



AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY

November 15, 2011

STUDY SESSION – 6:00 P.M.

City Council Closed Session

First Tuesday of each month – 6:00 p.m.

City Council Study Sessions

Third Tuesday of each month – 6:00 p.m.

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member

Richard A. Stewart, Mayor

Marcelo Co, Council Member
William H. Batey II, Council Member

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO
VALLEY**

**STUDY SESSION - 6:00 PM
NOVEMBER 15, 2011**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council Member, staff member or other person.

SPECIAL ORDER OF BUSINESS

1. PRESENTATION BY THE INLAND EMPIRE CHAPTER NATIONAL CONGRESS OF BLACK WOMEN (NCBW) (BATEY/HASTINGS/10 MIN.)❖
2. PRESENTATION BY COPS & CLERGY NETWORK (STEWART/15 MIN.)❖
3. REVISIONS TO THE CITY COUNCIL RULES OF PROCEDURE (CA/ 15 MIN.)
4. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(Times shown are only estimates for staff presentation. Items may be deferred by Council if time does not permit full review.)

❖ Oral Presentation only – No written material provided

***Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

- **PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

- 1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

- 2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT



APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RH
CITY MANAGER	MS

Report to City Council

TO: Mayor and City Council

FROM: Robert L. Hansen, City Attorney

AGENDA DATE: November 15, 2011

TITLE: REVISIONS TO THE CITY COUNCIL RULES OF PROCEDURE

RECOMMENDED ACTION

Staff recommends that the City Council consider and discuss suggested revisions to the adopted City Council Rules of Procedure, Section 2, Public Comments and Addressing the Council.

BACKGROUND

Every agenda for a regular public meeting of a legislative body must provide an opportunity for members of the public to address the body on any item of interest to the public that is within the body's subject matter jurisdiction. The public must also be allowed to comment on a specific item of business before or when it is considered by the body, unless the matter has been heard in committee, has not substantially changed, and the public had an opportunity to comment to the committee. [Gov't. Code Sec. 54954.3(a)].

The public must also be given the opportunity to address the legislative body before or during consideration of any matter described in the agenda of a special meeting. [Gov't. Code Sec. 54954.3]. However, at a special meeting there is no right of the public to address the body on any item that is not listed on the special meeting agenda. The public also has the right to comment as to the closed session agenda.

It is well-settled in the law that a legislative body may require members of the public that desire to address the body to fill out a speaker's card and submit it to the City Clerk prior to speaking. [See, *White v. City of Norwalk* (9th Cir. 1990) 900 F2d. 1421, 1425]. However, the public cannot be required to give their names or sign a register as a condition of attendance at a meeting of the body. [Gov't Code Sec. 54953.3]. In addition, members of the public cannot be required to provide their names, address, or

other personal information as a condition to participating in the meeting unless it is relevant to the subject matter of a public hearing or evidentiary proceeding where the absence of such information bears on the credibility or weight of the speaker's testimony. [Gov't. Code Sec. 54954.3(b)].

The City Council adopted Rules of Procedure for Council Meetings and Related Functions and Activities on March 25, 2003. City Council Rules of Procedure, Subsection 2.2.1 provides that:

Any member of the public desiring to address the City Council shall fill out and present to the bailiff or, in the absence of the bailiff, the City Clerk, a form of request to speak prior to the presiding officer calling the item of business which the person desires to address and when called by the presiding officer, shall proceed to the podium. After being recognized, the individual shall state the individual's name and address for the record. Any person having reason not to publicly reveal address information shall instead state whether that person is or is not a resident of the City of Moreno Valley.

DISCUSSION

The City Attorney is recommending that the City Council discuss revising the adopted City Council Rules of Procedure as recommended in Attachment 1 to this staff report or as otherwise suggested by the City Council during its discussion. Attachment 1 is a redline revision of the Council Rules of Procedure that suggests a revision to Subsection 2.2.1 and adding Subsection 2.2.2. In addition, there are other minor revisions suggested.

ATTACHMENTS/EXHIBITS

Attachment 1 – Redline Revisions to City Council Rules of Procedure

Prepared By:
 Name Robert L. Hansen
 Title City Attorney

Department Head Approval:
 Name Robert L. Hansen
 Title City Attorney

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

**RULES OF PROCEDURE
FOR
COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES**

1. MEETINGS	5
1.1. REGULAR MEETINGS—.....	5
1.1.1. <i>Time and Place</i>	5
1.1.2. <i>Agenda</i>	5
1.1.2.1. Order of Business.....	5
1.1.2.2. Changes in Agenda.....	6
1.1.2.3. Delivery and Posting of Agenda.....	6
1.1.3. <i>Roll Call</i>	7
1.1.4. <i>Approval of Minutes</i>	7
1.1.5. <i>Public Hearings</i>	7
1.1.5.1. Order of Proceedings.....	7
1.1.5.2. Public Testimony.....	7
1.1.5.2.1. Time Limits.....	7
1.1.5.2.2. Testimony After Closure of Hearing.....	8
1.1.5.2.3. Written Testimony.....	8
1.1.5.2.4. Testimony Under Oath.....	8
1.1.5.3. Quasi-judicial Hearings.....	9 998
1.1.6. <i>Consent Agenda</i>	9
1.1.7. <i>City Council Reports and Comments</i>	9
1.2. SPECIAL PRESENTATIONS.—.....	9
1.3. ADJOURNED MEETINGS.—.....	10 10
1.4. STUDY SESSIONS—.....	10 10
1.4.1. <i>Notice and Agenda</i>	10 10
1.4.2. <i>Lack of Quorum</i>	10
1.4.3. <i>Limited Actions</i>	10
1.4.4. <i>Time and Place</i>	10
1.4.5. <i>Special Study Sessions</i>	11 11
1.5. SPECIAL MEETINGS.—.....	11 11
1.5.1. <i>Notice</i>	11 11
1.5.2. <i>Matters Considered</i>	11
1.6. SPECIAL JOINT MEETINGS—.....	11
1.6.1. <i>Calling of Meeting</i>	11
1.6.2. <i>Rules of Procedure</i>	11
1.6.3. <i>With Other Council Meetings</i>	11
1.7. CLOSED SESSIONS.—.....	12 12
1.7.1. <i>Regular Closed Sessions</i>	12 12
1.7.2. <i>Special Closed Sessions</i>	12
1.7.3. <i>Immediate Closed Sessions</i>	12
1.7.4. <i>Minutes</i>	12
1.7.5. <i>Agendas</i>	12
1.7.6. <i>Announcements of Action Taken</i>	12
1.8. EMERGENCY MEETINGS.—.....	13 13
2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL	13 13
2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS—.....	13

