

CITY COUNCIL MEETINGS MANUAL OF PROCEDURE

MEETINGS

A-1. REGULAR MEETINGS

The City Council shall hold regular meetings the first and third Monday of each month at 8:00 p.m. in the Council Chambers of the City Hall, 1000 San Pablo Avenue, Albany, or at such other place within the city limits to which said meeting may be adjourned. If by reason of fire, flood, or other emergency, it shall be unsafe to meet in the City Hall, the meetings may be held for the duration of the emergency at such other place as is designated by the Mayor or by four (4) members of the City Council. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holidays; the City Council may select another day for the meeting during that week.

A-2. ADJOURNED MEETINGS

Any meetings may be adjourned to a time, place and date certain. Once adjourned, the meeting may not be reconvened.

A-3. SPECIAL MEETINGS

Special meetings may be called at any time by the Mayor, or by three (3) members of the City Council, by delivering, personally or by mail, written notice to each Council Member and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered, personally or by mail, at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings.

A-4. MEETINGS TO BE PUBLIC

All regular, adjourned, and special meetings of the City Council shall be open and public, provided, however, the City Council may hold executive sessions, from which the public may be excluded in accordance with State law. Some examples include:

- (a) Personnel Matters (Section 54957, Government Code) To consider appointment, employment, evaluation of personnel, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. The Council may exclude from any such public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated.

- (b) Pending and Potential Litigation (Section 54956.9, Government Code)
To confer with, or receive advice from, its legal counsel regarding pending litigation when discussed in open session concerning those matters which would prejudice the position of the City in the litigation. The City Council may also discuss in closed session threatened lawsuits where there are articulable facts justifying the belief that a lawsuit may be filed against the City. The City Council may also discuss matters pertaining to the initiation of a lawsuit.

- (c) Employee Matters (Section 54957.6, Government Code)
To consider the salaries, salary schedules, or compensation paid in the form of fringe benefits of the City's represented and unrepresented employees. The City Council may meet in closed session with its labor negotiator or other appropriate staff person.

- (d) Real Property Negotiations (Section 54956.8, Government Code)
The Council may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the City of Albany to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

A-5. ATTENDANCE

Council Members are expected to attend all meetings of the City Council.

A-6. QUORUM

Three (3) members of the Council shall constitute a quorum and shall be sufficient to transact regular business. If less than three (3) Council Members appear at a regular meeting, the members present may adjourn the meeting to a stated day and hour. The Clerk shall cause a written notice of the adjournment to be delivered personally to each Council Member at least three (3) hours before the adjourned meeting.

Three (3) affirmative votes are required to adopt any ordinance, resolution, or claim against the City. But a majority suffices for a motion (G-1), and an Urgency Ordinance takes four (4) affirmative votes (1-3).

AGENDA

B-1. PREPARATION OF AGENDA

An Agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by any Council Member, the City Administrative Office, Department Heads, or the City Attorney. Agenda items shall be delivered to the City Clerk not later than 5:00 p.m. on Tuesday preceding the regular meeting, accompanied by a written introduction. The Clerk shall thereafter prepare the agenda. Each item on the agenda should contain a brief description of the issue and action to be taken. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the Council. The agenda, together with all reports pertaining thereto, shall be delivered to the Council Members prior to 5:00 p.m. on the Wednesday preceding the regular meeting. The agenda shall be made available to the public as soon as practical. No matters other than those listed on the agenda shall be finally acted upon by the Council, provided, however, that matters not on the agenda, but deemed to be of important or urgent nature by any Council Member, the City Administrator or the City Attorney, may be submitted for Council consideration and action by 2/3 vote (or unanimous vote if less than 2/3 are present).

B-2. ORDER OF BUSINESS

At the time set for each regular meeting, the Council Members, City Clerk, City Administrator, City Attorney and such department heads as have been requested to be present, shall take their regular places in the Council chamber. The Mayor shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth in Section B-3, except that, with the consent of the majority of the Council, items may be taken up out of order.

B-3. CONTENTS OF AGENDA

The agenda shall contain the title headings and shall be conducted in the order and manner as set forth below:

PLEDGE OF ALLEGIANCE

ROLL CALL

The City Clerk shall call the roll of the Council Members, and the names of those present shall be entered in the minutes.

