenda item.

If the official receiving the allegation determines that the allegation should be brought to the City Council for review, within 2 business days he or she must ask the City Manager to place it on the next regularly scheduled City Council agenda. The City Manager will notify the Council Member, in writing, against whom the allegation is made, about the violation and future agenda item.

Should an allegation be brought to the City Council, the City Manager, in consultation with the City Attorney, will prepare a brief staff report for discussion under the Consideration portion of the agenda. The staff report shall include a reference to this Policy. It will be the responsibility of the City Council Member making the allegation to present the matter to his/her colleagues.

Potential Council Actions

While the City Council has broad discretion in deciding which of the three potential actions below it may choose to impose in response to violations of this Policy or any other applicable policy, the following are definitions and procedures related to three types of actions: admonition, sanction and censure. Admonition and sanctions are not considered punishments and there are no penalties associated with them; a censure is considered a punishment and may include penalties.

Admonition:

This is the least severe form of action. Admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of City Policy and that, if it occurs or is found to have occurred, could make a member subject to sanction or censure. Admonition may be issued in response to a particular alleged action or actions, although it would not necessarily have to be triggered by such allegations. Admonition may be issued by the City Council prior to any findings of fact regarding allegations, and because it is a warning or reminder, would not require a separate hearing to determine whether the allegation is true.

Sanction:

This is the next most severe form of action. Sanction should be directed to a particular member of the City Council based on a particular action (or set of actions) that is determined to be in violation of City policy but is considered by the City Council to be not sufficiently serious to require censure. 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. The member accused of such violation will have the opportunity to provide a written or verbal response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline, would not require a separate hearing.

Censure:

Censure is the most severe form of action contemplated in this Policy and available to the City Council. Censure is a formal statement of the City Council officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing. It may be combined with loss of committee assignments

(either with the City of Pittsburg or with inter-governmental agencies) or the restriction of official travel.

Censure should be used for cases in which the City Council determines the policy violation is a serious offense.

In order to protect the overriding principle of freedom of speech, the City Council shall not impose censure on any of its members for the exercise of their First Amendment rights, no matter how distasteful the expression was to the Council and the City. However, nothing herein shall be construed to prohibit the City Council from collectively condemning and expressing their strong disapproval of such remarks.

City Council Discussion; Admonition or Sanction

At the meeting when the allegation is to be considered, the City Council may discuss it and determine whether to issue an admonition or sanction, or to hold a separate hearing to consider censure. Where the City Council decides to issue an admonition or sanction, a resolution may be prepared for the next meeting based upon the City Council discussion and direction.

City Council Censure

If the City Council decides to conduct a separate public hearing on the question of censure, they will direct the City Manager, in consultation with the City Attorney, to engage the services of an independent third-party investigator to conduct an investigation of the matter, prepare factual findings and make a recommendation as to the allegation(s) merit to the City Council. At that time, the City Council will also set a “not to exceed” investigation budget. Should, in the course of the investigation, it appear that the investigator’s costs will exceed the approved budgeted amount, then the City Council will be notified at a duly noticed public meeting, to determine whether to increase the budget or discontinue the investigation.

If the investigator determines there is no factual merit to the allegation, that information will be conveyed to the City Council prior to a censure hearing. At that time, the City Council will determine whether to take no additional action or to issue an admonition or a sanction.

If the investigator determines there is factual merit to the allegation, a report of the factual findings shall be presented to the City Council for hearing and determination.

Censure Hearing

If a separate hearing is set to consider the question of censure, it must be set far enough in advance to give the Council Member subject to the allegation adequate time to prepare a defense.

The official who received the original allegation from the Council Member who made the allegation will preside at the hearing. The rules of evidence will not apply to the hearing, which is not a formal adversarial proceeding.

The investigator will present his or her report and the City Council, including the Council Member who is the subject of the investigation, will have the opportunity to question the investigator. The Council Member who is the subject of the allegation will have an opportunity to present a rebuttal to the allegation, which shall be limited to twenty minutes unless extended by the City Council. The Council Member who is the subject of the allegation may be represented at the hearing and may have the representative speak or ask questions on his or her behalf. The City Council may also allow the testimony of a limited number of witnesses. The right to present witnesses shall be within the absolute discretion of the City Council.

Following the rebuttal, any witness testimony and any closing statement of the Council Member who is the subject of the allegation, the City Council shall hear public comments. At the conclusion of the public comments, the City Council shall discuss the matter and render a decision on whether to censure the Council Member against whom the allegation has been raised.

Should the City Council decide to censure the Council Member against whom the allegation has been raised, they shall direct the City Manager, in consultation with the City Attorney, to prepare a resolution making findings and penalties with regard to the specific charges, based on substantial evidence. The resolution will be considered by the City Council at a duly noticed public meeting.

IV. POWERS AND RESPONSIBILITIES

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Vice-Mayor have some additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council Members who held a minority opinion on an issue.

The City Council has generally concluded that it should limit itself to purely municipal functions, and not take up issues of a broader nature.

The City Council is responsible for five basic duties:

- 1. Hiring/firing of City Manager**
- 2. Hiring/firing of City Attorney**
- 3. Adopting goals and priorities**
- 4. Adopting the budget**
- 5. Acting as the governing body**

The selection of Mayor and Vice-Mayor is facilitated by rotation and occurs the first meeting in December each year. During an election year, this meeting may occur prior to the certification of the election, in which case the rotation will occur at first available meeting after certification. A vote of the City Council to install the Mayor and Vice-Mayor is strictly ceremonial, as the rotation is set by resolution below.

Role of Mayor

The Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes.

The Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence. The Vice-Mayor shall serve in this capacity at the pleasure of the City Council. The Vice-Mayor shall become Mayor at the subsequent reorganization of the Council.

Rotation of Mayor

The position of Mayor shall be for a one-year term and will be rotated among all the City Council Members. The sitting Vice-Mayor will automatically become Mayor upon the City Council annual reorganization meeting which will be the first meeting in December of each year. Should any Vice-Mayor not be available to take their regular term as Mayor (due to failure to be re-elected, work conflict, etc.), the next person in rotation for Vice-Mayor will be elected to the position of Mayor and the rotation will continue as previously set.