2.2.	MANNER OF ADDRESSING THE CITY COUNCIL.....	13
2.2.1.	<i>Speaker Forms</i>	13
2.2.2.	<i>Speaker Procedures</i>	14
2.2.3.	<i>Address Presiding Officer</i>	141314
2.2.34.	<i>Subject Under Discussion</i>	151315
2.2.45.	<i>Council Member Responses</i>	151315
2.2.56.	<i>Addressing the City Council After the public comment period</i>	151415
2.2.67.	<i>Channeling Communications to Staff</i>	151415
2.2.78.	<i>Limitations on Public Comments</i>	161416
2.2.78.1.	Issues To Be Heard in a Different Proceeding.....	161416
2.2.78.1.1.	Issues Pending Before Other Bodies.....	161416
2.2.78.1.2.	Public Hearing.....	161416
2.2.78.1.3.	Issues Subject to Appeal.....	161416
2.2.78.2.	Multiple Speakers.....	161516
2.2.78.3.	Repetitious and Irrelevant Commentary.....	174517
2.2.89.	<i>Written Correspondence</i>	174517
2.2.89.1.	Included in Agenda Packet.....	174517
2.2.89.2.	Letters of Appeal.....	174517
2.2.89.3.	Written Public Comments.....	174517
2.3.	PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA—.....	174517
2.4.	PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS.—.....	174617
2.4.1.	<i>Public Comments On Matters not on the Agenda</i>	184618
2.4.2.	<i>Public Comments On Matters on the Agenda</i>	184618
2.5.	PUBLIC COMMENTS AT SPECIAL MEETINGS—.....	184618
2.6.	PUBLIC COMMENTS AT STUDY SESSIONS—.....	184618
2.7.	PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS.—.....	194619
2.7.1.	<i>Closed Sessions After Meetings</i>	194719
2.7.2.	<i>Closed Sessions Before Meetings and Separate Closed Sessions</i>	194719
2.7.3.	<i>Time Limits</i>	194719
3.	CONDUCTING BUSINESS AT MEETINGS.....	194719
3.1.	AGENDA ITEMS.—.....	194719
3.2.	NOTICE OF MEETINGS—.....	194719
3.3.	QUORUM AND REQUIRED MAJORITIES—.....	194719
3.3.1.	<i>Majority Quorum and Majority Vote</i>	194719
3.3.2.	<i>Matters Requiring Three Votes</i>	204720
3.3.3.	<i>Emergency Items</i>	204820
3.3.4.	<i>Need For Immediate Action</i>	204820
3.3.5.	<i>Other Matters Requiring Super-Majority Votes.—</i>	204820
3.3.6.	<i>Legally Required Participation</i>	214921
3.4.	MEETINGS TO BE PUBLIC.....	214921
3.5.	CONCLUSION OF MEETINGS.....	22
4.	PRESIDING OFFICER.....	221922
4.1.	MAYOR AND MAYOR PRO TEM.....	222022
4.1.1.	<i>Mayor as Presiding Officer</i>	222022
4.2.	SELECTION OF MAYOR AND MAYOR PRO TEM.—.....	222022
4.2.1.	<i>Annual Selection</i>	222022
4.2.2.	<i>City Clerk Presides</i>	222022
4.2.3.	<i>Selection Process</i>	222022
4.2.4.	<i>Written Ballot</i>	232423

4.2.5. Term of Office	<u>232123</u>
4.3. VACANCIES—.....	<u>232123</u>
4.3.1. Occurrence of Vacancy.....	<u>232123</u>
4.3.2. Filling Vacancy.....	<u>242124</u>
4.4. CALL TO ORDER—.....	<u>242124</u>
4.5. PARTICIPATION OF PRESIDING OFFICER—.....	<u>242124</u>
4.6. QUESTION TO BE STATED—.....	<u>242224</u>
4.7. SIGNING OF DOCUMENTS—.....	<u>242224</u>
5. RULES, DECORUM, AND ORDER.....	<u>242224</u>
5.1. MAINTENANCE OF ORDER—.....	<u>242224</u>
5.2. POINTS OF ORDER.....	<u>252522</u>
5.3. LANGUAGE—.....	<u>252522</u>
5.4. ENFORCEMENT OF DECORUM—.....	<u>252523</u>
5.4.1. Sergeant-At-Arms.....	<u>252523</u>
5.4.2. Failure to Yield, Disruptions.....	<u>252523</u>
5.4.3. Clearing the Room.....	<u>252523</u>
5.5. DECORUM AND ORDER – COUNCIL MEMBERS.....	<u>262623</u>
5.5.1. Manner of Speaking.....	<u>262623</u>
5.5.2. Questioning Staff.....	<u>262624</u>
5.5.3. Interruptions.....	<u>262624</u>
5.5.4. Personal Privilege.....	<u>262624</u>
5.5.5. Conflict of Interest and Disclosure.....	<u>262624</u>
5.5.5.1. Applicable Law.....	<u>262624</u>
5.5.5.2. No Participation.....	<u>272724</u>
5.5.5.3. Contacts and Consultations With Interested Parties.....	<u>272724</u>
5.5.6. Limitation of Debate.....	<u>272725</u>
5.5.7. Dissents, Protests, and Comments.....	<u>272725</u>
5.6. PROCEDURES IN ABSENCE OF RULES.....	<u>282825</u>
5.7. RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL.....	<u>282825</u>
5.8. DECORUM AND ORDER - PUBLIC.....	<u>282826</u>
5.9. DECORUM AND ORDER - EMPLOYEES.....	<u>282826</u>
6. MOTIONS	<u>292926</u>
6.1. WITHDRAWAL OF MOTIONS—.....	<u>292926</u>
6.2. MOTIONS OUT OF ORDER—.....	<u>292926</u>
6.3. DIVISION OF QUESTION—.....	<u>292926</u>
6.4. PRECEDENCE OF MOTIONS—.....	<u>292926</u>
6.5. MOTION TO ADJOURN.....	<u>292927</u>
6.6. MOTION TO TABLE.....	<u>292927</u>
6.7. MOTION TO LIMIT OR TERMINATE DISCUSSION.....	<u>303027</u>
6.8. MOTION TO AMEND.....	<u>303027</u>
6.9. MOTION TO SUBSTITUTE.....	<u>303027</u>
6.10. MOTION TO CONTINUE.....	<u>303028</u>
7. VOTING PROCEDURE	<u>303028</u>
7.1. VOTING PROCEDURE—.....	<u>303028</u>
7.2. ROLL CALL VOTING—.....	<u>313128</u>
7.3. ABSTENTIONS DISCOURAGED—.....	<u>313128</u>
7.4. RECONSIDERATION—.....	<u>313128</u>

7.5. TIE VOTES—.....	313128
8. LEGISLATIVE AND ADMINISTRATIVE ACTIONS	313129
8.1. DEFINITIONS.....	313129
8.1.1. Ordinance.....	313129
8.1.2. Resolution	313129
8.1.3. Minute Order.....	323229
8.1.4. Minute Entry.....	323229
8.2. ORDINANCES—.....	323229
8.2.1. INTRODUCTION AND ADOPTION OF ORDINANCES—.....	323229
8.2.1.1. Introduction and Reading.....	323229
8.2.1.2. Altered Ordinances.....	323230
8.2.2. Effective Date.....	323230
8.2.3. Publishing.....	333330
8.2.4. Urgency Ordinances	333330
8.3. RESOLUTIONS.....	333330
8.3.1. Resolutions Prepared in Advance.....	333330
8.3.2. Resolutions Not Prepared in Advance	333330
8.3.3. Urgency Resolutions.....	333331
8.3.3.1. Oral Presentation.....	333331
8.3.3.2. Disfavored.....	333331
8.4. POLICIES.....	343431
9. COMMITTEES	343431
9.1. FINANCE COMMITTEE—.....	343431
9.2. PUBLIC SAFETY COMMITTEE—.....	343431
9.3. OTHER COMMITTEES—.....	343431

1. MEETINGS

1.1. REGULAR MEETINGS

1.1.1. TIME AND PLACE.

1.1.1.1. *Regular Time and Place.*

Regular meetings of the City Council shall be held on the second and fourth Tuesdays of each month at 6:30 p.m. in the City Council Chambers of City Hall or such other time and place as shall be specified by resolution of the City Council.