CONSENT CALENDAR

Shall consist of:

Approval of Minutes. The Council shall consider the correction, if necessary, and approval of the minutes of the previous meetings. A full reading of the minutes shall not be required unless requested by a majority of the Council. It shall be the City Clerk's goal to bring forth the approval of minutes no later than four (4) weeks after a Council meeting.

Approval of Expenditures. A copy of the current voucher register shall be furnished to each Council Member with the agenda. The Council shall consider the correction if necessary and approval of the current payroll register and current check register.

And any other matter of a routine nature.

PUBLIC HEARINGS

In general, a public hearing is an open consideration within a regular meeting of the City Council, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

Public hearings may be required by state or local law, i.e., public hearings are required for zoning changes, some annexations, weed abatement items, etc. For specific requirements, refer to the specific subject in the California Codes. In some cases, specific notice of the public hearing is required. For instance, zoning changes require that property owners within a 300 foot radius of the project property be notified of the date, time, place and reason for the public hearing. These requirements are also included in procedures within the California Codes.

Public hearings may also be held before a hearing officer or board designated by the City Council, such as a Zoning Administrator.

For quasi-judicial and quasi-administrative hearings, see Section J.

Those public hearings set by the City Council may be cancelled only by vote of the City Council.

UNFINISHED BUSINESS

The Council shall consider items of business, requiring minute action, previously under consideration at a meeting within one (1) year of the present meeting and which have been either (a) continued to the present meeting; or (b) tabled or postponed indefinitely and now requested placed on the agenda by a majority of the Council.

NEW BUSINESS

The Council shall consider items of business requiring minute action, which have not been considered at a meeting of the Council within one (1) year of the present meeting.

GOOD OF THE CITY/PUBLIC FORUM

The Council shall consider all written and oral communications from the public. The agenda shall list all written communications requiring Council action, including a brief synopsis of the contents thereof. After all written communications have been considered, the Mayor shall announce Council consideration of oral communications from the audience. All written and oral communications shall be subject to the provisions of Sections D-1 through D-6. Also, the Council shall consider all requests of individual Council Members for investigation and reports by the City staff, commissions, boards and committees regarding any proper matters of municipal business. Said requests shall be considered without the necessity of the specific item or request appearing on the agenda, provided, however, that no action shall be taken other than referring the matter for an investigation and report.

ADJOURNMENT

The meeting shall be adjourned after a motion to adjourn has been made and carried.

PRESIDING OFFICER

C-1. MAYOR TO PRESIDE

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, and the Vice Mayor, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Council Members present to serve until the arrival of the Mayor, or Vice Mayor, or until adjournment.

C-2. POWERS AND DUTIES OF THE PRESIDING OFFICER

(a) Participation

The Presiding Officer may move, second, debate, and vote from the Chair. He/she shall not be deprived of any of the rights and privileges of a Council member by reason of his/her acting as Presiding Officer.

(b) Questions to be Stated

The Presiding Officer, or such member of the City staff as he/she may designate, may verbally restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer in his/her discretion may publicly explain the effect of a vote for the audience, or he/she may direct a member of the City staff to do so before proceeding to the next item of business.

(c) Maintaining Order and Decorum

The Presiding Officer shall be responsible for the maintenance of order and decorum at all meetings. He/she shall decide all questions of order subject, however, to an appeal to the Council.

(d) Signing of Documents

The Presiding Officer shall sign all ordinances, resolutions, contract, deeds, bonds, and other documents necessitating his/her signature which were adopted in his/her presence, unless he/she is unavailable, in which case an alternate Presiding Officer may sign such documents.

ADDRESSING THE COUNCIL

D-1. WRITTEN CORRESPONDENCE

The City Clerk is authorized to receive and open all mail addressed to the City Council and shall give it immediate attention to the end that all administrative business referred to in said communication, and not necessarily requiring Council action, may be disposed of between Council meetings, provided that all communications and any action taken pursuant thereto shall be reported to the City Council. Any communication requiring Council action shall be placed upon the agenda for the next regular meeting, together with a report and recommendation by the City staff. All correspondence shall be answered, or acknowledged, as soon as possible.

