



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL

**POLICY 5.2
CITY COUNCIL OPERATIONS**

Adoption Date:	1/10/2006	Adopted by:	City Council motion
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

5.2.1 PURPOSE

The purpose of this policy is to provide a framework for operation of the City Council of the City of Belvedere. The City Council of the City of Belvedere serves without compensation and is subject to Chapter 2.08 of the Belvedere Municipal Code.

5.2.2 APPLICATION

This policy applies to all City Council elected officials.

5.2.3 MEETINGS

Regular meetings of the City Council shall be held on the second Monday in each calendar month at 6:30 p.m. When the day for any regular meeting of the City Council falls on a legal holiday, no meeting shall be held on such holiday, but such meeting shall be held at the same hour on the next succeeding day which is not a holiday or at such time and date agreed to by a majority of the City Council. Calendar dates for regular City Council meetings shall be set by Council resolution. All regular meetings of the City Council shall be held at the Belvedere City Hall, 450 San Rafael Avenue, Belvedere, CA 94920-2336.

5.2.4 SPECIAL MEETINGS

Special meetings may be called at any time by the Mayor or by determination of the majority of the City Council. Written notice of any such meeting must be given to all members of the City Council and to all newspapers, radio stations, television stations, or other media who have previously requested same in accordance with applicable provisions of the Government Code. Such notice may be given either personally or by mail, but must be received at least twenty-four (24) hours before the time set for the special meeting. Such notice is not necessary for any member who submits a written waiver of notice to the City Clerk at or before the time set for the meeting, or for any member who is actually present at the special meeting.

5.2.5 SPECIAL EMERGENCY MEETINGS

A special emergency meeting may be called by the Mayor or by a majority of the City Council where there exists:

A work stoppage, crippling disaster or other activity which severely impairs public health or safety; or

Such other circumstance specified by State law as authorizing the conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and conducted only in accordance with the procedures set forth in State law.

5.2.6 CLOSED SESSIONS

The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. If a closed session is included on the agenda, the description of the item shall be in substantial compliance with applicable State law. During closed session, the City Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the City Council during a closed session are required. There shall be no closed session during any special emergency meeting.

5.2.7 ADJOURNED MEETINGS

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and 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. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special was held within twenty-four (24) hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be 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 at the hour specified for regular meetings.

5.2.8 AGENDA FOR MEETINGS

The City Clerk, under the supervision of the City Manager, prepares the agenda and all such matters according to the order of business and delivers or mails a complete copy of such agenda, together with supporting materials, to each Councilmember and each department head as soon as

possible, but in no event later than the Wednesday preceding the Council meeting.

All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description need not set out the specific action or alternatives which will be considered by the City Council, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda.

5.2.9 CANCELLATION

Any meeting of the City Council may be cancelled in advance by a majority vote of the City Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of the members have confirmed in writing their unavailability.

5.2.10 TAKING ACTION AT A MEETING

No action shall be taken by the City Council, on any item not appearing on a posted agenda, subject only to the exceptions listed in the subsection below. "Action taken" as used herein shall mean a collective decision made by a majority of the quorum of the City Council, a collective commitment or promise by a majority of the quorum of the City Council to make a positive or a negative decision, or an actual vote by a majority of the quorum of the City Council upon a motion or proposal, resolution, order or ordinance.

With regards to matters not on the agenda, the members of the City Council may ask questions of persons who raise such matters during the "Open Forum" period or otherwise, but such questions should be limited to informational purposes, and the City Council should avoid discussions of the merits or giving directions regarding such subjects. With regards to matters raised by members of the City Council under "Items from Members," at the direction of the City Council, such matters should be placed on a future agenda without discussion by the City Council.

Every agenda posted for any regular or special meeting shall contain an item consisting of an opportunity for the public to address the City Council on items of interest to the public within the City Council's subject matter jurisdiction. This Open Forum period shall be conducted in accordance with the procedures set forth under Open Forum of this policy.

5.2.11 EXCEPTIONS TO AGENDA REQUIREMENT FOR ACTION TAKEN

The City Council may take action at a meeting on an item not appearing on the agenda for that meeting only under one (1) of the following circumstances:

Upon a majority determination that an "emergency situation," as that term is defined by State law, exists.