1.1.2. AGENDA.

1.1.2.1. **ORDER OF BUSINESS.**

The order of business of each regular meeting of the City Council shall be as set forth in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects, numbered as designated by the City Clerk and taken up for consideration in substantially the following order:

- Special Recognition/Presentations (6:00 p.m., if necessary)*
- Call to Order (6:30 p.m.)
- Pledge of Allegiance
- Invocation
- Roll Call
- Introductions
- Public Comments on Matters on the Agenda**
- A-C. Consent Calendars ***
 - City Council
 - Moreno Valley Community Services District
 - Community Redevelopment Agency of the City of Moreno Valley
- D. Public Hearings
- E. Items Pulled from Consent Calendars for Discussion or Separate Action
- F. Reports
- G. Legislative Actions

- Public Comments on Matters Not on the Agenda****
- City Council Reports and Closing Comments
- Public Comments on Matters on the Closed Session Agenda*****
- Closed Session, if needed

Report of Action from Closed Session

Adjournment

*See Section 1.2 below

** *The Presiding Officer will announce that public comments on matters on the agenda will be taken up as the item is called for business [Subsection 2.24.2 below], between staff's report and City Council deliberation.*

*** Consent calendars will begin immediately after introductions (and special presentations, if any), with the remaining items taken in the order of the agenda. Any consent calendar item(s), pulled for discussion or separate action will be heard immediately following the public hearings.

**** Public Comments on Matters Not on the Agenda are governed by Subsection 2.24.1 below and will be heard prior to City Council Reports and Closing Comments. Following public comments on matters not on the agenda, the Presiding Officer may request that staff respond to legal or factual issues raised during the public comments. In the event that the agenda item for such public comments has not been called by 9:00 p.m., it shall be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.

***** Public Comments on matters on the closed session agenda (if a closed session is held) are governed by Section 2.7 below.

1.1.2.2. CHANGES IN AGENDA.

Except with the consent of the majority of the City Council, items shall not be taken out of the order prescribed above. No matters other than those listed on the agenda shall be acted upon by the City Council except as permitted under applicable state law.

1.1.2.3. DELIVERY AND POSTING OF AGENDA

Barring insurmountable difficulties, the agenda for each regular meeting of the City Council, and reports and other documentation related thereto, shall be delivered to the Council members and made available to the public on the Thursday preceding the Tuesday meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the

California Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the meeting on the bulletin board outside the City Council Chambers at City Hall and at such other places within the City as the City Council has designated for posting notices of City Council meetings.

1.1.3. ROLL CALL

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Council members and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical, except that the Mayor shall be called last.

1.1.4. APPROVAL OF MINUTES:

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the City Clerk has previously furnished each Council member with a copy thereof.

1.1.5. PUBLIC HEARINGS

1.1.5.1. ORDER OF PROCEEDINGS.

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff Review and Report
- Questions of Staff by City Council
- Hearing Opened by Mayor
- Presentation by Proponent, Applicant or Appellant
- Questions of Proponent, Applicant or Appellant by Council and/or Staff
- Public Testimony
- Rebuttal by Proponent, Applicant or Appellant
- If Desired, Hearing Closed
- Questions by City Council
- Discussion by City Council
- Action by City Council

1.1.5.2. PUBLIC TESTIMONY.

1.1.5.2.1. Time Limits.

Questions, comments, and testimony from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the presiding officer may, at the beginning of the hearing, limit testimony from the public, but in no event to less than 5 minutes per individual and no less than 20 minutes per

hearing item. Any person may speak for a longer period of time, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time.

1.1.5.2.2. Testimony After Closure of Hearing.

Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the City Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to the applicant or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the proponent, applicant or appellant shall be permitted a reasonable time for rebuttal. Any request for reopening of the hearing shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver it to the presiding officer in a manner calculated to be least disruptive to any proceedings under way.

1.1.5.2.3. Written Testimony.

Testimony submitted in written form may be added to the record of the hearing by motion and majority vote or consent of the City Council.

1.1.5.2.4. Testimony Under Oath.

In any hearing before the City Council, notice of which is to be published or posted, if the City Council or any member thereof, or a proponent or opponent of the matter, requests that any or all participants in the proceedings testify under oath or affirmation, the making of such request shall be set forth in the notice of hearing. Additionally, the notice of hearing shall state that the giving of testimony under oath or affirmation shall be voluntary as to each person wishing to be heard in the matter, and that any persons having a question or concern regarding the giving of testimony under oath or affirmation should consult an attorney of their own choosing and at their own expense. Each person testifying under oath or affirmation in any such proceeding shall, before so testifying, state on the record agreement to testify under oath or affirmation in the matter and has had an opportunity to choose and to consult with an attorney in respect thereto. Upon

request to the City Clerk, each Council member will receive sufficient notice, by phone, memo, fax or electronic mail prior to the time of publishing or posting of any hearing notice in order to make such a request.

1.1.5.3. QUASI-JUDICIAL HEARINGS.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

1.1.6. CONSENT AGENDA

Items of routine nature, not anticipated to be controversial, may be placed on the consent calendar by the City Manager. All items may be approved by one blanket motion upon unanimous consent. Any Council member may request that any item be withdrawn from the consent agenda for separate consideration. Any Council member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, by orally stating intent to abstain as to a particular item. The City Clerk shall record such abstentions in the minutes.

1.1.7. CITY COUNCIL REPORTS AND COMMENTS

The Mayor or any Council member may, during the time for reports and comments by Council members, report on activities in representing the Council or the City on boards, committees, commissions, task forces, and other official bodies, before other governmental agencies and at public events. Each Council member may also bring to City Council's attention any item of new business under this portion of the agenda. Action on any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a subsequent City Council meeting unless properly added to the agenda due to a need for immediate action pursuant to state law. If two Council members concur that an item should be added to a future agenda, the Council shall give direction to staff as to whether the matter should be placed on the agenda for a regular Council meeting, a study session or a special meeting.

1.2. SPECIAL PRESENTATIONS.

In order to promote efficiency in handling the business of the City and to provide for proper recognition of those making a contribution to the community, the City Council shall, from time to time, absent special circumstances such as scheduling issues precluding a recipient from attending at that time, convene at 6:00p.m. prior to a regular City Council Meeting for ceremonial purposes. Such a session shall be posted on the agenda for the regular Council Meeting as "Special Presentations". Agenda items for a Special Presentations session shall include only ceremonial

matters, including but not limited to, giving or receiving of gifts and awards, proclamations or previously adopted resolutions.

1.3. ADJOURNED MEETINGS.

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.4. STUDY SESSIONS

1.4.1. NOTICE AND AGENDA.

A study session is a meeting of the City Council, provided a quorum is present. Regular study sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council.

Special study sessions may be called in accordance with the procedures for special meetings of the City Council and shall be noticed, agendized and conducted in accordance with state law governing special meetings of the City Council.

1.4.2. LACK OF QUORUM

In the event that a quorum is lacking for a study session, the meeting may proceed as a briefing at the request of the council members present, but shall not be considered a meeting of the City Council and no direction shall be given to staff by majority consent except to place an item on a future agenda. The proceedings shall continue to be open to the public, public comments shall be taken as for regular study sessions, and all other rights of the public with respect to City Council meetings shall be observed.

1.4.3. LIMITED ACTIONS.

Notwithstanding that a study session is a meeting of the City Council, the Council by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the City Council shall be taken. The Council members may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal City Council consideration of the item, but any final action or formal motions or vote required to effect Council approval or denial shall take place at a regular Council meeting. However, Council members shall not express opinions, nor give directions to staff indicative of any opinions, regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.

1.4.4. TIME AND PLACE.

Regular study sessions of the City Council shall be held on the third Tuesday

of each month at 6:00 p.m. in the City Council Chambers of City Hall or such other time and place as specified by resolution of the City Council.