D-2. RIGHT TO ADDRESS COUNCIL

Subject to the provisions of Sections D-3, D-4, and D-5, every taxpayer, or resident, of the City shall have the absolute right to address the Council during consideration of items under the following headings of business:

Public Hearings

Interested parties, or their authorized representatives, may address the Council, while a matter is open to public hearing, in regard to remarks or questions relevant to the matter under consideration.

Communications

Taxpayers or residents of the City, or their authorized representatives, may address the Council by oral communication on any matter concerning municipal business over which the Council has influence or control.

In addition to the absolute right to address the Council during consideration of the above item heading of business, any interested person may request permission from the Presiding Officer to address the council relevant to the subject matter under consideration. Such request should, whenever practicable, be made prior to a motion being made on the subject. The granting or denial of such a request by the Presiding Officer may be appealed to the City Council by a member of the Council.

D-3. MANNER OF ADDRESSING COUNCIL

Any person desiring to address the Council shall stand and wait to be recognized by the Presiding Officer. After being recognized, he/she may state his/her name and address for the record and proceed to address the Council. All remarks and questions shall be addressed to the Council as a whole and not to any member thereof. No question shall be asked a Council Member or a member of the City staff without first obtaining permission of the Presiding Officer.

D-4. TIME LIMITATION

The Presiding Officer, if an agenda is lengthy, has the option to limit speeches to five (5) minutes. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen to represent the group so as to avoid unnecessary repetition.

D-5. LIMITATION OF MEETINGS

City Council Meetings shall end by 11:00 p.m. This time limit may be extended by a majority vote of the Council.

D-6. IMPROPER REMARKS

Any person making impertinent, slanderous, or profane remarks or who become boisterous while addressing the Council shall be called to order by the presiding Officer and, if such conduct continues, the Presiding Officer shall order him barred from further audience before the Council during that meeting.

DEBATE AND DECORUM

E-1. GETTING THE FLOOR

Every Council Member desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine remarks to the question under debate.

E-2. QUESTIONS TO STAFF

Every Council Member desiring to question the City Staff shall, after recognition by the Presiding Officer, address his/her questions to the staff member. In the case of the City Administrator, he/she shall be entitled either to answer the inquiry personally, or to designate a member of her/her staff for that purpose.

E-3. INTERRUPTIONS

A Council Member, once recognized, shall not be interrupted when speaking, unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined. If determined to be in order, he/she may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

E-4. POINTS OF ORDER

The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal to the Council. He/she may request an opinion of the City Attorney in making such determination. If an appeal is taken, the questions shall be, "Shall the decision of the Presiding Officer be sustained?" Council decision shall conclusively determine such question of order.

E-5. POINT OF PERSONAL PRIVILEGE

The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned or where the welfare of the Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member, who has the floor, subject only to the power of the Presiding Officer to call him/her out of order.

E-6. REMARKS OF COUNCIL MEMBERS AND SYNOPSIS OF DEBATE

Any Council Member shall have the right of having an abstract of his/her statement and/or a synopsis of the debate on any subject under consideration by the Council entered in the minutes. Such right shall be exercised by specific direction to the City Clerk at the Council meetings.

E-7. COUNCIL AND CITY STAFF DECORUM AND ORDER

While the Council is in session, the Council Members and City staff shall preserve order and decorum. A member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking or refuse to obey the directives or the Presiding Officer.

E-8. AUDIENCE DECORUM AND ORDER

Public members attending Council meetings shall observe the same rules of order and decorum applicable to the Council Members and staff. Any person making impertinent and slanderous remarks, or who becomes boisterous while addressing the Council, or while attending the council meeting, shall be removed from the room if the sergeant-at-arms is so directed by the Presiding Officer, and such person may be barred from further audience before the Council. Inappropriate remarks from the

audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Presiding Officer, who shall direct an Albany police officer to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer or a Council Member.

E-9. FAILURE TO OBSERVE RULES OF ORDER

Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

MOTIONS

F-1. PRESENTATION OF MOTIONS

A motion is the formal statement of a proposal or question to the Council for consideration and action. Every Council Member has the right to present a motion.

F-2. SECOND

A second to a motion is required. The presiding officer may second a motion in order to facilitate the debate.