Rotation of Vice-Mayor

The position of Vice-Mayor shall be for a one-year term and will be rotated among all the City Council Members based on seniority. Seniority shall be determined by placement in the most recent election. In each City Council election, the person with the most votes shall be placed first in the rotation of that group, the second highest vote total will be placed second and if a third seat is contested, the third highest vote total will be placed third in that rotation. In case of appointment to the City Council to fill a vacancy, that person will occupy the last position in the current rotation. Each new election will determine the rotation only for the group in that election. Should any City Council Member not be available to take their regular place in the established rotation (i.e., failure to be re-elected, work conflict, etc.) the next person in the rotation will be elevated to the Vice-Mayor's position and the rotation will continue as previously set.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: City Manager and City Attorney. Both positions are appointed and serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement, which specifies some terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the city in accordance with section 2.52.030 of the Municipal Code. The City Attorney may serve by contract employee or by an in-house employee, as determined by a majority of the City Council.

Appointment of Advisory Bodies

The City has several commissions established by ordinance. In addition, special purpose committees and task forces are sometimes created and filled by the City Council to address

issues of interest. In addition to rules and procedures as prescribed by law, the following procedures reflect the policy of the City Council regarding the appointment of volunteers to the various bodies of the city.

The establishment of these procedures ensures that capable, willing and responsible individuals are given the opportunity to serve the city and participate in the governing of their community. These procedures apply to all appointments and reappointments to standing advisory bodies.

Names to be considered for appointment will be submitted to the City Council. Only the Council shall review applications and make appointments to commissions. The Council will interview applicants at an open, public meeting and appointment will be made by a majority vote of the Council at a subsequent meeting.

The terms and qualifications of the various commissions are set forth in the Municipal Code.

City Council Outside Agency/Liaison/Sub-Committees Assignments

There are three types of committees the City Council serves on:

1. Outside Agency Boards
2. Liaison to an Agency
3. Subcommittees

The Mayor and the Vice-Mayor shall appoint individual Council Members to the recognized standing and ad hoc committees. All Council Members may submit preferences for committee assignments to the Mayor and/or Vice-Mayor prior to the appointment. The Mayor and the Vice-Mayor shall strive to ensure equitable distribution of appointments among all Council Members.

Some Outside Agency Boards and Liaisons are automatically assigned to the Mayor and Vice-Mayor. Outside Agency Boards may be assigned for a Council Member to serve several consecutive years so as to facilitate positions on those Agency Boards. See Council Member Authority on Regional Boards below.

All Subcommittees shall have an alternate appointed. To allow others the opportunity to serve, Subcommittee members should not be appointed for more than two consecutive years unless others are unable to serve.

Such list of appointments shall be presented as an item on the Council agenda at the second meeting in December following the annual reorganization and shall be approved by a majority of the Council and updated as needed. The adopted Committee Assignment list is attached to each City Council agenda.

Council Member Authority on Regional Boards

The City recognizes the importance of participation in regional agencies and boards in order to further the collective goals of the region. City Council Members have the opportunity to actively participate on regional agencies, boards and committees ("Regional Agency" or

“Regional Agencies”), and at the discretion of the Council, as part of their elected role as a Council Member.

A. Commitment of City Funds. No City Council Member can commit the City of Pittsburg to expenditures, to a single Regional Agency, of more than ten thousand dollars (\$10,000) per fiscal year. Unless previously budgeted by the City Council, expenditures totaling more than ten thousand dollars (\$10,000) require prior authorization of the City Council at a duly authorized meeting of the City Council. Unless otherwise prohibited by law, City Council Members have a fiduciary duty to the City of Pittsburg and shall represent the interests of the City of Pittsburg, while serving on Regional Agencies.

B. Action Inconsistent with Council Direction. No City Council Member has the authority, as a member of a Regional Agency, to take actions that are binding and inconsistent with established City policy. No City Council Member, while serving on a Regional Agency, may cast votes in a manner that is inconsistent with City policy, including but not limited to, City policies related to development, economic development, timing of infrastructure improvements, positions on legislation or other policies of the City Council. Unless otherwise prohibited by law, City Council Members have a duty of loyalty to the City of Pittsburg and shall represent the interests of the City of Pittsburg while serving on Regional Agencies.

For example, a City Council Member cannot vote to change the priority of projects or fee structures set by a Regional Agency without express authorization of the City Council at a duly authorized meeting of the City Council.

V. SUPPORT PROVIDED TO CITY COUNCIL

City Manager

The City Manager, or the City Manager’s authorized deputy or assistant, shall attend each Council meeting unless excused by the Council, and shall be subject to the direction of the Council during Council meetings. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council but shall have no vote.

City Attorney

The City Attorney, or the City Attorney’s authorized deputy or assistant, shall attend each Council meeting unless excused by the Council, and shall be subject to the direction of the Council during Council meetings. The presiding officer, the Council, or any Council Member, may call upon the City Attorney at any time for an explanation of, or written opinion on, a point of law. Rulings on points of order shall, however, be made by the presiding officer, subject to the right of appeal by a Council Member.

City Clerk

The City Clerk or City Clerk’s authorized designee shall attend each Council meeting unless excused by the Council and shall be subject to the direction of the Council during Council meetings. In the event there is no City Clerk, Assistant or Deputy City Clerk available, the City Council will appoint one of the Council Members as City Clerk pro tempore (G.C. Section

36804). The City Clerk or City Clerk's authorized designee shall keep the official minutes and perform such other duties as required by law or as may be requested by the Council.

Officers and Employees

Departmental Directors, or other designated representatives, where there is pertinent business from their department on the Council agenda, shall attend such Council meetings upon request of the City Manager.

Staff/Clerical Support

General staff and administrative support to members of the City Council is always provided through the City Manager's Office. Secretarial services including scheduling of appointments, receipt of telephone messages, and word processing are available as needed. Prior consultation with the City Manager's Office is required whenever a Council Member needs to utilize staff time or resources.

Safety Officers

The City Manager may arrange, when appropriate, to have a sufficient number of trained and sworn safety officers in attendance at the Council's public meetings who shall be sergeants-at-arms of the Council meetings. Such safety personnel shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

Office Equipment

To enhance Council Members' ability to communicate with staff and the public, city-purchased equipment can be provided.

When individual Council Members have completed their term of office, communication devices must be returned to the city, unless arrangement to purchase and pay for the equipment with personal funds are made. Documentation to such transaction must be recorded.

The use of technology to communicate with a majority of other Council Members on any matter within the subject matter jurisdiction of City Council must comply with the Brown Act. E-mails regarding City business are public records subject to disclosure unless a statutory exemption applies.

The City will issue each elected official an iPad or tablet and a cover or case, including keyboards, styluses, screen protectors, cables, or adapters. The City will not provide any data plans as City Hall provides wireless access. Use of wireless connections in other locations is at the discretion of the hosting party. The paperless agenda packets for City Council and Commission meetings are available on an approved application.