Upon a determination by a two-thirds vote of the City Council, or if less than two-thirds of the members are present by a unanimous vote of those members present, that the need to take action arose subsequent to the agenda posting. For the purposes of this subsection, the term "need to take action" shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the City Council. The mere failure of any person to notify the City Council or staff of a preexisting situation requiring City Council attention until after the time for the posting of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the City Council makes a determination pursuant to this subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the "need to take action" and why the item could not be placed on the agenda.

Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar days prior to the date of the meeting at which action is to be taken, and at the prior meeting the item was continued to the meeting at which action is being taken.

5.2.12 POSTING OF NOTICE AND AGENDA

For every regular or special meeting, the City Clerk or his/ her designee, shall post an agenda containing a brief description of all the items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.

The agenda shall be posted at the places indicated in Section 1.08 of the Belvedere Municipal Code. For any regular meeting of the City Council, the agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting. For any special meeting of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting.

5.2.13 ORDINANCES, RESOLUTIONS, MOTIONS AND CONTRACTS

All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council or requested in writing by a member of the City Council or the City Manager, or prepared by the City Attorney on his own initiative.

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

Ordinances, resolutions and other matters or subjects requiring action by the City Council shall be introduced and sponsored by a member of the City Council; except that the Mayor, City Manager or City Attorney may present ordinances, resolutions or other matters or subjects to the

City Council, and any Councilmember may assume sponsorship thereof by moving that such ordinances, resolutions or other matters or subjects be adopted; otherwise they shall not be considered.

5.2.14 AUTHORIZED TO APPOINT OFFICERS

The City Council may, by appropriate action, create those positions necessary for the orderly function of a City. The City Council may, by appropriate action, fill those positions that are allowed under the Government Code of the State of California. The City Council, in appointing said officers, or in creating those positions they deem advisable, shall define the duties therefor and determine the rate of compensation to be paid.

5.2.15 CONDUCT OF CITY COUNCIL MEETINGS

Order of Business

Promptly at the hour set by law on the day of each regular meeting, the members of the City Council, the Mayor, the City Manager/City Clerk, and the City Attorney, unless previously excused by the Mayor, shall take their regular stations in the Council Chambers and the business of the City Council shall be taken up for consideration and disposition in the order as set forth by resolution.

The business of the City Council, at its meetings shall be conducted in accordance with the following order of business; however, such order may be modified by a majority of the City Council:

- Call to Order
- Pledge of Allegiance
- Open Forum
- Presentations
- City Council Reports
- City Manager Reports
- Commission and Committee Reports
- Consent Calendar
- Continued Public Hearings
- New Public Hearings
- Other Scheduled Items
- Items from Members
- Adjournment

Duties of Presiding Officer, Signing of Ordinances, Contracts, etc.

The Mayor, or in the absence of the Mayor, the Vice Mayor, shall be the presiding officer, and shall assume the place and duties as such immediately following election. The Mayor shall

preserve strict order and decorum at all meetings of the City Council, state questions coming before the City Council, announce its decision on all subjects and decide all questions of order; subject, however, to an appeal to the City Council as a whole, in which event a majority vote of the City Council members present shall govern and conclusively determine such question of order. The Mayor shall vote on all questions, and on roll call, the Mayor shall be called last.

The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the City Council at meetings at which the Mayor is in attendance, In the event of the Mayor's absence, the Vice Mayor shall sign such documents as have been adopted and approved during the meeting at which the Vice Mayor presided.

Call to Order; Absence of Mayor and Vice Mayor

The Mayor, or in the absence of the Mayor, the Vice Mayor, shall call the City Council to order. In the absence of the Mayor and the Vice Mayor, the City Clerk, or City Clerk designee, shall call the Council to order, whereupon a temporary chairman shall be elected by the Councilmembers present. Upon the arrival of the Mayor or the Vice Mayor, the temporary chairman shall relinquish the chair at the conclusion of the business then before the City Council.

Roll Call

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers. At the request of any Council member, the City Clerk may conduct a roll call vote on any item on the Agenda.

Quorum; Adjournment of Meeting When Quorum Not Present

A majority of the City Council constitutes a quorum for the transaction of business. When there is no quorum, the Mayor, Vice Mayor, or any Councilmember shall adjourn such meeting, or if no Councilmember is present, the City Clerk shall adjourn the meeting.