F-3. PRECEDENCE OF MOTIONS

When a main motion is before the Council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:

- (1) Adjourn
- (2) Recess
- (3) Postpone temporarily or definitely (table)
- (4) Previous question
- (5) Limit or extend debate
- (6) Refer to committee or staff
- (7) Amend
- (8) Postpone indefinitely

The above order of preference is subject to the following restrictions:

- (a) A motion shall not be repeated without intervening business or discussion.
- (b) A motion shall not be in order when the previous question has been ordered.
- (c) A motion shall not be in order while a vote is being taken.

F-4. PARTICULAR MOTIONS, PURPOSE AND CRITERIA

The purpose and salient criteria of the above listed motions is as follows:

(1) MOTION TO ADJOURN

Purpose: To terminate the meeting

Debatable or Amendable: No, except to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.

(2) MOTION TO RECESS

Purpose: To permit an interlude in the meeting and to set a definite time for continuing the meeting.

Debatable or Amendable: Yes, but restricted to time or duration of recess.

(3) MOTION TO POSTPONE TEMPORARJLY

Purpose: To set aside, on a temporary basis, a pending main motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting. It is also referred to as a motion to "lay on the table".

Debatable or Amendable: It is debatable, but not amendable.

(4) MOTION FOR PREVIOUS QUESTION

Purpose: To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion fails, discussion shall continue. If the motion passes, a vote shall be taken on the pending motion or motions.

Debatable or Amendable: No.

(5) MOTION TO LIMIT OR EXTEND DEBATE

Purpose: To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

Debatable or Amendable: Not debatable; amendments are restricted to period of time of the proposed limit or extension.

(6) MOTION TO REFER TO COMMITTEE OR STAFF

Purpose: To refer the question before the Council to a committee or to the City staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

Debatable or Amendable: Yes.

(7) AMEND

Purpose: To modify or change a motion that is being considered by the Council so that it will express more satisfactorily the will of the members. If the motion fails, discussion or vote on the main motion resumes. If the motion passes, then the main motion should be voted as amended.

Debatable or Amendable: It is debatable, but not amendable.

(8) POSTPONE INDEFINITELY

Purpose: To prevent further discussion and voting on the main motion. If the motion fails, discussion and voting on the main motion resumes. If it passes; the subject of the main motion shall not be brought up again for the remainder of the meeting or the next regular meeting.

Debatable or Amendable: It is debatable; but not amendable.

(9) MAIN MOTION

Purpose: The primary proposal or question before the Council for discussion and decision.

Debatable or Amendable: Yes.

G. VOTING

G-1. VOTING PROCEDURE

When any motion is in order for the question, a vote thereon shall be taken by voice or roll call and entered in full upon the record. Motions may be passed by a simple majority of the members present at a properly quoromed meeting (two (2) votes sufficient if only three (3) member present), except that the following matters shall always require three (3) affirmative votes:

- (a) Adoption of ordinances;
- (b) Resolutions; and
- (c) Claims against the City.

G-2. CHANGE OF VOTE

A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.

G-3. FAILURE TO VOTE

Every member should vote unless disqualified for cause accepted by vote of the Council, or by opinion of the City Attorney. Self-disqualification, without approval, which results in a tie vote shall be avoided as thwarting Council action; but no Council Member shall be forced to vote. A Council Member who abstains shall, in effect, consent that a majority of the quorum may act for him/her. Tie votes shall be lost motions and may be reconsidered.

G-4. CONFLICT OF INTEREST

Any Council Member who has a direct personal financial interest in any matter coming before the City Council shall disclose said interest and shall disqualify himself/herself from discussing or voting on said matter. Where it is not clear whether such interest is of a disqualifying nature, the Council Member shall state the facts of the matter to the City Attorney and request an opinion thereon prior to the meeting.

G-5. RECONSIDERATION AND RESCISSION OF PRIOR ACTION

After motion and vote by the Council, such action may be reconsidered or rescinded only in the following manner:

RECONSIDERATION

A motion to set aside a vote (to reconsider) on a main motion shall always be in order at the same meeting. The motion to reconsider is amendable and debatable. Such motion can be made by any Council Member regardless of how he/she previously voted on the matter. If the motion to reconsider passes, the effect thereof is to over-rule and cancel the prior action.

RESCISSION

A motion to rescind (repeal, cancel, nullify) prior Council action on a main motion shall be in order at any meeting of the council. The effect of rescinding prior Council actions shall operate prospectively only and not retroactively to the date of the original action. That is, it shall not operate to adversely affect intervening legal rights which create an estoppel situation.

LOST MOTIONS

A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. Lost motions may be renewed at any subsequent Council meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider, as discussed above.

MINUTES

H-1. PREPARATION OF MINUTES

The minutes shall consist of a clear concise statement of each and every Council action, including the motions made and the vote thereon. Reasons for making a motion, or voting, Council debate, and audience reaction, are generally irrelevant for purposes of the minutes. Such items may be included if considered to be particularly relevant or other wise necessary by the City Clerk in the first instance and by the Council in the final instance. The City Clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by action of the City Council.

H-2. MINUTES OF HEARINGS

Whenever the Council acts in a quasi-judicial proceeding, such as hearings as defined in Section J-1, the minutes shall contain a synopsis of all evidence considered in the hearing, including statements of persons addressing the Council.

H-3. READING OF MINUTES

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, such minutes may be approved on the Consent Calendar if the City Clerk has previously furnished each Council Member with a copy.

ORDINANCES. RESOLUTIONS AND CONTRACTS

I-1. PREPARATION OF ORDINANCES. RESOLUTIONS AND CONTRACTS ORDINANCES

All ordinances shall be prepared or reviewed by the City Attorney and shall be presented to the Council only when ordered by the Council, or requested by the Mayor, or City Administrator, or prepared by the City Attorney on his own initiative.

RESOLUTIONS

All resolutions shall be prepared or reviewed by the City Attorney; however, resolutions may be prepared for submission by any individual, group or organization. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution.

CONTRACTS

All contracts shall be prepared or reviewed by the City Attorney and shall be presented to Council only when ordered by the Council, or submitted by the Mayor, City Administrator, or City Attorney.

I-2. PRIOR APPROVAL BY ADMINISTRATIVE STAFF

All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Administrator or his/her designee, where there are substantive matters of administration involved.

I-3. ENACTMENT OF ORDINANCES

INTRODUCTION

Ordinances shall be introduced for first reading by motion. A proposed Ordinance may be amended or modified between the time of its introduction and the time of passage, providing its general scope and original purpose is retained. Corrections or typographical or clerical errors are not considered alterations.

ADOPTION

Ordinances shall be adopted (second reading) by motion and roll call vote. Ordinances shall not be adopted within five (5) days of their introduction, nor at other than a regular or adjourned regular meeting.

READING

Except when, after reading the title, further reading is waived by regular motion adopted by vote of the Council Members present, all ordinances shall be read in full either at the time of introduction or passage.

URGENCY ORDINANCE

An urgency ordinance is an ordinance for the immediate preservation of the public peace, health or safety of the city. It may be passed immediately upon introduction and either at a regular or special meeting. It must declare the facts constituting the urgency and it shall be passed by four (4) affirmative votes.

PUBLICATION

Within fifteen (15) days after its adoption, the City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation or posted at three (3) public places within the City.

EFFECTIVE DATE

Ordinances take effect thirty (30) days after their final passage. An ordinance takes effect immediately if the Ordinance is an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency. It may be introduced and passed at one and the same meeting; and if passed by a four-fifths (4/5) vote.

I-4. ADOPTION OF RESOLUTIONS

Resolutions may be adopted by motion on the date they are first presented to the Council. It is not required that resolutions be read, either in full or by title only.

HEARINGS

J-1. APPLICATION AND DEFINITION

The following procedural rules shall apply to all hearings before the City Council. As used herein, the term "hearing" shall include all hearings, quasi-judicial hearings or quasi-administrative hearings required by state law or city ordinance, for matters pertaining to employee disciplinary proceedings and proceedings for the granting, revocation, suspension or reinstatement of permits, licenses and franchises.

