

**RESOLUTION NO. 26-XXX**

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL APPROVING  
AMENDMENTS TO THE CUPERTINO CITY COUNCIL PROCEDURES  
MANUAL**

WHEREAS, on February 7, 2023, the Cupertino City Council adopted Resolution No. 23-021, adopting the Cupertino City Council Procedures Manual;

WHEREAS, on March 19, 2024, the City Council adopted Resolution No. 24-024, amending the City Council Procedures Manual;

WHEREAS, on March 4, 2025, the City Council adopted Resolution No. 25-016 approving amendments to the City Council Procedures Manual;

WHEREAS, on March 18, 2025, the City Council adopted Resolution No. 25-021 reaffirming amendments to the City Council Procedures Manual;

WHEREAS, on May 5, 2026, the City Council approved further amendments to the City Council Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council hereby adopts the Cupertino City Council Procedures Manual, as amended, attached hereto as Exhibit A.
2. Any other procedures, policies, or rules that are inconsistent with the Council Procedures adopted herein are hereby repealed and rescinded.
3. This Resolution shall take effect on May 6, 2026.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 5th day of May, 2026, by the following vote:

Members of the City Council


AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____ Kitty Moore, Mayor City of Cupertino	_____ Date
ATTEST:  _____ Lauren Sapudar, City Clerk	_____ Date

	<b>City of Cupertino City Council Procedures Manual</b>	<b>Attachments:</b> Ex. A – Elected Officials' Compensation Program Ex. B – Council Technology Policy Ex. C – Resolution No. 07-103 Ex. D – Municipal Code Chapter 2.17
<b>Effective Date:</b> May 6, 2026		<b>Responsible Departments:</b> City Manager's Office
<b>Related Policies &amp; Notes:</b> See Exhibits A–D.		

## 1. Introduction

- 1.1 Purpose.** The purpose of this Manual is to promote communication, understanding, fairness, and trust among the members of the City Council, City staff, and members of the public concerning their roles, responsibilities, and expectations for management of the business of the City of Cupertino.
- 1.2 Values.** Courtesy and respect for individual points of view should be practiced at all times. All Councilmembers shall respect each other's right to disagree. All Councilmembers shall act with decorum and courtesy.
- 1.3 Brown Act.** All actions of the City Council and City commissions, committees, and subcommittees shall comply with the Ralph M. Brown Act.
- 1.4 No Cause of Action Against City.** This Manual is intended to govern the internal policies and procedures. Violations of this Manual are enforceable solely through enforcement pursuant to Section 10. Nothing in this Manual is intended to give rise to a claim or cause of action against the City, or any City Councilmember or other City official.

## 2. Selection of the Mayor and Vice Mayor

- 2.1 Selection of Mayor and Vice Mayor.** The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December.

**2.2 Removal of Mayor and Vice Mayor.** The Mayor or Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. Removal for cause shall mean removal of a Councilmember because of such member's (a) willful and continued failure substantially to perform their duties, (b) conviction for, or guilty plea to, a felony, or a crime involving moral turpitude, (c) abuse of illegal drugs or other controlled substances or habitual intoxication, or (d) other illegal activities. The removal should proceed with a formal warning, which states with proven evidence of the member's failure to perform their duties and proposed corrective measures. The Mayor or Vice Mayor must be advised of the proposed cause for removal at least 72 hours before any action is taken. If the Mayor is removed from office, the Vice Mayor shall become Mayor. If either officer is removed from office, the Vice Mayor shall be appointed from among the remaining three Councilmembers. shall be appointed from among the remaining three Councilmembers.

### **3. Councilmember Committees and Subcommittees**

**3.1 Appointment.** The Mayor shall appoint Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to ratification by the Council at its next regular meeting. It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council.

