

**CITY OF CULVER CITY
COUNCIL POLICY STATEMENT**

General Subject: Council, Commissions and
Boards

Specific Subject: Conduct of Meetings

Policy Number: 3302

Date Issued: 5/8/95 (Amend)

Effective Date: 5/9/95

Resolution No. 95-R037

PURPOSE:

1. To establish policy with reference to operational procedures, meeting times and attendance requirements for the Council, and commissions, authorities, boards and committees appointed by the City Council. This statement is prepared specifically to provide guidelines which will govern the procedure during meetings, the attendance of members, and the designation of the time of day in which those meetings will be held in order to accomplish the goals and purposes of those commissions in an orderly, efficient and informative manner.
2. To establish a general format which will provide a basic uniformity of procedures and requirements for the Council and all commissions, authorities, boards and committees, it is intended that this policy will supplement existing rules and regulations set forth in the City Charter and fall within the provisions of existing Ordinances and Resolutions. Hereinafter, the term "Commission" shall refer to all commissions, authorities, boards, and committees; and "Commissioner" shall refer to all commissioners, committeemen, board and authority members.

PROCEDURAL:

Except where Charter or Ordinance requirements prevail, all meetings shall be based on Robert's Rules of Order Newly Revised 1990 Edition.

COMMISSION CHAIRPERSON:

As soon as is practicable, following the first day of July of each year, each Commission shall organize by electing one of its members to serve as chairperson, and one as chairperson pro-tem, at the pleasure of the Commission. Only those members present at the meeting shall have the right to vote and the candidate receiving the majority of votes of those present shall be declared the winner.

QUORUM:

A majority of the members of the Commission shall constitute a quorum and no business shall be transacted unless that majority is present. Once a quorum is constituted for a five-member body, three members may enact motions or resolutions.

MEETINGS:

It shall be the policy of the City to encourage as much community participation as is possible, consistent with the overall objectives of the respective board or commission. In order to insure this participation, meeting times will be scheduled in the evening hours whenever practical, and when three citizens request an evening hearing of any commission it shall be scheduled at or after 7:00 p.m.

NOTICE:

Notice of all meetings shall be posted 72 hours in advance of said meeting, and provided to all local news media requesting such notice.

TYPES OF MEETING:

Regular Meetings: May be held only at the time and place within the City designated by notice, and as authorized by the Charter, Municipal Code, or California statutes.

Regular Adjourned Meetings: Any regular adjourned meeting may be adjourned with the City to a time and place certain, but not beyond the next regular meeting. Any matter may be considered at a regular adjourned meeting which may be considered at a regular meeting, as authorized by the charter, Municipal Code or California statutes.

Special Meetings: May be called by the Chairperson as authorized by the Provisions of the California Open Meeting Act. Only those matters contained in the notice may be considered. Prior to calling a special meeting committees shall obtain the approval of the City Attorney to hold a special meeting.

ABSENCE FROM MEETINGS:

Any Commissioner who absents him/herself from any three (3) consecutive meetings of the respective Commission, or who was absent for a total of five (5) meetings of said Commission in any six-month period, shall thereby automatically forfeit his/her membership in said Commission. However, there shall be no forfeiture in the event of (a) absence due to illness or incapacity, (b) absence due to vacation or business, or (c) when the City Council has determined before forfeiture that an absence is justified. In the event of a forfeiture, the City Council shall appoint a successor to serve the balance of the term.

(See Municipal Code Sections 2-72.1, 2-75.1 and 2-80)

EXCUSAL DURING MEETINGS:

A Commissioner leaving a regular or regular adjourned Commission meeting while it is in regular session, without permission from the presiding officer, shall be charged with an unexcused absence.

MINUTES:

The City department/division assigned to provide staffing for a Commission shall assign one of its employees to provide minute secretarial service for the Commission. It shall be the responsibility of such employee to prepare a minute-record of the business transactions of the Commission entitled as follows:

These minutes are not official
Until approved by the
(Name of Commission)

The Contents of the minutes shall identify the title or subject of each business matter upon which the Commission takes action. They shall state the action taken by the Commission. Those actions which are not a unanimous decision of the Commission, shall designate how each Commissioner voted.

The minutes of the Commission shall become final minutes when and as approved by official vote of the Commission. Should any corrections be required, prior to the approval of the minutes, they shall be directed to be corrected by action of the Commission.

It is the Council's intent that the minutes of each Commission meeting record the items of business considered and the actions taken. Attempts to record and/or editorialize on the various inputs from Commissioners, staff and public should be avoided as the minutes are intended to be a factual record of the proceedings.

TAPE RECORDING OF OFFICIAL MEETINGS:

Designated staff for each Commission shall arrange for tape recording of the meetings. These recordings are to serve as backup reference to the secretary in the preparation of the minutes. Following approval of such minutes, the tape recordings shall be recycled for reuse.

FAILURE TO VOTE:

Every Commissioner shall vote unless lawfully excused; abstainers consent to majority vote; tie votes fail.

POSTING:

Notice of all meeting and adjourned meetings shall be posted as required by the applicable California statutes concerning public meetings.