1.4.5. SPECIAL STUDY SESSIONS

Study sessions may be held at times or places other than the regular time and place if noticed and agendized as a special meeting and designated as a study session. A special meeting designated as a study session shall be subject to this Section 1.4.

1.5. SPECIAL MEETINGS.

1.5.1. NOTICE.

The Mayor or a majority of the members of the Council may call special meetings of the City Council upon not less than 24 hours notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.

1.5.2. MATTERS CONSIDERED.

Only matters contained in the notice of the special meeting may be considered. No ordinance, other than an urgency ordinance, may be adopted at a special meeting. Matters may be placed on the notice of special meeting only with the prior approval of the Mayor or of a majority of the members of the Council.

1.6. SPECIAL JOINT MEETINGS

1.6.1. CALLING OF MEETING.

Special Joint Meetings of the City Council and the governing board of another governmental agency (other than those whose governing boards are comprised of the City Council members) may be called and noticed in accordance with the rules for calling special meetings of the City Council.

1.6.2. RULES OF PROCEDURE.

The rules of procedure governing such joint meetings shall be agreed to by the Mayor and the chairperson of the other governing body or bodies and shall be listed on the agenda for the Special Joint Meeting. The agenda shall include ratification of the agenda by each body as the first order of business after roll calls and ceremonial openings such as the flag salute and invocation, if any. Ratification of the agenda shall be deemed to be adoption of any rules and agenda formats contained therein for the purposes of that meeting only. However, all rules and agenda formats shall conform to all applicable state and federal laws and regulations.

1.6.3. WITH OTHER COUNCIL MEETINGS.

A Special Joint Meeting may be called and noticed even if a regular Council meeting or study session would have ordinarily been scheduled for the same time and place. However, if agenda items are included for the consideration of the Council separately from the other attending body(ies), the meeting shall be deemed both a special joint meeting and a regular Council meeting or study session as applicable, and the rules of procedure applicable to each type of meeting shall apply respectively to those agenda items to be considered jointly or separately or to each portion of the meeting so designated on the agenda.

1.7. CLOSED SESSIONS.

1.7.1. REGULAR CLOSED SESSIONS.

Regular closed sessions shall be held at 6 p.m. on the first Tuesday of each month, and immediately following Regular City Council Meetings and Study Sessions, unless no closed session items are scheduled for that meeting.

1.7.2. SPECIAL CLOSED SESSIONS.

Special closed sessions may be called in accordance with the provisions of these rules and state laws for calling special meetings of the City Council.

1.7.3. IMMEDIATE CLOSED SESSIONS.

The City Council may, subject to the requirements of state law, recess an open meeting to an immediate closed session when the issues raised in the open session give reason to do so.

1.7.4. MINUTES.

Pursuant to Section 54957.2 of the California Government Code, the City Clerk may from time to time be required to attend a closed session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

1.7.5. AGENDAS.

Agendas for regular closed sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council and the provisions of §1.1.2.3 above.

1.7.6. ANNOUNCEMENTS OF ACTION TAKEN.

When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. For closed sessions held immediately before any City Council meeting, announcement shall be made during the subsequent meeting. A place may be listed on the

agenda for such announcements. After closed sessions held after any City Council meeting or not in conjunction with any other meeting of the City Council, the members of the Council shall reconvene in open session and make such announcements prior to final adjournment of the meeting.

1.8. EMERGENCY MEETINGS.

Upon finding by majority vote that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety, the Council may convene an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that all provisions of Section 94956.5 of the California Government Code, and other applicable law, are complied with.

2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL

2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS

The rules and procedures set forth in this Section 2 shall govern each opportunity for the public to address the City Council during its meetings except as expressly set forth elsewhere or as otherwise required by law. These rules and procedures shall govern public testimony during public hearings except as to those matters set forth in Subsection 1.1.5 above. Public comments are also governed by the rules of decorum set forth in Subsection 5.8 below.

2.2. MANNER OF ADDRESSING THE CITY COUNCIL

2.2.1. SPEAKER FORMS.

Any members of the public desiring to may address the City Council during the time set aside for public comments on any subject shall fill out and present to the bailiff or, in the absence of the bailiff, the City Clerk, a form of request to speak prior to the presiding officer calling the item of business which the person desires to address and when called by the presiding officer, shall proceed to the podium. After being recognized, the individual shall state the individual's name and address for the record. Any person having reason not to publicly reveal address information shall instead state whether that person is or is not a resident of the City of Moreno Valley. not on the agenda under the jurisdiction of the City Council and before consideration of any other agenda item; however, no person shall address the City Council without first being recognized by the presiding officer. Any person desiring to speak shall first complete the appropriate speaker request form and submit the completed form to the bailiff or, in the absence of the bailiff, the City Clerk. Speaker request forms are required to be completed and submitted prior to the presiding officer calling for public comments. Any speaker

request form not completed and submitted before the presiding officer calls for public comments on any particular agenda item shall be considered late and the public comment will not be received except on a majority vote of the City Council after an appropriate motion and second prior to the first public comment on that agenda item being received. No person is required to list his or her name or address on the speaker request form; however, such information would be helpful for staff to provide follow-up information to the speaker if needed. [(Optional) Where a speaker request form is submitted without a name, the bailiff or, in the absence of the bailiff, the City Clerk will assign a number to both the submitted speaker request form and the same number to the person submitting the speaker request form. That number will be used by the presiding officer in calling that person for public comment.]

2.2.2. SPEAKER PROCEDURES.

[(Option 1) At the time for public comments, the presiding officer will announce speakers by name or number from the submitted speaker request forms received for that item in random order. The first speaker announced by the presiding offer shall take their place at the speaker's podium and wait until the presiding officer indicates they may proceed with their comments. The second speaker announced by the presiding officer will line up behind the speaker podium along the wall to await their turn to speak. Upon conclusion of the comments by the speaker at the speaker's podium, the person waiting will immediately take their place at the podium and the presiding officer will announce the next speaker, who will line up behind the speaker's podium along the wall. This procedure will be followed until all speakers have been called by the presiding officer.] [(Option 2) At the time for public comments, the presiding officer will announce all speaker request forms received for that item in random order. Speakers will line up in single file behind the speaker podium along the wall and in the order announced by the presiding officer to await their turn to speak. The first speaker in line will take their place at the speaker's podium and the line will move forward. Upon conclusion of the comments of the speaker at the speaker's podium, the next person waiting in line will immediately take their place at the podium and the line will move forward. This procedure will be followed until all speakers in line have spoken. Only those persons who submitted a speaker request form that was announced by the presiding office may take a place in line for public comment on that agenda item.]

2.2.3. ADDRESS PRESIDING OFFICER.

All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person. No person shall ~~begin their comments until enter into any discussion without being~~ recognized by the presiding officer. The presiding

~~officer determines the order of speakers, except that It shall be the Presiding Officer's prerogative to determine the order of speakers on any agenda or non-agenda items, except to the extent that the order of speakers~~ for public hearing development projects is determined by other policies.

2.2.3.2.2.4. SUBJECT UNDER DISCUSSION.

During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.