5.2.16 MINUTES OF MEETINGS

Preparation of Minutes

The minutes of the City Council shall be kept by the City Clerk and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transaction set off in paragraphs, with proper subheads; provided, that the City Clerk shall be required to make a record only of such business as was actually passed by a vote of the City Council, and may at the direction of the City Council include a summary of Councilmember remarks and those of any other person addressing the City Council.

Approval of Minutes

Unless the reading of the minutes of a City Council meeting is requested by a Councilmember,

such minutes may be approved without reading if the City Clerk previously has furnished each Councilmember with a copy thereof stamped "draft." Nothing may be added to the minutes; except that they may be amended by a majority vote of the City Council members to reflect correctly the business of the City Council at such meeting.

5.2.17 RULES OF DEBATE

Presiding Officer May Debate and Vote. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Councilmember, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of his acting as the presiding officer.

Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless it is to call that Councilmember to order or as herein otherwise provided. If a Councilmember, while speaking, is called to order, the Councilmember shall cease speaking until the question of order is determined to proceed.

Getting the Floor; Improper References To Be Avoided. Every Councilmember desiring to speak shall address the chair, and upon recognition by the presiding officer, shall be confined to the question under debate, avoiding all personalities and indecorous language.

Motions. The Mayor or any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Mayor shall open the matter for debate offering the first opportunity to debate to the moving party and thereafter, to any Councilmember properly recognized by the Mayor. Once the matter has been fully debated and the Mayor calls for a vote, no further debate will be allowed, provided however, Councilmembers may be allowed to explain their vote.

Disqualification. No City Councilmember shall be permitted to disqualify himself and abstain from voting unless such disqualification shall have been reviewed by the City Attorney in the public portion of a meeting or the unanimous vote of the remainder of the City Council present. Unapproved disqualifications shall be counted by the City Clerk as an affirmative vote. This subsection will not apply at the time of reorganization of the City Council.

Tied Votes Deemed Denial. All tie votes shall be deemed to be denials.

5.2.18 RULES OF ORDER

Except as otherwise provided in this section, the latest edition of "Robert's Rules of Order, Revised" shall govern the conduct of the meetings of the City Council. However, no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow such rules.

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Councilmember at any appropriate time during the main discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

Subsidiary Motions

Lay on the Table. Any Council Member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be taken from the table, seconded and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise the motion that was tabled dies, although it can be raised later as a new motion.

Move Previous Question. Any Council Member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A 2/3 vote is required for passage.

Limit or Extend Limits of Debate. Any Council Member may move to put limits on the length of debate. The motion must be made and seconded and requires 2/3 vote of the Council to pass.

Postpone to a Time Certain. Any Council Member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.

Commit or Refer. Any Council Member may move that the matter being discussed should be referred to a committee or commission for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as, a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any Council Member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a 2/3 vote if the item is to be immediately discussed by the Council at the time the motion to return is made.

Amend. Any Council Member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the

existing motion is out of order and may be so declared by the Mayor.

Postpone Indefinitely. Any Council Member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

Motions of Privilege, Order, and Convenience

The following actions by Council are to insure orderly conduct of meetings and for the convenience of the Mayor and Council Members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

Call for Orders of the Day. Any Council Member may demand that the agenda be followed in the order stated therein. No second is required and the Mayor must comply unless the Council, by 2/3 vote, sets aside the orders of the day.

Question of Privilege. Any Council Member, at any time during the meeting, may make a request of the Mayor to accommodate the needs of the Council or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the Mayor.

Recess. Any Council Member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

Adjourn. Any Council Member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

Point of Order. Any Council Member may require the Mayor to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Mayor.

Appeal. Should any Council Member be dissatisfied with a ruling from the Mayor, he/she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the Mayor. The motion is debatable and the Mayor may participate in the debate.

Suspend the Rules. Any Council Member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a 2/3 vote is required for passage.

Division of Question. Any Council Member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

Reconsider. Except for votes regarding matters which are quasi-adjudicatory in nature or matters

which require a noticed public hearing, the Council may reconsider any vote taken at the same session, but no later than the next immediate available regular council meeting date, to correct errors, or consider new information not available at the time of the vote. With respect to votes regarding matters which are quasi-adjudicatory in nature or which require a noticed public hearing, a motion for reconsideration may be made at the same session or no later than the next immediate available regular Council meeting date. However, if the motion passes, the matter shall not be heard until the next immediate regular Council meeting or at a special meeting called by the Council for that purpose and after giving any required notice to the applicant and/or the public. The motion to reconsider may only be made by a member who voted with the prevailing side in the vote on this matter. The motion must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

Authority of the Mayor

Subject to appeal, the Mayor shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is making the motion in good faith.

5.2.19 PUBLIC HEARINGS

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

Time for Consideration

Matters noticed to be heard by the Council shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

Continuance of Hearings

Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a

copy of the order or notice of continuance of hearing shall be posted immediately following the meetings at which the order or notice of continuance was adopted or made.

Public Discussion at Hearings

When a matter for public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing, the Mayor shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. Speakers shall be limited to three minutes, unless extended by the Mayor. The Council shall not limit the number of speakers on any item; however, the Council may establish procedures for testimony to include reasonable time limitations on particular topics or individual speakers. These limitations shall not apply to applicants, or to appellants who bring a matter to the City Council on an appeal from the Planning Commission, each of whom shall have a reasonable amount of time to present their testimony. Members of the Council who wish to ask questions of the speakers or each other, during the public hearing portion may do so but only after first being recognized by the Mayor. Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public hearing. The Mayor shall conduct the meeting in such a manner as to afford due process.

All persons interested in the matter being heard by Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record. Time limits may be established by the Mayor, limiting the duration of presentations as set forth in these rules. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed as set forth in these rules.

Consideration of Question by Council

After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Mayor and the Council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Mayor, to speak further on the question during this period of deliberation, although the Council Members may ask questions of the speakers if so desired. At the conclusion of Council discussion, and appropriate motion having been made and seconded, the Council shall vote on the matter.

5.2.20 ADDRESSING THE CITY COUNCIL

Securing Permission; Right to Address Council

Any person desiring to address the City Council shall first secure the permission of the presiding officer to do so; provided, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested person shall have the right to address the City Council upon obtaining recognition by the presiding officer.

Staff Reports

Interested parties or their authorized representatives may address the City Council with regard to written communications referred to in the report of the City Manager or any department head.

Group of Persons Addressing Council

Whenever a group of persons wishes to address the City Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the City Council, and in case additional matters are to be presented at the time by any other member of such group, to limit the number of persons addressing the City Council, so as to avoid unnecessary repetition before the City Council.

5.2.21 OPEN FORUM

Open Forum and Items from Members

During the Open Forum item of the agenda, any member of the public may address the City Council on items of interest to the public that are within the subject matter jurisdiction of the City Council. It must be emphasized that no action may be taken on such matters without being placed on a subsequent agenda, and members of the City Council should refrain from discussing the merits or giving directions concerning such subjects.

Limitations

The Open Forum period shall be limited to no more than thirty (30) minutes for all speakers, to be apportioned among all speakers who request time. No single speaker shall be allotted more than three (3) minutes to address the City Council at any one (1) meeting, unless this limitation is waived by the City Council.

Procedure

Upon addressing the City Council, each speaker must first state his or her name and address, and then identify the subject or subjects upon which he/she intends to speak.

At the close of the speaker's comments, the Presiding Officer may ask staff to respond to the

speaker's comments. Thereafter, the chair shall make one of the following determinations:

The subject(s) raised do not require investigation or response.

The subject(s) raised should be referred to staff for investigation and/or response.

The subject(s) raised should be placed on the agenda for the next meeting for action by the City Council.

Such other determination consistent with State law.

Other Agenda Matters

In addition to receiving comment from the public during the Open Forum period, the presiding officer shall have the discretion to recognize persons from the audience who wish to address the City Council on a particular agenda item at the time that item is considered by the City Council.

Items from Members

In addition to receiving comment from the public, the Council may receive general comments, announcements, and/or suggestions from Members of the City Council. These matters may not be discussed and if they do not concern an item on the agenda, shall be handled by the Presiding Officer according to the same procedures set out for Open Forum. It must be emphasized that no action may be taken on such matters without being placed on a subsequent agenda.

5.2.22 DECORUM

By Councilmembers

While the City Council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceeding or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the City Council or the presiding officer, except as otherwise herein provided.

By Other Persons

When a member of the public testifies before the City Council, the Council may not prohibit the individual from criticizing the policies, procedures, programs or services of the City or the acts or omissions of the City Council. However, the City Council may prohibit testimony on matters that are not within the subject matter jurisdiction of the City Council. The City Council may exclude persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion. Where the removal of the disruptive persons is not sufficient to restore order, the City Council may clear the room of all persons. However, in such situations, media personnel not involved in the disturbance will be permitted to attend the session as continued.

5.2.23 VOTING

All Councilmembers present at a meeting when a question comes up for a vote, shall vote for or against the measure, or abstain. If the vote is a voice vote, the Mayor shall declare the result and note for the record all “aye” votes and all “no” votes. The City Council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all “aye” or “no” votes must be clearly set forth for the record.

5.2.24 PROCEDURE FOR CONSIDERATION OF DEMANDS FOR CORRECTIVE ACTION

Requirement of Written Demand

Prior to any person's commencing a judicial action for injunction or mandamus to declare any action taken by the City Council void because of failure to observe Brown Act requirements, such person must first serve upon the City Clerk a written demand describing the alleged violation and demanding corrective action. Such demand must be served upon the City Clerk within thirty (30) days of the action so complained of.

Consideration of Corrective Action

Upon receipt of such a demand, consideration of the demand shall immediately be placed on the agenda for the next meeting of the City Council. If the demand is received less than seventy-two (72) hours prior to the time set for the next meeting, the City Council may determine that the notice constitutes the initiation of litigation, and that the need to take action on the threatened litigation arose subsequent to the posting of the agenda, and may consider it at that meeting pursuant to the requirements of a Closed Session. A description of any item so placed on the agenda shall include both consideration of the demand, and the possibility of corrective action by the City Council.

In considering such demands, the City Council shall first determine by motion whether corrective action should be taken. If no motion to take corrective action is carried the City Clerk shall inform the demanding party in writing of the City Council's decision not to cure or correct the challenged action.

Implementing Corrective Action

If a motion to take corrective action passes, the presiding officer may entertain a motion implementing corrective action. Any motion implementing corrective action shall address the concerns raised in the consideration of corrective action. The motion implementing corrective action may include a motion to rescind prior action taken, as appropriate. Passage of a motion to rescind invalidates prior action only as of the time of the passage of the motion, and not from the date of the initial action. A motion implementing corrective action resulting from a written demand is out of order if the action complained of: (a) was in substantial compliance with Government Code Sections 54953, 54954.2, 54954.5, 54954.6, and 54956; (b) was in connection with the sale or issuance of notes, bonds or other evidences of indebtedness, or any contract,

agreement or incident thereto; (c) gave rise to a contractual obligation upon which a party has, in good faith, detrimentally relied; or (d) was taken in connection with the collection of any tax. In any event, the City Council shall notify the party making the demand in writing of its decision to take corrective action, and shall describe any corrective action taken. This notice shall be given to the demanding party as soon as possible after the meeting, but in no event more than thirty (30) days after receipt of the demand.

5.2.25 ADDITIONAL DUTIES OF THE CITY COUNCIL

Council Reorganization

Annually, the City Council conducts a reorganization of the Mayor and Vice Mayor responsibilities. Nominations are made by the Council pursuant to a schedule of proceedings prepared by the City Clerk.

Prior to the meeting at which the reorganization occurs, the City Manager shall prepare for the Mayor a list of the members of the Councilmembers showing where they are in the unofficial order of rotation that has traditionally been followed by the City Council.

Appointments and Reconfirmations

Annually, the City Council appoints members to the City's various committees.

Before December 31 of each calendar year, the City Clerk shall cause to be posted in front of City Hall and the Belvedere-Tiburon Library a Local Appointments List that shall contain the following information: A list of all boards, committees and commissions whose members serve at the pleasure of the Council; the terms on each board, committee and commission that will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, and the date the appointee's term expires; and the necessary qualifications, if any, for the position.