The provisions of this section are not intended to apply to Public Hearings pertaining to legislative acts or matters of general interest.

admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

J-2. PRESENTATION OF EVIDENCE

- (a) Oral Evidence: All oral statements which are relevant to the subject matter of the hearing may be considered by the council. Oral evidence may be taken on oath of affirmation, at the request of any interested party or his/her authorized representative.
- (b) Exhibits and Documents: Exhibits and documents used by City staff any persons participating in the hearing may be considered as evidence.
- (c) Communications and Petitions: All communications and petitions concerning the subject matter of the hearing shall be read aloud either in full or by synopsis thereof, provided that a reading in full shall be had at the request of any councilmember. All such communications and petitions may be considered as evidence by the Council.
- (d) Staff Reports: Whenever practicable a written staff report shall be prepared and read aloud as part of staff presentation. Said report shall be considered as evidence.
- (e) Large Maps and Displays: Large size maps and displays presented for use at the hearing shall, whenever practicable, be displayed in full view of the participants and the audience. Said maps or displays, or authentic reductions thereof, may be considered as evidence.
- (f) Admissible Evidence: The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in it self to support a decision unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

J-3. EVIDENCE OUTSIDE THE HEARING

Any evidence taken outside the Council Chambers such as field trips, views of the premises, and discussions with individuals, shall not be considered by the Council in reaching its decision except under the following circumstances:

- (a) When, during the hearing, the meeting is adjourned to a date, place and time certain for the specific purpose of taking visual or demonstrative evidence, such evidence may be considered; or
- (b) With the consent, either oral or written, of all interested persons, or their authorized representatives, appearing at the hearing, individual members of the Council may take visual or demonstrative evidence outside the council Chambers, provided, that the hearing shall be continued to a date and time certain and upon reconvening in Chambers, each Council Member shall orally report his observations of such outside evidence taken and h/she shall be subject to examination thereon by any interested person or his/her authorized representative.

J-4. CONTINUANCES

Any hearing being held or noticed, or ordered to be held by the Council, may by minute action be continued to any subsequent regular or adjourned meeting of the Council, provided that if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order on notice of hearing, a copy of the order or notice of continuance shall be posted outside the Council chambers forthwith following the meeting at which the order of continuance was made.

J-5. DECISION

The Council shall consider all evidence properly presented in accordance with the rules stated herein and, unless otherwise provided by law, shall render a decision or determination on the matter within forty (40) days of the close of the hearing or as prescribed by Ordinance or Charter. Said decision or determination shall be by motion made and action taken thereon at a regular or adjourned meeting of the Council. Any Council Member who was not present during the entire hearing, or who, in the opinion of the City Attorney, has a substantial conflict of interest in the matter, shall, disqualify himself/herself from discussing or voting on said matter.

J-6. RECORD OF HEARING

A verbatim mechanical recording shall be made of the oral evidence presented at the hearing. Said recording, together with all documents, maps, exhibits and displays admitted into evidence, shall be retained by the City Clerk for a period of one (1) year from the date of the close of the hearing. In lieu of retaining said recording, the City Clerk may prepare a typewritten transcript thereof which shall be retained for the same period of time. Said recordings or transcript and evidentiary documents shall be made available for public inspection and use at reasonable times and under such reasonable conditions as may be prescribed by the City Clerk.

CITY COUNCIL REORGANIZATION POLICY

At the time of the yearly reorganization of the Council, the position of Mayor shall rotate to a different member of the Council by election among the Council Members. Likewise, the position of Vice-Mayor will similarly be rotated. Consecutive terms of the Mayor and Vice-Mayor shall not be allowed without an amendment of this statement.

CITY COUNCIL RULES OF CONDUCT POLICY

1. City Councilmembers shall not interfere with the powers and duties of the City Administrator.
 - a. City Councilmembers shall not attempt to interfere with the internal operations of any City department.
 - b. The City Council, as a body and individually, will exercise its authority in personnel matters through the City Administrator.
 - c. City Councilmembers shall not enter the unoccupied offices or unattended files of any City employee without the express consent of the City Administrator.
2. City Councilmembers shall keep confidential such matters as are properly before the City Council in Executive Session.
3. City Councilmembers shall not make any statement that s/he is representing official policy of the entire City Council unless the statement has been approved by the City Council.
4. City Councilmembers shall not attempt to usurp the independent judgment and function of employees.
5. City Councilmembers shall permit Committees, Boards and Commissions to function independently so that recommendations coming from such Boards and Commissions reflect the thinking of the appointed members.
6. The City Administrator shall report to the City Council any violations of the above rules which come to his/her attention