OUTLINE OF PARLIAMENTARY PROCEDURE:

Parliamentary Law: Parliamentary law consists of those rules of procedure which are enforceable by the courts and which are applicable to public or private bodies or groups engaged in making decisions. Parliamentary Procedure is intended to provide a uniform method for the conduct of meetings and resolution of disputes that may arise during those meetings. The following is intended to be rudimentary discussion of parliamentary procedure. For a more detailed explanation or assistance please advise the City Attorney.

1. The body must be a legal body. It must have the qualifications to enable it to exist and to act. In a city this would mean that it is properly chartered or incorporated or created, and that it has at least “a defacto” organization.
2. There must be a legal meeting. The essential steps must have taken to properly call the meeting. The statutory or other required notices must be given. This shall include the time and place of meeting.
3. The subject of the action or decision must be within the power of the body. Commissions have no general power, but only the power specifically given them in the City Charter or by Council Ordinance and/or Resolution.
4. The action or decision must be a proper one. The action taken, or decision made, must be intelligible as an action cannot be enforced unless it can be determined clearly what it is.

The decision or action must not be against public policy. The City Council will not enforce an action which shocks it conscience or would, for example, cause or promote illegal acts or crimes. The actions must be definable in a court of law.

5. The act or decision must be the act or decision of the Commission. A vote must be taken on all matters before the body, and the results shall be announced by the chair. It cannot be assumed that the members approve an action unless they vote on it.

A majority vote is required. To require more than a majority vote gives a veto to less than a majority, unless otherwise specified by the City Charter.

6. The essential procedural requirements must have been met. This requirement is a broad one and all requirements cannot be listed but the following examples are:

- a) A quorum of the membership is present.
- b) Proper notice has been given
- c) Requirements as to publication, readings on different days, introduction and adoption of resolutions and motions, and like requirements established by Charter, statutes, or other controlling authority must be complied with.
- d) There must have been a proper hearing. Members acting individually and without a meeting cannot act upon matters delegated to the body. Public hearings must be given when required.
- e) There must have been no fraud upon the members—at least insofar as it relates to essential or jurisdictional matters.

PARLIAMENTARY RULES:

In addition to the rules of parliamentary law as set out above, there are many other rules which may govern the meetings or actions of Commissions. The Charter, or other provisions providing for a city government or other local governing bodies, may set out rules of procedure. When such rules are set forth they must be ordinarily complied with, though in certain cases of general direction the rules may be directory instead of mandatory.

In addition to prescribed rules, the Commission may adopt their own supplemental rules and regulations subject to Charter and other statutes. These rules shall be approved by the City Council and cannot conflict with any superior authority.

A commission may suspend or amend its own rules and regulations. When a Commission acts in violation of its own rules, the rules are deemed suspended and its actions are not invalidated by failure to comply. Parliamentary rules are not self-enforcing, but must be applied and enforced by the chair.

THE PRESIDING OFFICER:

The general duties of a presiding officer are to preside and guide the Commission in performing its functions. It is his/her duty to see that business which should come before

the organization is properly placed before it, that due consideration is given to such business, and that it is disposed of by the body.

There is no reason why a presiding officer may not give information to the other members or engage in discussion from the chair. He/she should not, however, use his/her position to dominate the discussion and should ordinarily permit the other members to speak first.

One of the most obvious and important duties of the presiding officer is to recognize persons for the purpose of permitting them to present business to the organization, or to speak upon matters before it. In general, the presiding officer should recognize persons in the order in which they request recognition, but it remains his/her duty to see that all persons entitled to recognition be given a reasonable opportunity to address the commission. It is his/her duty, after a person has been recognized, to protect that person in the rights he/she has acquired to be heard and to prevent unnecessary interruption and interference so long as the person continues to have the right to the floor.

The presiding officer has the duty of maintaining proper decorum, preventing disturbance or interruption of the group in their duties, and preventing improper conduct or statements on the part of members. This extends to reprimand when necessary, denial of the right to be further heard on the part of a member or, in extreme cases, to have a person who persists in attempting to interfere with the conduct of the business to be removed from the meeting.

BUSINESS-LIKE CONDUCT OF MEETING:

There are three essential, practical rules which the presiding officer must enforce in order to prevent confusion and secure the orderly performance of its duties by a legislative body. First of all, there can only be one subject under discussion at a time. Before any discussion can take place on an item of business it must be presented to the Commission in proper form for consideration. When that business has been presented it is the only subject which can be considered so long as it remains before the body. For example, if one resolution or motion is under consideration, it is not proper until an action is taken to dispose of that matter permanently or for the time being to present another item for discussion or consideration.

When an item of business is under consideration, it is, of course, proper to permit certain related motions which have priority, such as an amendment to the proposal to be submitted, and when such an amendment is submitted the amendment (or other motion having precedence) becomes the question under consideration until disposed of.

There are many other motions which have precedence and can be properly made while one subject is under discussion as will be discussed later.

As essential as the rule requiring one subject under discussion at a time is the rule that permits only one person to be entitled to speak at a time.