2.2.4.2.2.5. COUNCIL MEMBER RESPONSES.

Any ~~council member of the City Council~~ who has been recognized by the presiding officer ~~of the City Council~~ for ~~such that~~ purpose may address or respond to a member of the public who has addressed the City Council pursuant hereto. Such address or response shall not exceed three (3) minutes in time and shall be deemed to be the individual position or opinion of the council member offering the address or response and shall not constitute the official position or obligation of the City Council or the City in any manner. ~~be exercised only once for each member of the public, shall not exceed three minutes in length, shall be deemed to express the individual position or opinion of the Council member offering the same, and shall not be construed to bind the City Council or the city in any manner.~~ Unless otherwise directed by the City Council upon a majority vote after an appropriate motion and second, the restrictions imposed by this Subsection 2.2.45 shall apply only to those portions of the ~~City Council~~ agenda during which ~~members of the public comments are received are permitted to make oral communications to the City Council.~~

2.2.5.2.2.6. ADDRESSING THE CITY COUNCIL AFTER THE PUBLIC COMMENT PERIOD.

After the public comment period has ~~been~~ concluded for any agenda item, no member of the public shall address the City Council without first ~~securing~~obtaining permission by a majority vote of the City Council after an appropriate motion and second. Any request for such permission shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver the request to the presiding officer in a manner ~~calculated to be~~ least disruptive to any proceedings under-way.

2.2.6.2.2.7. CHANNELING COMMUNICATIONS TO STAFF.

After the ~~public comment oral communication is presented where a request has been made by the speaker~~, the presiding officer may, ~~if he deems it desirable,~~ request the speaker to that the communicate ion also be made either the same request to the City Manager or other appropriate staff member during regular business hours, or in writing for subsequent submittal to ~~C~~council members, pursuant to Subsection 2.2.~~89~~.

2.2.7.2.2.8. LIMITATIONS ON PUBLIC COMMENTS.

~~Public comments~~The making of oral communications to the City Council by any member of the public during the "Public Comments" portions of the agenda shall be subject to the following limitations:

2.2.7.1.2.2.8.1. ISSUES TO BE HEARD IN A DIFFERENT PROCEEDING.

The following limitations shall apply in circumstances where the presiding officer is aware or is informed by the City Manager or other staff member that they apply:

2.2.7.1.1.2.2.8.1.1. Issues Pending Before Other Bodies.

No speaker shall ~~be permitted to~~ address the City Council on a ~~topic~~matter which is currently before, or about to be submitted for consideration ~~to~~by, the Planning Commission ~~for~~at a public hearing ~~before~~at which the speaker ~~has the opportunity to speak until the Planning Commission has made a final determination on the matter~~should make his presentation, until that latter body has completed its deliberations and taken its final action.

2.2.7.1.2.2.8.1.2. Public Hearing.

No speaker shall ~~be permitted to~~ address the City Council on a ~~matter~~topic that is scheduled to be heard and determined by the ~~City~~ Council in a public hearing at a subsequent time. ~~The~~Any speaker ~~will indicating a desire to speak on such a matter shall~~ be informed of the date, time and place of the hearing and directed to make comments during the public testimony portion of the public hearing, or, alternatively, to submit comments in writing and request that they be included in the record of such hearing.

2.2.7.1.3.2.2.8.1.3. Issues Subject to Appeal to the City Council.

Where an appeal to the City Council is or may become available to the speaker, no public comments ~~will be received shall be taken~~ on the subject outside of the appeal hearing. ~~Rather, t~~The presiding officer shall ~~ould~~ direct the ~~person~~speaker to follow the appeal procedure and present comments and evidence in the appeal hearing.

2.2.7.2.2.2.8.2. MULTIPLE SPEAKERS.

If it appears that several speakers desire to speak regarding a single ~~agenda item~~topic, the presiding officer may reasonably limit the number ~~of~~ speakers ~~ing~~ as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokes~~person~~man. ~~In t~~The presiding

~~officer's discretion may, but is not required to, if beneficial to the Council's understanding of an issue or more efficient in conducting Council business, the presiding officer may, but shall not be required to, allow grouping of speakers into a coordinated presentation if it would be beneficial to the City Council's understanding of an issue or would be time efficient in conducting the City Council's business. However, no additional time shall be given to address the City Council.~~

2.2.7.3.2.2.8.3. REPETITIOUS AND IRRELEVANT COMMENTARY.

Irrespective of any time limits, the presiding officer may regulate or terminate the comments of a speaker when the presiding officer reasonably determines that the speaker is being unduly repetitious or engaging in extended discussion of irrelevancies. The presiding officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker's time.

2.2.8.2.2.9. WRITTEN CORRESPONDENCE.

2.2.8.1.2.2.9.1. INCLUDED IN AGENDA PACKET.

Any written communication relating to a matter pending, or to be brought before the City Council shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.

2.2.8.2.2.2.9.2. LETTERS OF APPEAL.

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the municipal code, or other applicable ordinances.

2.2.8.3.2.2.9.3. WRITTEN PUBLIC COMMENTS.

Public comments submitted in written form shall be copied and distributed to all members of the City Council, the City Manager, and the City Attorney.

2.3. PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA.

While the City Council is in session, no person except eCity officials shall be permitted within the area of the Council Chambers forward of the speaker's podium without the invitation or consent of the presiding officer.

2.4. PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS.

2.4.1. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA.

Each person addressing the City Council during Public Comments on Matters Not on the Agenda shall be permitted three (3) minutes to address the Council, but in cases where it appears that a large number of persons desire to address the City Council on one subject, the presiding officer may limit public comments on any one subject to an aggregate of fifteen (15) minutes. Public comments on matters not on the agenda shall be taken in accordance with the Order of Business set forth in paragraph 1.1.2.1 above.

2.4.2. PUBLIC COMMENTS ON MATTERS ON THE AGENDA.

Public comments on the agenda shall be taken as to each agenda item ~~called as by~~ the presiding officer ~~calls that item~~ for consideration; however, speakers who wish to address the City Council on any consent calendar item may only speak once prior to City Council consideration of the consent calendar. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one (1) agenda item shall be limited to a total aggregate time of fifteen (15) minutes.

2.5. PUBLIC COMMENTS AT SPECIAL MEETINGS.

-At special meetings of the City Council, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken as to each ~~item agenda tem~~ as called by the presiding officer ~~calls that item~~ for consideration by the City Council. However, with respect to Special Joint Meetings with other Agencies or Commissions, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Subsection 1.6.2 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one agenda item shall be limited to a total aggregate time of fifteen (15) minutes, except with respect to public hearings, where speakers shall be governed by the rules pertaining to public hearings at regular meetings.

2.6. PUBLIC COMMENTS AT STUDY SESSIONS.

A public comment period, entitled "Public Comments on Matters Either on the Agenda or Not on the Agenda Under the Jurisdiction of the City Council" shall be included as part of the study session agenda. Such public comments shall be taken prior to the Council taking up any business items on the agenda. Each speaker shall be subject to a three (3) minute time limit, A limitation of three minutes shall be imposed upon each person so desiring to address the Council during the public comment period, with a total aggregate time for public comments of thirty (30) minutes. The City Council may, ~~by majority consent,~~ extend the thirty (30) minute time limit period by a majority vote after an appropriate motion and second.

2.7. PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS.

The public shall be permitted to make comments on matters on the closed session agendas prior to the holding of each closed session in accordance with the following procedures:

2.7.1. CLOSED SESSIONS AFTER MEETINGS.

For Closed Sessions held immediately after an open session of any City Council meeting, public comments shall be taken immediately prior to the Council adjourning the open session.

2.7.2. CLOSED SESSIONS BEFORE MEETINGS AND SEPARATE CLOSED SESSIONS.

For Closed Sessions held immediately before any City Council meeting, or not in conjunction with any other meeting of the City Council, the Council shall convene in the Council Chambers, or such other place as noted on the Agenda for the Closed Session, and receive public comments on matters on the Closed Session Agenda prior to retiring to the Closed Session.