In April of each calendar year the City Clerk shall cause to be published in the local newspaper a list of pending vacancies with a request for all interested Belvedere residents to submit a letter of interest, preferably accompanied by a curriculum vitae. If a sitting incumbent is interested in continuing to serve in an appointive office, the incumbent shall be required to notify the City Clerk that he/she wishes to be considered for reappointment.

In May of each calendar year, and at any other time an unscheduled vacancy occurs, the Council shall interview all interested candidates for appointive office and select qualified individuals to serve on the board, committee or commission for which they applied. Sitting incumbents and those who recently interviewed for that particular position shall be exempt from the interviewing rule.

Prior to any Council meeting at which appointments are to be considered, the City Clerk shall give to the City Council a list of the incumbents, if any, who are reapplying and showing their

years of service in that position. The Mayor shall contact the chair of the committee or board to discuss the current make-up of the membership and any needs the body may have.

The terms of all members of all boards, commissions, and committees who serve for a fixed term shall begin on either June 1 or July 1 and end on May 31 or June 30, depending upon which board, commission or committee they are appointed to. The terms of members appointed to fill unscheduled vacancies on such boards, commissions, and committees shall commence on the date they are appointed by the City Council, or in the case of the Planning Commission, on the date they take the oath of office.

In the event an unscheduled vacancy occurs in an appointive office prior to the expiration of a term of office, a special vacancy notice shall be posted in front of City Hall and the Belvedere-Tiburon Library. The City shall advertise the vacancy in the local newspaper and solicit letters of interest in the same manner as above. In response, an applicant interested in being appointed to the position in question shall be required to submit a letter of interest with the accompanying curriculum vitae.

[See Government Code §§ 54972 & 54974 for statutes regarding appointments by the legislative body.]

Council Committees

Committees of Council are appointed by the Mayor annually to serve within assigned areas of responsibility for the purpose of gathering and studying information. Citizens at large may be included to assist in carrying out a Committee's charges. The majority vote of the City Council at a regular, adjourned or special Council meeting will be required for approval of Committee recommendations and/or for any specific Committee authority to carry out a task.

Appointments are typically made at the Annual City Council Goals meeting. City staff maintains a roster of Committees and Committee activities.

5.2.26 PLANNING COMMISSION

In order to make adequate provisions for and guide for growth, development, beautification and efficient planning of the City, the City Council has established a City Planning Commission.

The City Planning Commission consists of seven (7) persons appointed by the Mayor, with the approval of the City Council. The City Manager and Building Inspector serve as ex-officio members of the Planning Commission. Each of the appointed members shall normally serve a term of four years or fraction thereof, and the terms shall be staggered so that no more than three (3) members' terms shall expire at one time.

Vacancies shall be filled by the Mayor with the approval of the City Council for the unexpired portions of the term of a retiring member.

Four members of the Planning Commission shall constitute a quorum.

Planning Commissioners receive no compensation for their services and shall report their transactions and recommendations to the City Council at least once every year at a Joint Meeting of the City Council and Planning Commission.

5.2.27 ADOPTION OF ANNUAL OPERATING BUDGET

Annually, the City Council reviews and approves an operating budget for the City of Belvedere. The fiscal year is from July 1 through June 30. The budget is typically adopted prior to June 30 of each year. The City Manager is responsible for preparation of the annual operating budget and presentation to the City Council.

5.2.28 ANNUAL TOWN MEETING

The City Council and City Manager shall present a State of the City Address at the Annual Town Meeting to be held every January.

Appearances, Presentations and Proclamations

Periodically, the City Council will recognize members of the community, organizations, or entities that have contributed positively to the City of Belvedere through economic means, enhanced the quality of life, or by nature of their activities contributed to the positive outlook of the community. These recognitions are typically accomplished by appearance before the City Council and presenting the individuals with a certificate of recognition however, in the interest of timely recognition, the Mayor is authorized to execute and deliver certificates of recognition.

On occasion the City Council will adopt a proclamation of support or opposition regarding particular issues.

City staff will typically prepare all presentations and proclamations at the request of the City Council.

5.2.29 USE OF CITY LETTERHEAD

In general, City staff produces all official correspondence by members of the City Council using City letterhead. Committee chairs are authorized to produce correspondence on City letterhead providing that the viewpoint represents a majority of the City Council and a copy of the correspondence is provided to the City Clerk prior to distribution.