This practical rule may appear to be entirely obvious, yet confusion frequently results from permitting more than one person to speak at the same time, as well as to permit more than one subject to be under discussion at a time.

A further practical rule is that no person has a right to speak more than once on a subject while other persons desire to be heard. It is necessary that no persons be permitted to monopolize a discussion on any question.

A person may, of course, be entitled to speak a second time when the others who wish to have spoken, or to engage in a discussion in which he/she is not preventing other members from having the same opportunity to discuss the question as him/herself.

PRESENTATION OF BUSINESS:

There are several ways by which business can come before a Commission for consideration. Existing statutes regulate the form of business and matters which can be considered and acted upon by the Commission. Commissions shall only enact resolutions and motions, of which both are controlled by the statutes.

- a) Resolution: A written statement of formal expression or will of officers of public assembly adopted by roll call vote.
- b) Motion: An oral proposal or suggestion expressed by the officers of public assembly and adopted by “viva voce” vote.

PROCEDURAL MOTIONS:

Procedural motions may be used to govern the action of the Commission or aid it in disposing of business presented to it, and are usually covered by legislative manuals (Robert’s Rules of Order are presently stipulated in the Culver City Municipal Code). Strict compliance with all such technical procedural rules will, in large measure, protect the Commissions and their presiding officers from criticism with reference to their procedure. These rules, however, must be applied with judgment. The rules themselves are based on experience and sound practice and can usually be reasoned out from certain basic principles. For example, the full reading of a motion or resolution is presumed to be waived unless requested.

CLASSIFICATION OF MOTIONS:

There are many motions which have established form and concerning which rules and precedents have been developed. It is not possible to list them all, but certain motions can be classified and helpful observation may be made on the basis of these classifications.

There are four basic types of motions and they are listed below in their order of precedence.

1. Privilege Motions: Privileged Motions are of the highest importance and take precedence over any pending question. No debate is allowed on these motions, and they must concern themselves with the rights of the assembly as a whole and the rights of each member in relation to the assembly. These motions in order are:
 - a) To fix the time of adjournment
 - b) Adjourn – recess
 - c) Question of privilege (pertains to rights and privileges of the assembly and the members)
 - d) Orders of the day (return to agenda)
2. Incidental Motions: Incidental Motions are a type that arise out of another question which is pending, and therefore take precedence of and must be decided before the question out of which they arise. They are also incidental to a question that has just been pending and should be decided before any other business is taken up. They yield to Privileged Motions, and to the motion to “Table”. Incidental Motions are undebatable except “Appeal” and in this case the presiding officer may submit to the assembly for a decision. Among the items coming under this classification are:
 - a) Appeals (object to decision of the chair)
 - b) Points of order
 - c) Parliamentary inquiries
 - d) Suspension of rules
 - e) Object to the consideration
 - f) Withdraw a motion
 - g) Reconsider
 - h) Motions relating to voting, nominations and elections

3. Subsidiary Motions: Subsidiary Motions are such as are applied to other motions for purposes of most appropriately disposing of them. They may be applied to any Main Motion and must be decided before the Main Motion can be acted upon, Subsidiary Motions yield to all Privileged and Incidental Motions, and Subsidiary Motions above it in order or rank.

The following list of Subsidiary Motions are arranged in order of their precedence, the first having the highest rank:

- a) Lay on the table (postpone temporarily)
- b) The previous question (stop debate)
- c) Limit or extend limits of debate
- d) Postpone definitely, or to a certain time
- e) Commit, refer, or recommit to committee
- f) Amend (change or modify a motion)
- g) Substitute (add or strike out or substitute entire paragraph)
- h) Postpone indefinitely (kill a motion)

4. Main Motions: The object of the Main Motion is to introduce business such as resolutions, orders, reports, or any proposition placing an item of business before the body for consideration. Any of the preceding motions mentioned hold over Main Motions.

Some motions which cannot conveniently be classified as Subsidiary, Incidental, or Privileged Motions, and which are in common use, are put into this classification. They are as follows:

- a) Take from the table
- b) Reconsider
- c) Rescind
- d) Renewal of a motion
- e) Ratify

In a body having responsibilities such as Commissions, questions arise in closely disputed matters where the procedural rules previously listed must be applied with some technical detail. Generally, however, parliamentary procedure is based on sound principles and the application of reason, particularly if it is tempered by experience, will meet most of the situations which may arise. It is, of course, highly desirable that the presiding officer have more than sufficient knowledge of the rules so that the orders of the day may be accomplished in an orderly fashion, and in as short a period of time as to keep the interest of the Commissioners. Meetings that lag become uninteresting to all concerned and attitudes change on specific subjects just to shorten the meeting.

It is the intent of this policy to introduce the principal considerations of parliamentary law, and to orient Commissioners interested in some of the basic principles which are applicable in the procedure.

Particularly, it should be noted that your decisions are governed by parliamentary law and that you should be constantly concerned that the procedure conforms to parliamentary law as declared by the courts which may be reviewing your actions.