2.7.3. TIME LIMITS.

Each speaker shall be limited to three (3) minutes and aggregate time for all items on the Closed Session Agenda with an aggregate time limit for all speakers of fifteen ~~speakers shall be limited to (15) minutes unless extended upon a majority vote of the City Council after an appropriate motion and second.~~

3. CONDUCTING BUSINESS AT MEETINGS

3.1. AGENDA ITEMS.

Items may be placed on the agenda of any regularly scheduled meeting of the City Council by the Mayor, or by any member of the City Council with the concurrence of one other member of the Council, or by the City Manager, City Attorney, or City Clerk. Items may be placed on the agenda of any special meeting with the consent of a majority of the City Council.

3.2. NOTICE OF MEETINGS

Notice of regular meetings or regular study sessions need be given only under circumstances required by state law. Notice of Special Meetings and adjourned meetings shall be given in accordance with state law. Posted notice of all meetings shall be given as required by state law at the locations specified by resolution of the City Council. Inadvertent failure of the Clerk to post notice at any location so specified shall not invalidate any meeting so long as the posting actually done by or under the direction of the Clerk complies with state law for posted notices.

3.3. QUORUM AND REQUIRED MAJORITIES

3.3.1. MAJORITY QUORUM AND MAJORITY VOTE.

Unless otherwise provided for in the Municipal Code or by state law, a majority of the City Council shall be a quorum sufficient to do business and motions may be passed 2-1 if only 3 attend.

3.3.2. MATTERS REQUIRING THREE VOTES.

The following matters, however, require three affirmative votes: (a) adoption of ordinances; (b) resolutions granting franchises, (c) resolutions amending the general plan; and (d) orders or appropriations for payment or expenditure of money.

3.3.3. EMERGENCY ITEMS.

Discussion and action on an item not appearing on the posted agenda of regular meetings, regular study sessions and closed sessions may occur if an emergency situation as defined in California Government Code Section 54956.5 is determined to exist by a majority vote of the Council.

3.3.4. NEED FOR IMMEDIATE ACTION.

Discussion and action on an item not appearing on the posted agenda may occur if the legislative body determines by a two-thirds vote of the members of the legislative body present at the meeting (or a unanimous vote if less than two-thirds of the members are present) there is both: a) the need to take action immediately, and; b) that the need for action came to the attention of responsible officers of the City after the agenda was posted.

3.3.5. OTHER MATTERS REQUIRING SUPER-MAJORITY VOTES.

Where state or federal law requires a vote greater than a majority for valid action or approvals, the required vote for passage or approval shall be in accordance with the applicable statute. These matters include, but are not limited to:

- a) Adoption of a general tax (two-thirds majority of Council prior to public vote)
- b) An urgency ordinance for the immediate preservation of the public peace, health or safety, which must contain a declaration of the facts constituting the urgency (four-fifths vote)
- c) Interim ordinances effective immediately prohibiting land uses which may be in conflict with a contemplated zoning proposal which is or will be studied within a reasonable time (four-fifths vote)
- d) Adoption of a resolution of necessity for a proposed taking of property by power of eminent domain (two-thirds vote of all members of the city council)
- e) Conversion of land purchased for park purposes or land used for park purposes to other uses (four-fifths vote with special findings after a

20

Rules of Procedure for Council Meetings
and Related Functions and Activities
Resolution No. 2003-17
Adopted March 25, 2003-2003
Revised by Resolution 2011-
December , 2011

- public hearing)
- f) Award of contracts without competitive bidding (finding by a four-fifths vote that an emergency exists)
- g) Resolution finding that a project can be performed more economically by day labor or through open market purchases of materials and supplies and dispensing with further public bidding after all bids are rejected (four fifths vote)
- h) Override of a decision of an Airport Land Use Commission "ALUC" (two-thirds vote including adoption of findings required by state statute)
- i) Override of an adverse determination of an ALUC concerning the city's proposed amendment of its general plan (two-thirds vote)
- j) Adoption of a redevelopment plan if either the Planning Commission or Project Area Committee has recommended against approval (two-thirds vote of the entire Council)
- k) Adoption of a resolution to authorize immediate expenditure of public money to safeguard life, health or property in case of emergency or disaster (four-fifths vote)
- l) Agreements to share sales and use tax proceeds among cities and/or counties (two thirds vote or voter-approval)
- m) Declaration of emergency setting an election to approve a general tax other than at a regularly-scheduled general city election (unanimous vote of the governing body)

3.3.6. LEGALLY REQUIRED PARTICIPATION

If a majority of the City Council shall be disqualified to vote on a matter by reason of a conflict of interest, the City Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the City Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Any disqualified member so chosen shall not participate in any discussion of the item and shall participate in voting only to the minimum extent required for a lawful and legal decision.

3.4. MEETINGS TO BE PUBLIC

Study sessions and all regular, adjourned or special meetings of the City Council shall be open to the public; however, the City Council may hold closed sessions from which the public may be excluded for the consideration of any matter for which a closed session is permitted under applicable state law.

3.5. CONCLUSION OF MEETINGS

The Council shall endeavor to adjourn all regular, adjourned or special meetings of the City Council including study sessions at 11:00 p.m. or as soon thereafter as any matter then being considered is concluded. The Council may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

4. PRESIDING OFFICER

4.1. MAYOR AND MAYOR PRO TEM

4.1.1. MAYOR AS PRESIDING OFFICER.

The Mayor shall be the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Clerk shall preside temporarily and shall immediately call for the Council to elect one of their number as a temporary presiding officer to serve until the arrival of the Mayor or the Mayor Pro Tem or until adjournment, whichever first occurs. A temporary presiding officer so elected shall be referred to by the Council and City Staff as "Mister Chairman" or "Madame Chairman" as appropriate to gender.

4.2. SELECTION OF MAYOR AND MAYOR PRO TEM.

4.2.1. ANNUAL SELECTION.

The City Council shall meet annually at its first regular meeting in December to choose one of its number as Mayor and another of its number as Mayor Pro Tem. The new Mayor and Mayor Pro Tem shall be installed and sworn in during a special ceremonial meeting on the first Tuesday of January and shall assume their offices at the regular City Council meeting on the second Tuesday of January. However, in the event of a need for a special meeting between the special ceremonial meeting and the regular meeting on the second Tuesday, the newly sworn Mayor shall preside.

4.2.2. CITY CLERK PRESIDES.

The City Clerk shall convene and preside at the special ceremonial meeting for the installation and swearing in of the Mayor and Mayor Pro Tem. The City Clerk shall then administer the oaths of office. Each Council member shall have an opportunity for brief comments and the meeting shall be adjourned. No other business shall be conducted at such ceremonial meeting.

4.2.3. SELECTION PROCESS.

22

Rules of Procedure for Council Meetings
and Related Functions and Activities
Resolution No. 2003-17
Adopted March 25, 2003-2003
Revised by Resolution 2011-
December , 2011

Nominations for the office of Mayor or Mayor Pro Tem may be made by any member of the City Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately; provided, however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tem, no person has yet received three affirmative votes for such office, the City Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the City Council.

4.2.4. WRITTEN BALLOT.

Voting in the selection of Mayor and Mayor Pro Tem shall be by written ballot unless the City Council, by three or more affirmative votes, determines to conduct the selection process by voice vote. If conducted by written ballot, the vote of each Council member shall remain undisclosed until all votes have been cast and have been lodged with the City Clerk. The City Clerk shall then read aloud into the minutes of the City Council the identity of the voting Council member and the name of the person for whom such person is voting. The written ballots shall be public documents and shall be retained in the records of the City Council. The Standard Code of Parliamentary Procedure, third edition, as revised or approved from time to time by the American Institute of Parliamentarians, shall apply to resolve any question of procedure arising during the selection process, which is not governed by this Section.