**3.2 Instructions and Expectations.** The Council shall make certain that all Council committees and subcommittees are properly instructed in their assigned scope of work and responsibilities. The committee's or subcommittee's jurisdiction shall be defined in writing and approved by a majority of the City Council. All Council committees and subcommittees having a continuing or indefinite jurisdiction shall be subject to the Brown Act.

**3.3 Reporting.** Council committee and subcommittee members are to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.

### **4 Other City Commissions and Committees**

**4.1 Responsibility.** The Council will make appointments to City's commissions and committees. Qualifications to serve on commissions

and committees shall be set forth in the Municipal Code or by a resolution or motion of the Council that is not inconsistent with the Municipal Code. Appointment of Councilmembers to City committees shall be governed by the procedures in Section 3.

- 4.2 Attendance at Council Meetings.** The Chair or another commission member appointed by the Chair shall attend City Council meetings whenever the commission makes a recommendation to Council regarding an item of business on the Council agenda. The commission liaison shall promptly notify the Chair after an item requiring a commissioner's appearance is placed on a future City Council agenda.
- 4.3 Performance Expectations.** The Council shall make certain that all commissions and committees are properly instructed on their responsibilities and performance expectations. This will include the issuance of a Council-approved Commissioners' Handbook and a mandatory annual training session for all Commission and Committee members.
- 4.4 Appointment.** Commission and Committee applicants will be interviewed by the Council before being voted on by the Council in a noticed public meeting. Applicants are considered by motion and appointed by a majority vote of Council. Two members of an immediate family or persons residing in the same household shall not be allowed to serve simultaneously on the same commission or committee. Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee.
- 4.5 Removal.** The City Clerk shall notify the City Council and make a recommendation for potential removal of commission members for failure to comply with attendance policies adopted in the Commissioner's Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.
- 4.6 Undue Influence on Commissioners.** Councilmembers should not attempt to influence or publicly criticize commission recommendations or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before

them. Councilmembers that attempt to influence commission positions on an item may prejudice or hinder their role in reviewing the commission's recommendation as a member of the City Council. Individual Councilmembers shall have the right to attend meetings of Cupertino commissions and other Cupertino governmental bodies. When attending as a member of the public, a Councilmember may speak during public comment periods provided they (a) state for the record that they are speaking in their personal capacity as a resident and not in their capacity as a City Councilmember, (b) refrain from deliberation or participating in the commission's internal debate, and (c) avoid undue influence by refraining from attempting to influence the commission's vote or lobbying members outside of the formal public record.

## 5. Administrative Matters

- 5.1 **Attendance and Remote Attendance.** City Councilmembers confirm that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Councilmembers shall notify the Mayor or the City Clerk if they will be absent from a meeting.

Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year if a Councilmember misses five or more regular meetings during the year.

For any meeting at which a Councilmember participates remotely pursuant to Government Code, section 54953(b), the Councilmember must sign and file an affidavit with the City Clerk attesting that (1) the remote location is fully open and accessible to the public and (2) the meeting agenda was posted at the remote location in a place visible to the public during the regular meeting. Councilmembers must also refrain from using a background cancelling filter if participating via an audio/video program, and at the start of the meeting state on the record whether any individuals of 18 years of age or older are present with them at the remote location.

- 5.2 **Correspondence.** Proposed correspondence from the Mayor or other Councilmembers on City stationery should generally be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. If the Mayor and the City Manager agree that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council

approval. City letterhead will be made available for routine correspondence (e.g., thank you notes). Official correspondence (including email) from Councilmembers should be respectful and professional.