Council Members are responsible for the general care of the equipment. City issued electronics will be returned to the City Clerk when the individual's term or service has ended. Upon return of the items to the City, and following the preparation of any appropriate backup files, the items will be wiped clean of all information by the City's IT staff.

Meeting Rooms

Conference rooms are available at City Hall for shared use by Council Members. The conference room in the City Manager area on the third floor is designated as the room offered for meetings that the Council Members may have. Conference rooms are booked by the Office of the City Clerk. There will be a designated shared work area if needed for Council Members to review documents, mail, and make phone calls.

Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials from the public, private interests, and staff. Mailboxes are maintained for each member by the City Manager's Office on the third floor of City Hall.

VI. FINANCIAL MATTERS

Council Compensation

State law and the Pittsburg Municipal Code provide for modest compensation to members of the City Council. Currently, members receive a salary of \$500 per month. A seated City Council may not increase its own salary. Councils may only pass an ordinance to raise the salary of an incoming City Council consistent with State Law.

Council Members may be eligible for city-funded participation in group insurance benefits including medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure Allowance

The annual city budget also includes an expenditure allowance for expenses necessary for members to undertake official city business. Eligible expenses include membership in professional associations, attendance at conferences or educational seminars, and purchase of publications and annual subscriptions. In addition, travel expenses including meals (city policy does not allow reimbursement for alcohol) for Council Members and mileage reimbursement are made for city business. Donations to organizations are not eligible nor are meals for individuals other than Council Members.

Assembly Bill 1234, adopted in 2005, requires cities and other public agencies to adopt a written policy, in a public meeting, that lists the types of occurrences that qualify a member of a legislative body to receive reimbursement for expenses relating to travel, meals, lodging, and other expenses. On January 3, 2006, the City Council adopted Resolution No. 06-10462, and subsequently Resolution No. 09-11310 which created the Reimbursement and Ethics Training Policy for City Officials which includes members of all City Commissions, Members of the Housing Authority, and City Council Members. These Policies and Procedures for City Council adhere to the most current Reimbursement Policy.

Reimbursement Restrictions

Council Members may be reimbursed for actual and necessary expenses incurred in the

performance of official duties.

1. Lodging costs in conjunction with a conference or other official activity may not exceed the maximum group rate published by the conference or activity sponsor, if lodging at the group rate is available at the time of booking. If not, the Council Member shall be reimbursed for lodging at comparable rates, or rates established by the Internal Revenue Service.
2. Meals may be reimbursed at standard rates established by the rate of per diem allowed for staff.
3. Council Members shall use government or group rates for travel, when available. If not available, members may be reimbursed according to the standard rates established by the Internal Revenue Service.
4. Incidental expenses, including but not limited to tips and business telephone calls may be reimbursed at the rates established in Internal Revenue Service Publication 463.

Reimbursement Guidelines

It is very important to note that any expense must be related to city affairs and comply with State laws and policies adopted by the City Council. Public property and funds may not be used for any private or personal purpose. Courts have held that this prohibition includes personal political purposes. For example, reimbursement cannot be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It would also be generally inappropriate for city funds to pay for a meal or other expenses of a private resident attending a meeting.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. When exceptional circumstances require that additional amounts be allocated, the request must be made to the City Manager, and City Council approval in a public meeting may be required before the expense is incurred.

Expense Reports

Council Members who make reimbursement requests are required to submit expense reports, on City forms, along with receipts to document their expenditures. All documents relating to reimbursable expenditures are public records subject to disclosure. Reimbursement requests should be made on a monthly basis through the City Manager's Office.

Council Members must provide brief reports on any outside meetings attended at the expense of the City at the next regular City Council Meeting. Reimbursement is conditioned on the submission of this report to the City Council. (Resolution Nos. 06-10462 and 09-11310)

VII. COMMUNICATIONS

Correspondence from Council Members

The Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual Council Members will often prepare letters

for constituents in response to inquiries or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to transmit correspondence on an issue which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of Council.

City letterhead, or facsimile thereof, shall be used for official City business only. The Mayor or his/her official designee shall be authorized to sign letters and various other documents on City letterhead for the following matters only:

- Letters of commendation, appreciation, condolence, or thanks.
- Responses to invitations.
- Cover letters accompanying ceremonial actions or official document submittals or any other matter.
- Letters supporting the League of California Cities or Contra Costa Mayors Conference position on a matter, unless the City Council has taken a contrary position.
- Letters supporting legislation related to approved City projects.
- Items routine in nature, experiences in the normal course of conducting the business of the City.

Supplies of City letterhead stationery or envelopes may not be given to individual Council, Commission or Board members.

Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the Council’s position on an issue, the response should reflect the position of the Council as a whole taken in open session. Of course, a member may clarify their vote on a matter by stating “While I voted against X, the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual member.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. **Proclamations are not statements of policy but a manner in which the City can make special recognition of an event.** As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual Council Members do not issue proclamations.

VIII. INTERACTION WITH CITY STAFF/OFFICIALS

Council-Manager Form of Government

This structure reflects the City Council’s role of establishing city policy and priorities. The Council appoints a City Manager to implement this policy and undertake the administration of

the organization. The City Council is to work through the City Manager in dealing with city staff, unless simply requesting information from other staff members.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council rather than to individual Council Members, and directs, manages and coordinates the various departments.

Council-Manager Relationship

The City Council should avoid situations that can result in city staff being directed, intentionally or unintentionally, by one or more members of the City Council. Regular communication between the City Council and City Manager is important in maintaining open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

The City Council is to evaluate the City Manager on a regular basis to ensure that both the City Council and City Manager are in agreement about performance and goals based on mutual trust and common objectives.

The City Manager communicates with the City Council in various ways. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed.

City Council-City Attorney Relationship

The City Attorney is the legal advisor for the Council, City Manager and staff. The general legal responsibilities of the City Attorney are to:

- A. Provide legal assistance necessary for formulation and implementation of legislative policies and projects.
- B. Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings.
- C. Prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared.
- D. To keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.

Roles and Information Flow

It is the intent of staff to ensure Council Members free access to information from the city and to ensure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Council Members must avoid intrusion into those areas which are the responsibility of staff. Individual Council Members may not

intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal.

Council Roles: In accordance with section 212.020(D) of the Municipal Code, the City Council shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, **and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager.**

Individual members of the City Council shall not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy in a public meeting.

Council Members shall not attend internal staff meetings or meetings between city staff and third parties unless invited by City Manager or directed by Council to do so (i.e. subcommittee/ad hoc meetings).