4.2.5. TERM OF OFFICE.

Except as provided in this Section, the Mayor and Mayor Pro Tem selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem pursuant to this Section, and thereafter until their successors have been duly selected.

4.3. VACANCIES.

4.3.1. OCCURRENCE OF VACANCY.

The offices of Mayor and Mayor Pro Tem shall be deemed vacant upon the happening of any of the following:

- a) The death of the holder of such office;
- b) The loss or resignation from membership on the City Council by the holder of such office; or
- c) The acceptance by the City Council of the resignation from such office

by the holder thereof.

4.3.2. FILLING VACANCY.

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the City Council shall select a successor to such office pursuant to the selection procedures established by this Section.

4.4. CALL TO ORDER

The meeting of the City Council shall be called to order by the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary presiding officer as provided above.

4.5. PARTICIPATION OF PRESIDING OFFICER

The presiding officer (except the City Clerk, when acting as presiding officer) may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Council members. The presiding officer shall not be deprived of any of the rights and privileges of a Council member by reason of acting as presiding officer. However, the presiding officer is primarily responsible for the conduct of the meeting. If the presiding officer believes that personally engaging in the making or seconding of motions or extended debate on questions before the City Council would jeopardize the presiding officer's ability to fairly and efficiently conduct the meeting, the presiding officer may, but shall not be required to, turn the responsibility of presiding over to the Mayor Pro Tem or, in the absence or inability to act of the Mayor Pro Tem, to the City Clerk for the election of another Council member as temporary presiding officer.

4.6. QUESTION TO BE STATED

The presiding officer should restate or cause to be restated each question immediately prior to Council debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals. Before proceeding to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

4.7. SIGNING OF DOCUMENTS

After approval as to form by the City Attorney or his deputy, the Mayor, or Mayor Pro Tem in the absence of the Mayor, shall sign ordinances, resolutions and proclamations adopted by and letters, contracts and other documents and instruments approved by the City Council. The City Clerk or Assistant City Clerk shall attest to the signature of the Mayor or Mayor Pro Tem.

5. RULES, DECORUM, AND ORDER

5.1. MAINTENANCE OF ORDER

The presiding officer is responsible for the maintenance of order and decorum at all times.

5.2. POINTS OF ORDER

The presiding officer shall determine all points of order subject to the right of any Council member to appeal to the City Council. If any appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained" in which event a majority vote shall govern and conclusively determine such question of order.

5.3. LANGUAGE

All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. Recognizing that the First Amendment precludes the City Council from prohibiting speakers from speaking based upon the content of speech, the presiding officer shall use his best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward coarse language as a courtesy to others present or otherwise viewing Council meetings.

5.4. ENFORCEMENT OF DECORUM

5.4.1. SERGEANT-AT-ARMS.

The Chief of Police or his designee shall be ex-officio sergeant-at-arms of the City Council. At meetings where a Bailiff is assigned and present, the bailiff shall act as Sergeant-at-Arms, but shall remain subject to the direction of the Police Chief. The Sergeant-at-arms shall carry out all legal and valid orders and instructions given him by the presiding officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to remove any disorderly person from the Council Chambers or place the disorderly person under arrest or both.

5.4.2. FAILURE TO YIELD, DISRUPTIONS.

Any person who refuses to relinquish the floor after their allotted time or while speaking or while attending the City Council meeting engages in conduct which disrupts the business of the meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer. Disruptive remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer.

5.4.3. CLEARING THE ROOM.

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

5.5. DECORUM AND ORDER – COUNCIL MEMBERS

5.5.1. MANNER OF SPEAKING.

Any Council member desiring to speak shall activate the light signaling to the presiding officer a request to speak. In the event such signal lights are not available or functional, the Council member shall first address the presiding officer. Upon recognition by the presiding officer, the Council member shall speak only to the question under debate.

5.5.2. QUESTIONING STAFF.

A Council member desiring to question the staff should address his question to the City Manager, or, in appropriate cases, the City Clerk or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

5.5.3. INTERRUPTIONS.

Once recognized, a Council member shall not be interrupted while speaking unless called to order by the presiding officer; unless a point of order is raised by another Council member, or unless the speaker chooses to yield to questions from another Council member.

5.5.4. PERSONAL PRIVILEGE.

The right of a Council member to address the City Council on a question of personal privilege shall be limited to cases in which that Council member's integrity, character, or motives are assailed, questioned, or impugned.

5.5.5. CONFLICT OF INTEREST AND DISCLOSURE

5.5.5.1. APPLICABLE LAW.

All Council members are subject to the provisions of California law,

including, but not limited to, Chapter 7, Title 9, of the California Government Code, Section 87100, et seq., relative to conflicts of interest, and to conflicts of interest codes adopted by the City Council.

5.5.5.2. NO PARTICIPATION.

Any Council member prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate and voting. Such Council member shall leave the Council Chambers during debate and voting on the issue.

5.5.5.3. CONTACTS AND CONSULTATIONS WITH INTERESTED PARTIES.

At the time that each matter is taken up by the City Council for action in public session and prior to participation in the consideration of that matter, each member of the City Council shall identify by name (or if sufficient legal reason exists not to disclose the name, by the general description of the person and the person's interest in the matter) each person with a material interest in the matter who has consulted with that Council member regarding the matter since the application or other proposal was actually presented to the City. Such disclosure may be oral and shall be supplemented, as required, if the matter is continued from one meeting to another. Failure to make a disclosure of consultation shall be deemed to be a representation that no disclosable consultation took place in respect to a matter coming before the City Council for action. For items requiring a public hearing as to which any party is entitled to due process of law, each Council member should discourage such contacts and consultations outside of the hearing and shall, in addition to the disclosure required above, generally describe on the public record, the content of any such communication received outside of the public hearing.

5.5.6. LIMITATION OF DEBATE

No Council member shall speak for more than five minutes each time that Council member has the floor, without the approval of a majority vote of the City Council. No Council member normally should speak more than once upon any one subject until every other Council member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Council member under Council Member Reports and Closing Comments.

5.5.7. DISSENTS, PROTESTS, AND COMMENTS

Any Council member shall have the right to express dissent from, or protest to, or comment upon, any action of the City Council and have the reason

entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

5.6. PROCEDURES IN ABSENCE OF RULES

In the absence of a rule herein or in a written policy adopted by the City Council, to govern a point or procedure, The Standard Code of Parliamentary Procedure, third edition, shall be used as a guide, unless the Council, by majority vote or consent adopts an interim rule for that point or procedure by motion and majority vote.

5.7. RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL

In presiding over City Council meetings, the presiding officer shall, with due consultation with the City Attorney, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

5.8. DECORUM AND ORDER - PUBLIC

Decorum of public speakers during public comments shall be governed by Section 2 of these rules. Members of the audience shall not address the Council, the presiding officer, the staff or other members of the public except during public comment periods. When a member of the audience has important information, answers to questions raised during Council deliberations, or new evidence for Council consideration after the closing of the public comment period applicable to that item, the member of the public shall request to be recognized by the presiding officer by silently standing and/or raising a hand. Persons unable to stand or raise a hand may use such other means, including speaking out loud, if necessary, as are reasonably calculated to attract the attention of the presiding officer with the least disruption to the proceedings. The presiding officer shall have discretion to deny the request or briefly question the person regarding the general nature of the information held by the audience member, and/or the relevance and importance of the information. If the presiding officer deems the answers to such questions worthy of Council consideration the presiding officer shall ask for the Council to indicate, by majority consent, whether they wish to hear and consider the comments.