- 5.3 **Regional Bodies.** The Mayor shall appoint Councilmembers to represent the City of Cupertino on regional bodies subject to ratification by the Council at its next regular meeting. The Mayor should endeavor to provide all Councilmembers a fair opportunity to represent the City. The positions taken by the appointed representatives should be in alignment with the positions that Council has taken on issues that directly impact the City of Cupertino. If an issue arises that is specific to Cupertino and Council has not taken a position, the issue should be discussed by Council prior to taking a formal position at a regional board meeting to assure that it is in alignment with Council's position. Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council. Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend. To ensure continuity of the City's representation, the alternate should receive all correspondence from the regional bodies that is sent to the primary representative. Appointments to regional bodies shall terminate as soon as new appointments take effect. In the event that both the primary and the alternate cannot attend a meeting, the Mayor may designate a temporary alternate to maintain continuity.
- 5.4 **Responses to Public.** It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and the City Manager shall keep Council informed of the City response.
- 5.5 **Reimbursement.** City Councilmembers may be reimbursed for expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember as stated in the Elected Officials' Compensation Program, as may be amended from time to time (Exhibit A). Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting before the expenses are incurred. Any request for reimbursement of

expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. Councilmembers shall be eligible to receive City-issued hardware and software for the conduct of official business pursuant to the Council Technology Policy (Exhibit B).

5.6 **Council Training.** Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law and shall attend training on the Brown Act and Rosenberg's Rules of Order. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County, by completing online a state-approved public service ethics education program, or through a state-approved training which may be provided at a conference attended by the member. The City Clerk shall keep ethics training records for five years.

5.7 **Mayor's Initiative Budget.** The Mayor may use the Mayor's initiative budget established as part of the City Manager's discretionary fund for projects that the Mayor deems appropriate during the Mayor's term of office, subject to the requirements of Resolution No. 07-103 (Exhibit C). The amount of the Mayor's initiative budget is determined by the City Council.

## 6. Relationship with City Staff

6.1 **Incorporation of Municipal Code by Reference.** Cupertino Municipal Code Chapter 2.17 (Exhibit D) governs the City Council's relationship with the City Manager and their staff under the Council-Manager form of government. To the extent that the provisions of Chapter 2.17 are not set below, they are incorporated by reference into this Manual.

6.2 **Council/Manager Form of Government.** Under the Council/Manager form of government, the City Council sets policy direction as the direct representatives of the community. The City Manager provides professional expertise to manage the organization and carry out the Council's direction. To enable the City Council to make informed decisions while weighing community input, the City Manager provides staff recommendations and

presents options, along with their associated pros and cons. The City Manager is responsible for carrying out the Council's policy direction through the day-to-day management of City functions, including the oversight of City operating departments. Neither individual Councilmembers nor the Council as a whole shall interfere with the City Manager's performance of the administrative duties conferred upon them in Cupertino Municipal Code section 2.28.040.

- 6.3 **Council-Manager Relations.** The City Council and its members 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 Councilmember shall give orders to any subordinates of the City Manager. The City Manager shall take instructions from the City Council only when given at a duly held meeting of the City Council, and no individual Councilmember shall give any instructions to the City Manager. In the event that any suggestion or comment from an individual Councilmember might be perceived as an instruction by the City Manager or any staff, the City Manager and/or staff should assume positive intent and treat it as a suggestion or comment.
- 6.4 **Individual Councilmember Influence on Staff Decisions Prohibited.** Individual Councilmembers shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of Council policy.
- 6.5 **Decorum.** All Councilmembers and City staff shall treat each other with dignity, courtesy, and respect. In exercising the City Council's policymaking authority, Councilmembers must often critique, modify, or reject a staff recommendation. While thorough vetting and criticism of staff policy recommendations or decisions is a necessary component of Council's policymaking role, criticism should focus on the policy recommendations and decisions and should avoid personal attacks. Councilmembers shall refrain from publicly criticizing the general abilities, character, or motivations of any staff member and should share any such concerns privately with the City Manager or City Attorney.
- 6.6 **Councilmember Access to Information.** City Councilmembers have

free access to the flow of any information related to the operation of the City. The City Manager shall ensure that such information is communicated by staff in full and with candor to the Council. City staff 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 more appropriately be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from that Councilmember as to why the information is needed.' A Councilmember may file a request for information by seeking information through a Public Records Act request to the same extent as any member of the public.

- 6.7 **Authority of City Council.** Nothing in this Manual shall limit the City Council's power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the office of the City Manager. This power cannot be delegated to individual Councilmembers, nor to committees composed of Councilmembers consisting of less than a quorum of the City Council.

## 7. Agendas and Staff Reports

- 7.1 **Future Agenda Items.** The City Manager shall provide a quarterly update to Council on items requested by Councilmembers ("TBD List"), which may also include a request to remove items. The City Manager, the City Attorney, the Mayor, or any two Councilmembers may also request items to be added to the TBD List. Such requests should be made outside of a noticed Council meeting.

Under the Future Agenda Items section of each regular Council meeting agenda, the City Manager shall include a list of all items on the current TBD List and a Horizon Report ("Horizon Report"), which will include tentative agenda items for the next three Council meetings with tentative meeting dates, agenda categories (consent, discussion item, public hearing), and assigned departments. The Horizon Report is subject to change at the discretion of the Mayor and City Manager.

7.2 **Preparation of Agenda.** The City Clerk shall prepare the agenda in consultation with the City Manager, the Mayor, and the City Attorney. Absent exigent circumstances, an item will be scheduled for Council action no sooner than 14 days after receipt of a request to add the item to the future agenda items list. Any item requiring preparation of a staff report requires City Manager approval or, in case of a report prepared by City Attorney's Office staff, City Attorney approval, before being added to an agenda. The Mayor, in consultation with the City Manager and the City Clerk, shall determine the order of items on the agenda.

7.3 **Agenda Item Descriptions.** Each agenda item shall include a brief general description of the matter to be discussed (approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager. If the agenda item includes any budget request or modification, the amount of the request or modification should be stated when possible. The brief description of the agenda item should be comprehensible by a typical resident. For example, an amendment to the Municipal Code should include a description of the amendment, rather than only the Code section to be amended; similarly, an item related to a development project should include not only the street address, but the common name of the project when applicable. Where practicable, the second reading of an ordinance should have the same agenda title as the first reading.

7.4 **Staff Reports.** Staff reports should **include** the following sections:

1. Subject
2. Recommended Action
3. Executive Summary (optional)
2. Background
3. Reasons for Recommendation and Available Options
4. Sustainability Impact
5. Fiscal Impact
6. City Work Program Item
7. City Work Program Item Description
8. Council Goal
9. California Environmental Quality Act

The "Background" section should include the date, at least the month and the year, previous meetings were held and decisions were made on the item. Where

applicable, maps and charts should be provided in the staff report for easy reference.

- 7.5 **Agenda Publication.** Agenda packets for a regular meeting should be published and delivered to Councilmembers no later than the Wednesday prior to a Tuesday Council meeting. Councilmembers are encouraged to contact staff in advance for answers to questions regarding an agenda packet. Written communications addressed to Council shall be forwarded to Council and made available to members of the public, consistent with the requirements of the Brown Act.
- 7.6 **Supplemental Materials.** Supplemental reports and materials received by the City Clerk after the agenda is published but before 12:00 p.m. on the Monday prior to the City Council meeting shall be published and delivered to Councilmembers at 5:00 p.m. on Monday. Supplemental reports and materials received by the City Clerk after 12:00 p.m. on Monday but before 4:00 p.m. on the day of the meeting shall be published and delivered to Councilmembers prior to the Council meeting. Council questions and staff-prepared responses will be included in supplemental materials provided to Council and the public.
- 7.7 **Written Communication.** All written communications on an agenda item sent after the meeting agenda is posted shall be included with the Council agenda materials and made available to the public. Any written communications on items not on the agenda shall be included with the Council agenda material and made available to the public if the sender requests that the communication be so included. Written communication received before 4:00 p.m. on the day of a regular City Council meeting will be posted by 5:00 p.m. Written communication received after 4:00 p.m. on the day of the regular City Council meeting will be posted on the business day following the meeting.

## 8. Meeting Procedures

- 8.1 **Meeting Schedule.** The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. Prior to the second regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional

meetings pursuant to the Brown Act. The City Council may by resolution reschedule regular meetings that occur the day after a Monday holiday to Wednesday of the holiday week. When a regular City Council meeting is rescheduled to a Wednesday, the agenda shall be published the prior Wednesday. The meeting shall begin at 6:45 p.m. and follow the adopted Order of Business for regular City Council meetings.

8.2 **Rules of Order.** City Council meetings shall be governed by Rosenberg’s Rules of Order except as otherwise provided by this Manual. Unless otherwise required by state law or City ordinance, decisions of the Council shall be made by a majority of members present and voting. The Mayor may impose additional reasonable procedural rules not inconsistent with Rosenberg’s Rules of Order and the provisions of this Manual, unless objected to by a majority of Councilmembers present.

8.3 **Order of Business.** The order of agenda items for regular Council meetings is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Closed Session Report
5. Ceremonial Items
6. Postponements and Orders of the Day
7. Oral Communications (public comment on non-agenda matters)
8. Consent Calendar
9. Public Hearings
10. Action Calendar
11. Items Removed from the Consent Calendar
12. City Manager Report
13. Oral Communications (continued)
14. Councilmember Reports
15. Future Agenda Items
16. Adjournment

Oral communications shall be limited to 30 minutes. Additional speakers wishing to comment on non-agenda items may be given time to speak at the end of the agenda, after the City Manager’s report. Councilmember Reports should include Council committee assignments and ceremonial appearances and may include other matters serving the constituents of the City. In the absence of an objection made by a majority of Councilmembers

present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings. The Mayor shall determine the Order of Business of a special City Council meeting, subject to overruling by any objections sustained by a majority of vote of the City Council.

#### 8.4 **Consent Calendar.**

**8.4.1 Adding Item to Consent Calendar.** The Mayor, the City Manager, the City Attorney, or the City Clerk may recommend that items appearing on the agenda be placed on the consent calendar for action by the City Council. All items placed on the consent calendar shall appear together on the agenda with the recommendation as to the action to be taken by the City Council with respect to such item. Upon the motion of any member of the City Council, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received the action recommended.

**8.4.2 Removing Item from Consent Calendar.** Items may be removed from the consent calendar only by a member of the City Council. To facilitate an efficient meeting, advance notice to the City Manager and the City Clerk by 12:00 p.m. on the day of the City Council meeting or earlier is appreciated. Items removed from the consent calendar shall be placed on the agenda for consideration after the action calendar.

**8.4.3 Questions and Comments regarding Items on the Consent Calendar.** Councilmembers shall be given the opportunity to ask clarifying questions about, or make a brief comment about, an item on the consent calendar without being required to remove the item from the consent calendar.

**8.5 Public Comment.** An opportunity for public comment shall be provided for the consent calendar, each other agenda item under consideration, and, during regular meetings, on any matter that is within the subject matter jurisdiction of the City Council. The Mayor may consolidate public comment for related agenda items, subject to overruling by a majority vote of the Council. Non-agenda matters (including Council and staff reports) may be addressed by the public during oral communications. Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk ("blue card") or, where applicable, raise their hand in

Zoom within nine minutes of the time the Mayor opens public comment or prior to the close of public comment on the item, whichever is earlier. Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker representing a group of between two and five members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to two minutes per group member to speak, up to a total of 10 minutes to address the Council. Consolidation of time among speakers is not otherwise allowed. If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator.

- 8.6 Communications with Members of the Public.** The City Council may ask questions of speakers providing public comment but should avoid an extended discussion with members of the public during meetings. Additionally, when a member of the public provides comments regarding a matter that is not on the agenda, Councilmembers may (1) refer the speaker to staff; (2) refer the speaker to appropriate reference material; (3) request that staff report back at a future meeting; or (4) request that staff place the item on a future agenda.

Councilmembers should not otherwise respond to or comment on an item of business that is not on the agenda. City staff should generally avoid responding to comments or questions from members of the public during Council meetings, although the City Manager or City Attorney may offer to arrange a time to discuss the subject matter of public comments with members of the public subsequent to the Council meeting.

Public comment is intended for members of the public to address the Council on matters within the subject matter jurisdiction of the City. No person shall use the public comment period to engage in campaign activities, as defined under the California Government Code, section 8314, including the promotion of, or opposition to, any candidate for elective office or any ballot measure.

## **8.7 Conduct of Meetings**

- 8.7.1 Councilmembers.** Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers

shall accord courtesy to each other, to City employees, and to members of the public appearing before the City Council. During public meetings, Councilmembers shall not text or otherwise communicate privately with any Public Official, as defined in the City's Code of Ethics for Conduct for Elected and Appointed Officials, or with members of the public regarding matters relevant to items on the agenda while on the dais.

**8.7.2 City Employees.** City staff shall observe the same rules of decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Councilmembers and members of the public.

**8.7.3 Members of the Public.** Members of the public attending City Council meetings are encouraged to treat Councilmembers, City staff, and other members of the public with the same courtesy that Councilmembers and City staff must accord to them. Any members of the public who engages in conduct that disrupts a City Council meeting shall be removed from the meeting. Nothing in this Manual or any rules of conduct that may be adopted by the City Council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council, City advisory bodies, or City staff.

## **8.8 Discussion and Deliberation**

**8.8.1 Ex Parte Contacts.** Councilmembers shall disclose any ex parte communications prior to deliberation on a quasi-judicial matter. A quasi-judicial matter is typically a hearing in which the City Council hears evidence and makes findings of fact to reach a conclusion based on the applicable law. An ex parte communication occurs when a Councilmember hearing a quasi-judicial matter communicates directly or indirectly with any person or party in connection with a matter before the Council, without notice and the opportunity for all parties to participate.

**8.8.2 Relevance.** All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending matter; discussion which departs from the item agendized for discussion is out of order. Councilmembers should avoid repetition and shall not discuss

matters that are not on the agenda. Arguments for or against a measure should be stated as concisely as possible.

**8.8.3 Council Questions and Deliberations.** Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. Councilmembers may yield any unused speaking time during Councilmember questions or deliberations to colleagues who have already used their allotted time. The Mayor may allow additional time for deliberations where appropriate to encourage meaningful discussion and exchange of ideas.

**8.8.4 Opportunity for Equal Participation.** It is the policy of the Council to encourage the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.

**8.8.5 Civility.** While it is appropriate to vigorously debate a motion, its nature, or its consequences, Councilmembers shall avoid attacks on the motives, character, or personality of other Councilmembers, City staff, and members of the public. The Mayor shall rule out of order any Councilmember who engages in such attacks.

**8.8.6 Role of the Mayor.** The Mayor has the responsibility for controlling and expediting the discussion of an agenda item. It is the duty of the Mayor to keep the subject clearly before the Councilmembers, to rule out irrelevant discussion, and to ensure civil discussion among Councilmembers.

**8.8.7 Closing Debate.** When the Mayor moves to end debate on an item,

the motion shall be considered approved unless overruled by a simple majority of Councilmembers. If any other Councilmember moves to end debate by calling the question or otherwise, approval of such motion requires an affirmative vote of a supermajority vote of the Council (i.e., usually, four (4) votes). Upon the successful closing of debate the Council shall proceed immediately to a vote on the item.

8.9 **Meeting Length.** Meetings of the City Council shall adjourn by 11:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after 10:30 p.m. Any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past 11:00 p.m., it shall end at 11:30 p.m. All meetings shall be adjourned at 11:30 p.m. unless by a vote of a majority of the City Council suspends this rule and Council votes affirmatively to extend the meeting past 11:30 p.m. Following the adjournment of the meeting, any remaining items on the agenda shall be continued to the next regular meeting of the City Council.

8.10 **Public Hearing Procedures.** The order of proceeding where there is a public hearing item (non-appeal items) before the City Council shall be as follows:

1. Open Public Hearing
2. Staff Report (preferably 10 minutes)
3. Applicant's presentation (where applicable) (preferably 8 minutes)
4. Questions from the Council
5. Public comment
6. Applicant's response to public comment (where applicable) (preferably 2 minutes)
7. Close Public Hearing
8. City Council discussion and vote

Where the public hearing involves an appeal of a decision to the City Council, the order of proceeding shall be as follows:

1. Open Public Hearing
2. Staff Report (preferably 10 minutes)
3. Appellant's statement (preferably 8 minutes)
4. Applicant's statement (where applicable) (preferably 8 minutes)

5. Questions from the Council
6. Public comment
7. Applicant's response to public comment (where applicable) (preferably 2 minutes)
8. Appellant's response to public comment (preferably 2 minutes)
9. Close Public Hearing
10. City Council discussion and vote

8.11 **Study Sessions.** Study Sessions are agenda items during which the Council receives information about City business and discusses the matter in an informal setting. Study sessions are intended to be discussion items. Rules of decorum apply. Although Council may discuss material freely, the Mayor retains discretion to determine the appropriate process, including when public comment will be heard and the method for collecting Council perspective including taking a formal vote on what to request staff to bring back for Council consideration at a future meeting as no formal action may be taken.

8.12 **City Council Recess Period.** The City Council recess period shall begin the first Tuesday in August at 12:00 a.m. and end the Tuesday following Labor Day at 12:00 a.m. During any recess period, the City Manager is authorized to take such ministerial actions for matters of operational urgency, including such emergency actions as are necessary for the immediate preservation of the public peace, health, or safety, as would normally be taken by the City Council during the period of recess, except for those duties specifically reserved to the Council by law. This authority extends throughout the period of recess established by the City Council and includes the authority to execute agreements and make expenditures necessary for the exigent operational matters. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required to ratify the actions of the City Manager. Nothing in this Section prevents the City Council from calling a special meeting during the recess period.

9. **Closed Sessions.** A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act. The City Attorney will schedule closed session meetings in consultation with the Mayor and the City Manager. Public comment shall be received in open session prior to a closed session. To ensure strict compliance with the Brown Act, the City Attorney or the City Attorney's designee shall report out in public session any reportable action taken

during closed session and any other information from closed session authorized to be disclosed based on a majority vote of the City Council. Any documents referenced or presented during closed sessions shall be shared with Councilmembers upon request and shared in the same manner as other closed session materials, with appropriate protections for confidentiality.

**10. Enforcement of Rules; Suspension of Rules.** Nothing in this Manual shall be cited to invalidate a properly noticed and acted upon action of the City Council. Any rule set forth in this Manual may be suspended by three votes of the Council. The City Council may enforce repeated or serious violations of the rules set forth in this Manual through a censure action placed on a Council agenda.

**11. Informational Memoranda.**

**11.1 Staff Informational Memoranda.** Two Councilmembers may request an informational memorandum be provided on any matter within the subject matter jurisdiction of the City Council. The City Manager shall place requests that impose a significant workload on staff on the Council agenda for review by the full Council, along with a statement from one or more requesting Councilmembers as to why the information is needed.

**11.2 Councilmember Memoranda.** Individual Councilmembers may prepare memoranda for inclusion in their Councilmember Reports. Councilmember memoranda may address any matter within the subject matter jurisdiction of the City Council that the Councilmember wishes to share with their fellow Councilmembers and the public. Councilmember memoranda shall not include confidential or deliberative information or communications or information protected by law from disclosure.