Staff Roles: The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff is directed to reject any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City Manager will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

Council requests for research or other staff work must be directed to the City Manager, or the City Attorney regarding legal matters, or the City Clerk regarding matters within the City Clerk's authority.

Dissemination of Information

In cases where a staff response to an individual Council Member request involves written materials which may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members.

IX. COMMUNICATION/INTERACTION WITH THE PUBLIC

As elected officials, it is understood that Council Members will be approached by individuals and community groups that have issues or ideas on which they seek the support of the Council. When meeting with individuals or groups, Council Members should refrain from

making commitments that are outside the scope and/or authority of an individual Council Member. It is recommended that Council Members notify and/or include the City Manager when meeting with individuals or groups, so that staff can obtain information and take appropriate actions as established by the adopted goals and policies set by the entire Council.

Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Pittsburg and not for any private or personal interest. Council Members must endeavor to treat all members of the public and issues before them in a fair and equitable manner.

Council Members can be subject to impromptu meetings at a grocery store, scheduled coffee house meetings, or more formal meetings scheduled at a conference room at City Hall. In scheduling meetings with members of the public or other agency members, the Adopted Council Goals and Policies and Procedures must be kept in mind.

Council Members are encouraged to discuss their ideas for community engagement with the City Manager prior to scheduling meetings. Staff has the means and tools available to invite and engage members of the public or other agencies. Similarly, if Council Members are approached by members of the public, organizations, or other jurisdictions regarding topics of concern to them, the City Manager can assess the strategies needed to make these meetings more fruitful if they are made aware of them beforehand. The City Manager will need to assess the time and resources available prior to meetings, as well as looking into “history” that may need attention first. Many Council Members have been blindsided when agreeing to a meeting that turns out more involved or not adhering to the topic originally discussed. Staff can help mitigate those meetings before they go awry. Including staff can help ensure a successful outcome.

Also, keep in mind that meeting locations and agendas can be subject to rules and regulations that Council Members may not be aware of, and staff can assist with that (i.e. ADA requirements for meetings, Brown Act compliance, language barriers, etc.).

If not previously identified as an adopted Council Goal, through the annual goal setting and adoption process, and more than one hour of staff time will be required to complete the task/project, the item will be agendaized to ask the City Council if time should be spent on preparing a report on the proposed item. A Council Member shall not direct staff to initiate any action, change a course of action, or prepare any report. A Council Member shall not initiate any project, study or staff-involved community forum without the approval of the majority of the Council.

Keep an open mind. An objective, balanced, and receptive approach will help you assess the facts of a given issue and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position. Expressing your opinion on a specific matter prior to a meeting may result in your being disqualified from discussing or voting on that matter, due to pre-decisional bias.

Minimize, or even avoid, contact with a project applicant or project opponents prior to the

meeting where you will hear the matter in question. Such unilateral or “ex parte” communications are better handled by staff familiar with the issues and will publicly and fully brief the Council at the appropriate time. Any ex parte communication should be disclosed when the Council hears the matter.

Social Media

Council Members should exercise caution when using social media, and refrain from posting City business, including personal comments posted using your title in the signature, on Facebook, Twitter, YouTube, SnapChat, Next Door, etc. Remember, once something is out on the internet and in cyberspace, it cannot be retrieved, and a retraction may go unnoticed. Social media posts are not City-approved press releases unless posted on staff-controlled media.

Council Members must not engage in serial meetings through a chain of communications on the internet, in violation of the Brown Act.

X. MEETINGS OF THE COUNCIL

Regular Meetings

- A. Regular meetings of the Council shall be held on the first and third Mondays at the hour of 7:00 p.m. The City Council meeting agenda schedule prepared and circulated by the City Clerk or the City Clerk’s authorized designee at the beginning of the calendar year may provide for cancellation of regular meetings for recognized holidays and may be modified by the Council from time to time to conduct the City’s business. If at any regular meeting, business before Council remains unfinished, the Council may adjourn from time to time to dispose of the same or to transact any other unfinished business. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the City Clerk or the City Clerk’s authorized designee may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in the special meetings section, unless such notice is waived as provided for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, or adjourned regular, meeting was held within 24 hours after the time of adjournment. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.
- B. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held on the next regular meeting day set forth in the City Council meeting agenda schedule at 7:00 p.m.
- C. It shall be the policy of the Council to adjourn its regular meetings by 11:00 p.m. of each meeting date. The City Manager shall endeavor to arrange the agenda in such a manner that the Council can adhere to this adjournment policy. A public hearing in progress shall not be interrupted and continued to a subsequent meeting for the sole

purpose of satisfying this adjournment deadline. Items of business that remain on the agenda at 11:00 p.m. shall be carried over to the next regular meeting, unless Council by a majority vote agrees to continue in session or agrees to adjourn the meeting to a date sooner than the next regular meeting to dispose of the remaining agenda items. In the event of adjournment to a time and date prior to the next regular meeting, a copy of the order or notice of adjournment shall be posted immediately following the adjourned meeting.

Special and Emergency Meetings

Special and emergency meetings shall be held and noticed in compliance with the terms and provisions of the Brown Act, Sections 54956 and 54956.5.

Annual Goals Meeting

The Council shall at a regular meeting, or special meeting called for that purpose to determine its goals and the relative priority of such goals to which City staff and resources are to be committed for their accomplishment. The Council may conduct such additional meetings on its goals throughout the year as deemed necessary or advisable.

The annual goals meeting is the opportune time for City Council Members to introduce and establish a consensus to include their personal priorities.

XI. COUNCIL CHAMBER ATTENDANCE AND FACILITIES

Council Chamber Attendance; Limitations

Council Chamber attendance shall be limited to the posted seating capacity thereof. Entrance to the Council Chamber will be appropriately regulated by the City Manager on occasions when the Council Chamber capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the Council Chamber except to address the Council and sitting on the floor or standing in the hall is not be permitted. During Council meetings, no musical instruments, firearms (except in the possession of peace officers), toy firearms, placards, or other items of potentially disruptive nature, shall be brought into the Council Chamber nor shall any handbills or fliers be distributed in the Council Chamber. The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chamber.

Facilities

Regular and special meetings of the Council shall be held in the Council Chamber, City Hall, 65 Civic Avenue, or at such other locations as permitted by the Brown Act, Section 65954. Whenever at a regular or special meeting of the City Council it is anticipated by the City Manager that the attendance will be substantially greater than the posted capacity of the Council Chamber, the City Manager may make arrangements for the use of a suitable alternative facility for such meeting of the Council. Facilities shall be accessible to the physically disabled.

XII. CODE OF CONDUCT

Council Members should avoid impropriety in the exercise of their official duties. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the council, boards, or commissions, the public and staff.

Council Members shall conduct themselves in a professional manner at all times during Council meetings.

Council Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Acting as if they were on official duty regardless of where they are or what they are doing.
- Avoiding personalizing issues by engaging in name-calling or personal invective, speaking in a derogatory or belittling manner towards those with whom one disagrees, whether they be colleagues or members of the public.
- Remembering that all Council Members are representatives of the public, and as representatives and servants, should treat each other and those they represent consistent with such high principle.
- Using their best independent judgment to pursue the common good; presenting their opinions to all in a reasonable, forthright, consistent manner; and making decisions which will promote the general and long-term interests of the city and its residents.
- Keeping an open mind and being able to consider the opinions and ideas of others, even when board and commission members disagree with those opinions.
- Listening to all testimony, and not reaching conclusions on issues until all interested parties have had an opportunity to express their position, or otherwise acting in a manner that would affect a party's right to a fair hearing.
- Showing respect for their offices and not acting in ways that reflect badly on those offices and diminish public respect for the office or the city.

Council Members should be able to assert policy positions and opinions without fear of reprisal from fellow officials or the public. Council Members should not question the ethics of another member because they disagree with that member on a question of policy.

XIII. DECORUM DURING MEETING

Presiding Officer

The presiding officer shall take all action reasonably necessary to preserve order at all times during Council meetings.

Responsibility of Council Members

During Council meetings, Council Members shall conduct themselves in accordance with these rules and in such a manner as to avoid disrupting the meeting. Except as otherwise

provided in these rules, Council Members shall abide by the rulings of the Council and presiding officer.

Responsibility of Other Persons

Other persons attending Council meetings shall observe these rules, any additional rules the Council may establish or concur in for a particular matter, and the orders of the presiding officer with respect to the conduct of the meeting. No person shall willfully disrupt or disturb any Council meeting without lawful authority. This includes, but is not limited to, unsolicited comments, talking or making noise so loud as to interfere with the conduct of business at the meeting. No person shall approach a Council Member while the Council is in session, unless specifically requested to do so by the presiding officer. Any message to, or contact with, a Council Member while the Council is in session, shall be made through the City Clerk or the City Clerk's authorized designee.

Remedies For Disruption of Council Meeting

- A. Any person who unlawfully disrupts or disturbs a Council meeting may be removed and barred from further attendance before the Council at that meeting unless permission to remain or return is granted by a majority vote of the Council.
- B. Decorum at the meeting shall be enforced in the following manner:
 - 1. Warning. The presiding officer shall request that a person who is disrupting or disturbing the meeting be orderly and silent. If, after receiving a warning from the presiding officer, a person persists in disrupting or disturbing the meeting, the presiding officer shall order him or her to leave the Council meeting. If such person does not remove him or herself immediately, the presiding officer may order any security officer or other law enforcement officer who is on duty at the meeting as Sergeant-At-Arms of the Council to remove that person from the Council Chamber.
 - 2. Resisting or interference with removal - Any person who resists removal or interferes with the removal of a person by the security officer may be charged with a violation of this section.
- C. In the event that any Council meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the presiding officer or Council may order the meeting room cleared and continue in session pursuant to the Brown Action, Section 54957.9, or any other applicable statute.

XIV. AGENDA AND ORDER OF BUSINESS FOR REGULAR MEETINGS

Items Included

Prior to a deadline established by the City Manager for the preparation of a regular meeting agenda, items of business shall be included on the agenda at the request of the Mayor, by an

individual Council Member, by the City Manager, or by the City Attorney. The City Manager makes the determination as to whether the item is appropriate for the agenda and when the item should be scheduled. In determining whether a suggested item is appropriate for the agenda, consideration shall be given to whether the item is within the subject matter jurisdiction of the City Council, whether the item requires a positive or negative decision by the majority of the Council upon a motion, proposal, resolution, minute order or ordinance, whether the matter involves a public hearing which must be scheduled in accordance with applicable law, and/or whether the item has been rendered moot or redundant by previous determination by the City Council or by operation of law.

The Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business which can be considered at any one meeting, however, there should not be a unilateral delay of items to be considered by the Council. Should any significant disagreement arise regarding the scheduling of items and/or whether the item is appropriate for the agenda business, such matters are to be resolved by the full City Council during its regular meeting. To the extent possible, the City Council shall be provided with tentative agenda schedules for future council meetings.

No item of business which has been acted upon by the Council at a prior meeting within the past one year, shall be placed upon the written agenda except at the request of a Council Member who voted in the majority on such matter or question, or the City's authorized designee prior to the agenda's deadline and with the concurrence of the City Manager and City Attorney in accordance with the guidelines identified above.

Preparation and Posting

The City Manager or designee shall prepare and furnish to each Council Member and to the City Attorney, and to such other persons as the Council may designate, a written agenda for the regular meetings. The City Manager or designee shall endeavor to arrange the agenda in such a manner that adjournment, if at all possible, shall conclude no later than 11:00 p.m. of the date scheduled for the meeting.

The written agenda shall be published and posted, and no action or discussion shall take place on any item not appearing on the posted agenda except as permitted by the terms and provisions of the Brown Act, Section 54954.2. The City Clerk or the City Clerk's authorized designee shall post the agenda on the outside front entry to City Hall or other location that is freely accessible to members of the public at least seventy-two hours prior to the regular meeting. At the place of the regular meeting, a copy of the agenda, plus all attachments, placed in a binder shall be available to members of the public 30 minutes prior and during the Council meeting.

An electronic version of the full agenda packet, including attachments, is available on the City's website no later than 72 hours prior to the meeting.

Order of Business

The business of the Council at its regular meetings shall be as set forth in the agenda

published and posted by the City Manager or designee and shall be taken up for consideration and disposition in the order hereinafter set forth. On the majority vote of the Council, a matter may be taken out of order as is deemed necessary or advisable so long as there is no discernible prejudice to the right of the public to be heard on the matter. Any item not on the posted agenda may be added to the agenda and considered only in the manner prescribed by the Brown Act, Section 54954.2.

Order of Business:

Closed Session:

- A. Public Comment (Audience Remarks)
- B. Adjourn to Closed Session

Open Session:

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Presentations and Proclamations
- E. City Manager Reports/Remarks
- F. Public Comment
- G. Public Hearings
- H. Consideration - Policy and Administrative Items
- I. Conflict of Interest Statement
- J. Consent Calendar
- K. Request for Future Agenda Items
- L. Council Member Reports
- M. Adjournment

Roll Call

After initial roll call by the City Clerk or the City Clerk's authorized designee, the later arrival of any absentee Council Member shall be entered in the minutes with the time of arrival to be noted.

Special Presentations

Special presentations by members of the public to the Council may be made from time to time provided that prior notice is given to the City Manager that a special presentation is being planned, giving the subject matter and the date requested to appear on the agenda. The City Manager shall determine when the presentation shall appear on the agenda, scheduling it as promptly as time permits, taking into account the date requested.

Minutes

The City Clerk or City Clerk's authorized designee shall distribute copies of the un-adopted minutes of any previous meeting(s) to each Council Member along with the agenda and accompanying materials (agenda packet). Unless reading the minutes is requested by a Council Member, such minutes may be adopted on the Consent Calendar without reading. The City adopted Action Minutes in 2008. Only actions taken are recorded in the official

minutes. No minutes are taken at study sessions or workshops.

Written Communications

Written communications from the public to the Council must be received by the City Clerk or the City Clerk's authorized designee not later than the time and date established by the City Manager for preparation of the next meeting's agenda. The City Clerk or City Clerk's authorized designee shall prepare copies of such communications for the members of the Council. When the Council so directs, appropriate replies shall be made by the City Manager or other person designated by the Council. Anonymous or unsigned communications shall not be submitted to the Council for any purpose. Council Members or members of the public may submit written material on the night of the meeting for informational purposes only.

Public Comment

The presiding officer shall announce, prior to closed session and again at the beginning of each of the regular meeting agendas, that members of the public shall have the opportunity to directly address the Council on items of interest to the public that are within the subject matter jurisdiction of the Council. In the event there is disagreement whether a comment is within the subject matter jurisdiction of City Council, the Mayor shall make the determination with concurrence of a majority of the Council. Each speaker is given up to three (3) minutes, at the discretion of the Mayor and with concurrence of a majority of the Council. Speakers are not permitted to yield their time to another speaker. Members of the public may also comment on Consent Calendar items during community forum or may request removal of a Consent Calendar item(s) for consideration. Except as permitted by the Brown Act, Sections 54954.2 and 54954.3, no discussion or action shall be taken on matters brought up during the community forum. (Resolution 21-13897)

Consent Calendar

The City Manager or City Attorney may recommend that certain items be placed on the Consent Calendar for action by the Council. Each item placed on the Consent Calendar shall appear with a recommendation of the City Manager or City Attorney as to the action to be taken by the Council. Upon motion by any Council Member, all items placed upon the Consent Calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the City Manager or City Attorney. If any Council Member requests removal of any item from the Consent Calendar, or if any member of the public requests removal of an item for the purpose of addressing it, the item may be removed from the Consent Calendar and be heard and acted upon immediately after the approval of the Consent Calendar and approval of the agenda.

Public Hearings - General

- A. The Council may from time-to-time order that public hearings be conducted on items of public interest even though such may not be required by law. The presiding officer, with the consent of the Council, may set a reasonable time limit in which the public hearing is to be conducted. The presiding officer may direct those making a presentation to avoid repetition in order to permit maximum information to be provided the Council and may require that one person be designated to represent groups or

organizations to facilitate maximum community input.

- B. The procedure for hearing shall follow generally and, when applicable, the procedures for public hearings on appeals from decisions of commissions or staff, including those for continuance or re-continuance thereof.

Procedures for Public Hearings on Appeals from Decisions of Commissions or Staff

- A. On an appeal to the Council from a decision of a Commission or staff, the City Clerk or City Clerk's authorized designee shall secure from the appropriate department the documents upon which the commission or staff has acted. The City Clerk or City Clerk's authorized designee shall inform the appellant that the Council will not consider the appeal if any concept, substantive portion, or key details of the plan(s) or document(s) upon which the Commission or staff has acted will be changed by the time of the hearing. Should the appellant desire to submit any new or illustrative material at the time of the hearing, the appellant shall first submit it to the originating department, which shall certify on the material whether or not the additional material conforms to that upon which the Commission or staff has acted. The material, so certified, shall then be delivered to the City Clerk or the City Clerk's authorized designee.
- B. Hearing Procedures Not Specifically Provided for by the Municipal Code:
 - 1. The presiding officer shall announce the public hearing.
 - 2. The staff report and or the Commission report shall be presented.
 - 3. The presiding officer shall declare the public hearing open.
 - 4. The presiding officer shall first call on the appellant to be heard, with five minutes as the time limit for presentation. Presentation of plans or drawings containing substantive changes from those upon which the Commission or staff has acted shall be ruled out of order unless good cause is shown.
 - 5. The Council shall hear from those members of the public interested in the appeal.
 - 6. At the conclusion of the public hearing, the appellant may have up to ten minutes for a concluding response.
 - 7. The presiding officer shall close the public hearing.
 - 8. A Council Member:
 - (a) May question any speaker during or after the hearing.
 - (b) Shall not introduce a motion, resolution, or ordinance to approve, modify, or deny the subject matter being heard until the public hearing is closed by the presiding officer.

- C. Any appellate hearing being held, or noticed or ordered to be held may, by a majority of the Council, be continued or re-continued to any subsequent meeting, in the same manner and to the same extent set forth herein for the adjournment of meetings; provided, however, if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the original order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or notice of continuance was adopted.

Council Request for Future Agenda Items

A Council Member may make a request under the Requests for Future Agenda Items section of the agenda. The item will be added pursuant to a majority vote in favor. At the next available meeting, the requested item will be listed on the agenda under Consideration.

No matter which has previously been brought before the Council under Council Request for Future Agenda Items, and which a majority of the Council has declined to schedule as a future City Council agenda matter, shall again be brought before the Council under Council Request for Future Agenda Items for a period of one year.

Outline for Request for Future Agenda Items:

1. Request by Council Member for future item – must be moved and seconded.
2. Staff returns at next available regularly scheduled meeting with information on item and will be listed under Consideration. Council makes determination as to viability of consideration of item and may take action at that time, or direct staff to return at scheduled future meeting with item for consideration.

XV. PUBLIC PARTICIPATION

Policy

Pursuant to the Brown Act, Section 54954.3, members of the public shall be afforded the opportunity to speak on any agenda item of a substantive nature providing they are first recognized by the presiding officer.

Addressing the Council

Any person desiring to address the Council by oral communication shall first secure the permission of the presiding officer; provided, however, that preference will be given to those persons who have submitted a card provided for that purpose, or those who have submitted to the City Clerk or City Clerk's authorized designee a written request in advance or at the commencement of the meeting of their desire to speak, and they will be given recognition by the presiding officer in the order in which received.

Spokespersons

Designated spokespersons for recognized groups or organizations may be given priority over individuals who desire to address the Council.

Card System

Cards will be available for persons who wish to address the Council at a public hearing or any another item of agenda business. The card system is not mandatory but will facilitate correct information for the record. After filling out the information requested, the cards will be handed to the City Clerk or City Clerk's authorized designee, no earlier than fifteen (15) minutes before the commencement of the meeting. The presiding officer will call on those wishing to speak in the order in which the cards are received, except as provided elsewhere in this document. After such persons are heard, the presiding officer may then call for any additional speakers.

If a written request for permission to address the Council has not been submitted, a person wishing to gain recognition may approach the speaker's podium and wait, silently, to be recognized by the presiding officer.

Time Limit

Designated spokespersons for recognized groups or organizations may be given up to five minutes to address the Council; provided, however, that they may request additional time and will be granted such only with the permission of the Council. Individuals will be given up to three minutes to address the Council, at the discretion of the Mayor and with concurrence of a majority of the Council, unless additional time is allowed as provided for spokespersons. Speakers are not permitted to yield their time to another speaker. (Resolution 21-13897)

Discussion Between the Public and Council

All remarks shall be addressed to the Council as a body and not any member thereof. No person, other than the presiding officer, Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked of a Council Member or member of the staff except through the presiding officer.

Topic for Discussion

Members of the public shall address their remarks only to the agenda item then under discussion by the City Council.

Manner of Addressing Council

Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice.

Repetition

Recognized speakers shall refrain from unnecessary repetition of issues and points already raised by previous speakers.

XVI. RULES OF ORDER AND DEBATE

Rules of Order

At all meetings of the Council, Robert's Rules of Order, may be used as nonbinding guiding rules of order and debate except where in conflict with State law. If Robert's Rules of Order are in conflict with these rules, these rules shall apply and govern.

Presiding Officer

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Vice-Mayor shall preside. In the absence of the Mayor and the Vice-Mayor, the senior Council Member present shall preside. The presiding officer may debate and vote, and may make a motion, offer a resolution, or introduce an ordinance, without relinquishing the chair.

Preservation of Order

The presiding officer shall preserve order and decorum, confine Council Members in debate to the question under discussion, and otherwise curtail disruption of the meeting.

Dissents and Protests

Any Council Member shall have the right to dissent from any action of the Council or ruling of the presiding officer and have the reason therefore entered into the minutes. Such dissent shall be in writing, couched in respectful terms, and presented to the Council not later than the next regular meeting following the date of such action.

Council Members

Council Members desiring to speak shall so signify by utilizing the electronic system provided for that purpose, or in its absence shall address the presiding officer. The presiding officer shall call upon Council Members in the sequence in which they have sought recognition. A Council Member shall not call for a showing of hands or other demonstration of those present in the audience, unless granted permission to do so by the presiding officer. No Council Member may speak for longer than fifteen (15) minutes at any one time unless additional time is granted upon a majority vote of the Council.

Discussion Prior to Formal Action

It shall not be necessary to make a motion, offer a resolution, or introduce alternatives to a proposed ordinance before debate by the Council or before the public is allowed to speak. No such motion or resolution, or introduction of an ordinance, shall be made at any time before a public hearing is closed.

Amendment

An amendment merely changes the wording of the motion or matter to be voted upon; it is made by striking out, inserting, adding, or substituting certain words, phrases, sentences, or paragraphs in the original motion. An amendment to an amendment cannot be amended, i.e., there can be no more than two amendments under consideration at the same time.

Substitute Motion

A substitute motion, proposing to strike out the entire original motion and to insert in its place a more satisfactory motion, has the same status as an amendment to the main motion.

Division of Question

If a motion, or any proposed amendment thereto, contains two or more separable propositions, the presiding officer may, and upon request of a Council Member shall, divide the question.

Motions to Postpone

- A. A motion to postpone indefinitely is debatable if the main motion to which it applies is debatable. The motion cannot be amended nor referred. If carried, the subject cannot be brought up again except by way of a motion to reconsider at a subsequent meeting.
- B. A motion to postpone definitely (i.e., to a time certain), has priority over motions to refer, to amend, to postpone indefinitely, and the main motion. It is debatable as to desirability of postponement and the time to which postponement is to be made. It can be amended by changing the time to which postponement is to be made. It yields only to a motion to close debate or to table.

Motion to Refer

A motion may be made to refer the question at hand to a specified committee, staff member, other person, or to a special committee to be appointed. The motion is debatable as to desirability of referring, as to size and method of appointment of the committee if one is to be appointed, and as to instructions and responsibility of those to whom referred. The motion shall have priority over the main motion, a motion to amend, and a motion to postpone indefinitely. It cannot be tabled or postponed.

Motion to Close Debate (Previous Question); Limit Debate

- A. A motion to close debate requires a two-thirds vote for passage. It is not debatable and cannot be amended. It yields only to a motion to lay on the table. If the motion carries, and unless the motion is made to include "all pending questions," the presiding officer shall put pending amendments to the main question, without debate, in the inverse order of their introduction, before putting the main question to vote.
- B. A motion to limit debate shall be subject to the same rules as a motion to close debate, said motion to specify time limits for each speaker, or the number of speakers for affirmative and negative sides, or the total time limit for consideration of the main motion or question.

Motion to Table

A motion to table (i.e., to lay on the table) is not debatable and cannot be amended. The motion is in order where a motion to close debate has been carried, or when it is pending.

The motion is proper only when the pending subject needs to be set aside temporarily because something else of immediate urgency has arisen. If the motion is carried, consideration of the subject matter may be resumed at that meeting or the next succeeding meeting on motion to take from the table made by any Council Member, and if not taken up by that time, the subject expires. The subject, however, may be reintroduced before the City Council at a later date as a new matter.

To Withdraw a Motion

A motion or offer of a resolution may be withdrawn by the maker at any time before vote by the Council, after first gaining recognition from the presiding officer.

Motion to Reconsider During Meeting

A motion to reconsider any action taken by the Council may be made at any time at the meeting such action was taken or at a recessed session of that meeting. The motion may be made only by a Council Member who had previously voted with the prevailing side. A resolution or motion authorizing or relating to the approval of a contract may be reconsidered only prior to the actual execution of the contract. A question can be reconsidered only once during the meeting.

Motion to Reconsider at Subsequent Meeting

After the Council has taken action on a matter or question, a motion to reconsider that action, or to reconsider any prior action taken on a matter or question having substantially the same content or purpose of the matter already acted upon, shall not be made at any subsequent meeting for at least one calendar year from the date of such action, except by a Council Member who voted in the majority on such matter or question, or upon the written consent of majority of Council Members filed with the City Clerk. The item then before the Council shall be whether the matter or question should be reconsidered, and if the majority of the Council approves the request, the matter or question shall be placed on a future agenda for consideration.

Method of Voting

Votes of the Council shall be cast and displayed on the electronic voting board so that each Council Member's vote may be recorded by the City Clerk. In the event of a breakdown or a malfunction of the electronic voting equipment, the City Clerk shall call the roll for voting in the descending order that the names of the Council Members appear on the electronic voting board. At the conclusion of the voting the Clerk shall announce the results of the vote by stating whether the measure carried or failed and by what vote. Voting by proxy shall not be permitted.

Tie Vote

Except as otherwise specifically provided by law, the affirmative vote of at least three (3) Council Members shall be necessary to adopt any ordinance, resolution or motion. Any question on which the vote is tied is lost, provided, that the presiding officer or any Council

Member may request the City Clerk or City Clerk's authorized designee to carry over the item to the next regular meeting at which a full Council will be present.

Abstention

It shall be the duty of each Council Member present at a meeting of the Council to vote on each matter or question before the Council for action unless:

- A. Disqualified under the terms of the *Political Reform Act (Government Code, Sections 87100 et seq.)*. Wherein it is reasonably foreseeable that the decision would have a material financial effect on the Council Member, the Council Member's immediate family, or on specified economic interests of the Council Member if that financial effect is different from the effect on the general public; or
- B. Disqualified under the terms of *Government Code, Sections 1090 et. seq.*, dealing with public contracts in which the Council Member may have a direct or indirect financial interest, the prohibition including preliminary discussions, negotiations, planning and solicitation of bids.
- C. Abstention for any reason other than those mentioned above shall constitute consent to the action proposed, and the City Clerk or City Clerk's authorized designee shall announce at the meeting and enter in the minutes that the abstention was cast as a "no" vote pursuant to this rule.
- D. Nothing in this section is intended to abrogate the judicially declared "limited rule of necessity" adopted in the State pertaining to the duty of members of public and legislative bodies to vote on matters which require their action.

As required by law, the City of Pittsburg has adopted a Conflict of Interest Code. No person shall make or participate in a government decision which he or she knows, or has reason to know, will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.

The City Attorney is available to help Members decide if they should declare a disqualification on any issue, and again, the City Attorney will provide guidance in determining whether a Member should disqualify him/herself from acting on the item. In these instances, Members should recuse themselves from a vote using the phrase, "... *to avoid the appearance of impropriety*" and explain fully the reason for the recusal. The Member must not only disqualify him/herself from voting but must also refrain from participating in any debate on the matter. To accomplish this, the Member must leave the room after announcing the reason for the recusal. By law, the minutes of that meeting must state the reason for the recusal.

As a resident, a Member recusing him/herself may participate in the proceedings. Again, the City Attorney can advise.

Point of Order

The presiding officer shall determine all points of order, subject to the right of any Council Member to appeal to the Council. If an appeal is taken, the decision of the presiding officer

must be sustained by a majority vote of the Council. A contrary position to the determination of the presiding officer may be made by a motion and must be approved by a majority vote of the Council.

A Council Member may, without waiting for recognition, rise to a point of order to secure a ruling from the presiding officer on a matter thought to be of sufficient importance to require immediate attention. A Council Member may:

- A. Question the validity of the parliamentary procedure being followed;
- B. Call a speaker to order for the inappropriate use of language or any breach of decorum;
- C. Call attention to a condition that inconveniences members;
- D. Raise a parliamentary inquiry, or call attention to a violation of correct procedure; or
- E. Question a ruling by the presiding officer on a point of parliamentary procedure prior to appealing the decision of the presiding officer to the Council.

Rising to a Point of Order is in order at any time, may interrupt a speaker who has the floor, is not debatable, cannot be amended, and requires no vote of the Council. The Council Member rising to a point of order may explain his/her position and the presiding officer may state his/her position in ruling on the request.

Appeal from the Decision of the Presiding Officer

A Council Member may appeal to the Council a decision or ruling of the presiding officer. It must be made immediately following the decision or ruling in question, and it may be made when another has been recognized (had the floor). The motion is debatable if appeal is to a decision regarding a debatable motion. It may not be amended, postponed, or referred to a committee. It is not debatable if the ruling appealed relates to decorum or violation of rules of speaking or is made when an undebatable motion is pending.

Points of Information

A Council Member may make a request for information relevant to the business at hand but not related to parliamentary procedure. The request may be directed to the presiding officer or through the presiding officer to another Council Member or to an officer or employee of the City. The request must be put in the form of a question. If directed to a Council Member who has the floor, the presiding officer will ask consent of the speaker to the interruption.

Motion to Adjourn or Recess

An unqualified motion to adjourn has priority over all other motions except the motion to fix time of the next meeting. It is always in order, except:

- A. When repeated without intervening business or discussion;
- B. When made as an interruption of a Council Member speaking;
- C. When a previous question has been ordered and is being discussed; and
- D. While a vote is being taken.

The motion to adjourn is not debatable and cannot be amended. Before putting the motion to adjourn to vote of the Council, the presiding officer may inform the Council of any important matter demanding its attention and consideration before adjournment.

As a privileged motion, that is, when other business is pending, the motion to recess yields only to the unqualified motion to adjourn and to the motion to fix time of the next meeting. After a recess, business proceeds from the point reached immediately preceding the recess.

Severability

If any provision or clause of this procedure or the application thereof to any person or circumstances is held to be unconstitutional, or to be otherwise invalid, by any court of competent jurisdiction, such invalidity shall not affect other provisions, clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this procedure are declared to be severable.

XVII. EFFECTIVE DATE

The provisions of these procedures shall take effect and be in full force and effect immediately following adoption by the City Council.

XVIII. RESOLUTION TABLE

Initial Adoption by Resolution No. 01-9475
Amended Resolution No. 05-10422
Amended Resolution No. 05-10435
Amended Resolution No. 15-10446 (Ordinance No. 04-1258)
Amended Resolution No. 06-10462
Amended Resolution No. 07-10715
Amended Resolution No. 09-11310
Amended Resolution No. 13-12034
Amended Resolution No. 16-13260
Amended Resolution No. 21-13897
Amended Resolution No. 21-14013