5.9. DECORUM AND ORDER - EMPLOYEES

The City Manager shall insure that all city employees observe proper rules of decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the presiding

officer. All remarks shall be addressed to the presiding officer or to the City Council and not to any one individual Council member or member of the public.

6. MOTIONS

6.1. WITHDRAWAL OF MOTIONS

Once a motion is made and seconded, it shall not be withdrawn by the mover without the consent of the person seconding it.

6.2. MOTIONS OUT OF ORDER

The presiding officer may at any time, by majority consent of the City Council, permit a Council member to introduce an ordinance, resolution, or motion out of the regular agenda order.

6.3. DIVISION OF QUESTION

If the question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

6.4. PRECEDENCE OF MOTIONS

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

- Adjourn
- Fix hour of adjournment
- Table
- Limit or terminate discussion
- Amend
- Postpone

6.5. MOTION TO ADJOURN

A motion to adjourn shall be in order at any time, except as follows:

- a) When repeated without intervening business or discussion;
- b) When made as an interruption of a member while speaking;
- c) When discussion has been ended, and vote on motion is pending; and
- d) While a vote is being taken.

A motion to adjourn without specifying another time if adopted shall adjourn the meeting to the next regular meeting or next regular study session, whichever first occurs and shall not be debatable. A motion to adjourn to a specific time shall be debatable only as to the time to which the meeting is adjourned.

6.6. MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table shall not be debatable and shall not be subject to amendment. Such a motion shall immediately terminate any further debate of the subject under consideration until the motion is determined. If the motion shall prevail, the matter may be "taken from

the table” by motion and majority vote at any time, subject to agenda posting and any notice requirements.

6.7. MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendments to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

6.8. MOTION TO AMEND

A motion to amend shall be debatable only as to content of the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Amendments shall be voted first and then the main motion, as amended.

6.9. MOTION TO SUBSTITUTE

A motion to substitute a new motion for a pending motion or to amend the pending motion by substitution shall be debatable only as to the content of the substituted motion. A motion to substitute or to amend by substitution shall be germane to the general subject matter of the pending motion but may differ in wording, purpose and/or effect. If the motion prevails, the new motion shall take the place of the former motion and any amendments previously adopted, which shall no longer be on the floor. If the motion fails, the original motion remains pending. Such a motion shall be voted on before voting on any proposed amendments not already approved.

6.10. MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

7. VOTING PROCEDURE

7.1. VOTING PROCEDURE

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical by surname with the presiding officer voting last. The clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond “aye,” “no,” or “abstain;” provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council member not audibly and clearly responding “no” or “abstain” or otherwise registering an objection shall be recorded as voting “aye.”

7.2. ROLL CALL VOTING

A roll call vote shall be used for all ordinances, resolutions and orders for franchises or payments of money. Any other question before the City Council shall not require a roll call vote unless requested by any member. It shall not be in order for members to explain their votes during roll call. Council members may change their votes before the next order of business is called.

7.3. ABSTENTIONS DISCOURAGED

Every Council member should vote “aye” or “nay” on each item unless disqualified for cause.

7.4. RECONSIDERATION

Any Council member who voted with the majority may move for reconsideration of any action at the same meeting or at the next regular meeting, so long as the item is duly listed and posted on the agenda for the subsequent meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council.

7.5. TIE VOTES

Tie votes shall be lost motions. When all Council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the City Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

8. LEGISLATIVE AND ADMINISTRATIVE ACTIONS

8.1. DEFINITIONS.

8.1.1. ORDINANCE

An “Ordinance” is a formal legislative act of the City Council having the force of law and has the meaning generally attributed to ordinances under the California Government Code. Ordinances are memorized in documents so designated and executed with the formalities required by the Government Code.

8.1.2. RESOLUTION

“Resolution” means a formal action of the City Council memorialized by a separate document, numbered in sequence, and preserved in a separate set of books. A resolution documents both the action taken by the Council and the reasons for the action and may contain findings of fact and/or recitations of legal or policy reasons for the action. “Resolutions” are used when

specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, when needed for legal reasons to document important Council decisions, when documenting important policy or administrative decisions with long-term effects, or where the frequency of future reference back to its contents warrants a separate document.

8.1.3. MINUTE ORDER.

A “minute order” as used locally denotes a decision of the City Council entered in the minutes and documenting the reasons (findings of fact and policy considerations) for the decision at the request of a member of the City Council or for legal reasons at the request of the City Attorney. A “minute order” is drafted far more briefly than a “resolution” and is distinguished from a mere minute entry only by the detail entered in explaining findings of facts and policy considerations behind the Council’s decision.

8.1.4. MINUTE ENTRY.

The “minute entry”, is an entry in the minutes of the meeting recording a City Council action.

8.2. ORDINANCES

8.2.1. INTRODUCTION AND ADOPTION OF ORDINANCES

8.2.1.1. INTRODUCTION AND READING.

Except for urgency ordinances, ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council members present, all ordinances shall be read in full either at the time of introduction or passage. Waiver of further reading of all ordinances on the agenda of any meeting may be done in advance as a consent calendar item.

8.2.1.2. ALTERED ORDINANCES.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be introduced again and shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration and reintroduction. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

8.2.2. EFFECTIVE DATE

All ordinances, except as provided in Section 36937 of the Government code, shall take effect thirty (30) days after adoption but may be made operative at such later date as may be designated in the ordinance.

8.2.3. PUBLISHING

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within fifteen (15) days after adoption.

8.2.4. URGENCY ORDINANCES

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a four-fifths (4/5) majority, it may thereafter be considered and passed in the same manner and with the same effect as regular ordinances.

8.3. RESOLUTIONS

8.3.1. RESOLUTIONS PREPARED IN ADVANCE

If a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

8.3.2. RESOLUTIONS NOT PREPARED IN ADVANCE

If a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at a subsequent City Council meeting.

8.3.3. URGENCY RESOLUTIONS

8.3.3.1. ORAL PRESENTATION.

In matters of urgency, a resolution may be presented orally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Section 8.2 above shall be followed.

8.3.3.2. DISFAVORED.

Urgency resolutions shall be avoided except when absolutely necessary; and they shall not be used when resolutions are required by law, including, but not limited to actions related to public financing, improvement acts, eminent domain, general plan and zoning matters, force account work on public projects and other matters where state statutes specify that action must be taken by formal resolution. If the resolution has been drafted in written form, either before or during the

meeting, this section shall not be deemed applicable.

8.4. POLICIES

The City Council may, by resolution or by motion, adopt written policies governing administrative and other routine matters, providing ongoing direction to City staff regarding particular subjects, or setting standards for City involvement in particular types of activities such as public financing, investment, economic development, influencing action by other governmental bodies, and such other matters as the Council may determine from time to time. Such policies shall be compiled in the City's administrative policy handbook together with policies issued by the City Manager for the direction of the City Staff.

9. COMMITTEES

9.1. FINANCE COMMITTEE

There shall be a standing committee of the City Council known as the finance committee, whose duties shall be those as prescribed in the City of Moreno Valley Municipal Code, or as otherwise assigned by the City Council. The committee shall consist of two (2) Council members appointed by the Mayor and confirmed by the City Council.

9.2. PUBLIC SAFETY COMMITTEE

There shall be a standing committee of the City Council known as the public safety committee. The committee shall consist of two (2) members who shall be Council members appointed by the Mayor and confirmed by the City Council. The public safety committee shall study matters relating to law enforcement, fire services, traffic safety, animal control, and related matters referred to it by the City Council, and shall make recommendations to the City Council.

9.3. OTHER COMMITTEES

The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes.