RESOLUTION NO. 17-61

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, REPEALING RESOLUTION NO. 12-44 AND ADOPTING RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

WHEREAS, Section 2.04.040 of the Municipal Code requires that the Town Council adopt Rules of Procedure to govern the conduct of its meetings and any of its other functions and activities, and regulations pertaining thereto; and

WHEREAS, it is necessary and desirable to amend those Rules from time to time.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes that the Town Council Rules of Procedure are hereby amended to read as follows in Attachment A.

BE IT FURTHER RESOLVED that Resolution No. 12-44 is hereby repealed and rescinded in its entirety.

APPROVED AND ADOPTED this 21st day of June, 2017

JOHN WENTWORTH, Mayor

ATTEST:

JAMIE GRAY, Town Clerk
Town of Mammoth Lakes
Town Council - Rules of Procedure

Last Updated and Adopted
June 21, 2017
Resolution No. 17-61
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Appendix: Rosenberg's Rules of Order
INTRODUCTION

The Town of Mammoth Lakes was incorporated on August 20, 1984 and is a general law city operating under a Council/Manager form of government with the Town Council acting as the legislative body of the Town (Cal. Gov't Code § 34851). The Town Council is comprised of five elected positions. Elections are staggered every two years with each Councilmember serving a four-year term. State law provides for the minimum qualifications for a person to run for election as a Councilmember, which are:

- United States citizen
- At least 18 years old
- Registered to vote
- Resident of the city at least 15 days prior to the election and throughout his or her term.

Each year the Council selects two of its members to serve one-year terms as Mayor and Mayor Pro Tempore. The Mayor typically serves as the Presiding Officer during meetings, provides input on the structure of the agenda, represents the Town at ceremonial and social functions, and performs other duties as may be prescribed by State law, Town Ordinance or Resolution, or direction of the Town Council.
A. **MEETINGS**

A-1 **REGULAR MEETINGS**

The Town Council shall hold regular meetings on the first and third Wednesday of each month. The open session portion of the meeting shall begin at 6:00 p.m. in the Council Chamber (Suite Z), 437 Old Mammoth Road, Mammoth Lakes, California, or at such other place within the Town limits to which said meeting may be adjourned. If by reason of fire, flood, or other emergency, it is unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at such other place designated by the Mayor or by a majority of the entire Town Council. When the day for any regular meeting falls on a legal holiday, no meeting shall be held.

A-2 **ADJOURNED MEETINGS**

Any meetings may be adjourned to a certain time, place, and date in accordance with Section 54955 and any other applicable sections of the Ralph M. Brown Act (Government Code Section 54950 et seq.) ("Brown Act"), but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

A-3 **SPECIAL MEETINGS, WORKSHOPS, STUDY SESSIONS**

Special meetings may be called at any time by the Mayor, or by a majority of the entire Town Council, in accordance with Section 54956 and any other applicable sections of the Brown Act. Workshops or study sessions may also be called at any time by the Mayor, or by a majority of the entire Town Council. Workshops or study sessions may be agendized as part of a regular scheduled meeting or held as special meetings under the applicable sections of the Brown Act, as referenced above.

A-4 **EMERGENCY MEETINGS**

Emergency meetings may be called only in those rare instances authorized in accordance with Section 54956.5 and any other applicable sections of the Brown Act.

A-5 **MEETINGS TO BE PUBLIC**

All regular, adjourned, special, emergency, and any other meetings of the Town Council shall be held in public, except as provided for in accordance with the Brown Act.
CLOSED SESSIONS

The Town Council may hold closed sessions from which the public may be excluded for the consideration of certain subjects in accordance with any applicable sections of the Brown Act and any other applicable state or federal laws, rules, or regulations. For instance, see Sections 54956.7, 54956.8, 54956.9, 54956.95, 54957, 54957.6, 54957.8, 54956.86, 54956.96 and 54956.75 of the Brown Act. The Town Council and its legal counsel shall comply with all procedural requirements prior to holding any closed session, as prescribed in Sections 54954.5, 54957.7, and any other applicable sections of the Brown Act. The Town Council shall comply with all requirements relating to the public report of any action taken in closed session, as provided in Section 54957.1 and any other applicable sections of the Brown Act.

ATTENDANCE

Councilmembers are expected to attend all meetings of the Town Council. In accordance with Government Code Section 36513, if a Councilmember is absent without permission from all regular Town Council meetings for sixty (60) consecutive days from the last regular meeting they attend, their office becomes vacant and shall be filled as any other vacancy. Councilmembers shall notify the Mayor, Town Manager, and/or Town Clerk if they are going to be absent from a regular meeting, and the Presiding Officer shall note such excused absence for the record.

QUORUM

Three members of the Council shall constitute a quorum and shall be sufficient to transact regular business. If less than three Councilmembers appear at a meeting, the meeting shall be adjourned as provided in Section 54955 and any other applicable sections of the Brown Act. If all members are absent, the Town Clerk may adjourn the meeting in such situation.

TIME LIMITS FOR TOWN COUNCIL MEETINGS: MANDATORY TIME OF ADJOURNMENT

No Town Council open session agenda item shall be started after 10:00 p.m. If an agenda item has been started before 10:00 p.m. the Town Council may choose to finish the item or end the meeting at 10:00 p.m. If the Town Council so chooses, items may be heard or continued after 10:00 p.m.
An agenda shall be prepared for each regular meeting in accordance with Section 54954 and any other applicable sections of the Brown Act. The agenda shall contain the specific items of business to be transacted and the order thereof. Items of business to be heard in public may be placed on the agenda by any Councilmember, the Town Manager, the Town Attorney, or the Town Clerk. The Town Clerk prefers that such requests be submitted on or before 5:00 p.m. on the Monday one week prior to the regular meeting. Items of business to be heard in closed session may be submitted by any Councilmember, the Town Manager, or the Town Clerk to the Town Attorney or Risk Manager for review for compliance with the provisions of the Brown Act, and the Town Attorney or Risk Manager shall place such items that comply with those provisions on the closed session agenda. Notwithstanding the foregoing, however, items of business relating to personnel matters involving performance review or discipline, dismissal, or release of specific Town employees shall only be placed on the closed session agenda at the direction of the Town Manager or upon the request of three Councilmembers through the Town Clerk.

Agenda items shall be delivered to the Town Clerk pursuant to applicable Town policies and/or direction of the Town Manager. The Town Clerk shall thereafter prepare the agenda under the direction of the Town Manager. Each item of business to be transacted or discussed on the agenda shall be adequately described in accordance with the Brown Act, and shall contain the specific action requested to be taken by the Council. Barring insurmountable difficulties, the agenda, together with all reports pertaining thereto, shall be made available to the Councilmembers on the Friday preceding the regular meeting. The agenda shall be made available to the public as soon as practicable, but no later than the time provided for in Section 54954.2 and any other applicable sections of the Brown Act (currently, 72 hours before the regular meeting). No matters other than those listed on the posted agenda shall be acted upon by the Council, except as provided for in Section B-5 below and applicable sections of the Brown Act.
AGENDAS FOR SPECIAL OR EMERGENCY MEETINGS

An agenda or notice shall be prepared for each special or emergency meeting in accordance with Sections 54956, 54956.5, and any other applicable sections of the Brown Act. Each agenda shall contain a discussion item allowing the Town Council to establish a time after which time limits similar to those provided for in Section A-9 above shall apply.

AGENDA POSTING AND MAILING TO PUBLIC

Meeting agendas and/or notices shall be posted downstairs at the Town Hall Council Chamber (Suite Z), 437 Old Mammoth Road, Mammoth Lakes, as well as any other location designated by the Town Council, Town Manager, or Town Clerk. The Town Clerk, or his/her designee, shall accomplish the Town Council agenda posting requirements. Upon payment of the applicable fee, any person may make a written request for and receive a copy of the agenda or a copy of the agenda packet by mail in accordance with Section 54954.1 and any other applicable sections of the Brown Act. Best efforts will be used to ensure that all meeting agendas, notices, and agenda packets will be posted electronically on the Town’s website.

AGENDA ITEMS AND ACTIONS

(A) CALL TO ORDER; ROLL CALL; ORDER OF ACTION. At the time set for each regular meeting, the Council, Town Clerk, Town Manager, Town Attorney, and such department heads as have been requested by the Town Manager to be present, shall take their regular places in the meeting room. The Presiding Officer shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth in Section B-8. However, items may be taken out of order with the consent of the majority of the Council.

(B) ITEMS ON AGENDA. No matters other than those listed on the posted agenda shall be discussed or acted upon by the Council, except as provided for in Sections 54954.2, 54956.5, and any other applicable sections of the Brown Act.

(C) CERTAIN BRIEF COMMENTS & DIRECTIONS ALLOWED. Councilmembers and/or Town Staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Sections 54954.2, 54954.3, and other applicable sections of the Brown Act. In addition, on their own initiative, or in
response to questions posed by members of the public, Councilmembers and/or Town Staff may ask a question for clarification, provide a reference to Town Staff or other resources for factual information, or request Town Staff to report back to the Council at a subsequent meeting concerning any matter, in accordance with Sections 54954.2, 54954.3, and other applicable sections of the Brown Act. Furthermore, a majority of the Town Council may take action or by consensus direct Town Staff to place a matter of business on a future agenda.

B-6 AGENDA CONTENTS

(A) BRIEF GENERAL DESCRIPTIONS. The agenda must contain a brief general description of business to be transacted or discussed at the meeting, as well as the time and location of the meeting, in accordance with Section 54954.2 and any other applicable sections of the Brown Act.

(B) CLOSED SESSION DESCRIPTIONS. Closed Session Agenda Items must be described in accordance with Section 54954.5 and any other applicable sections of the Brown Act.

(C) AVAILABILITY OF STAFF REPORTS. Staff reports or other written documentation relating to each item referred to on the agenda are available for public inspection at the following locations: Office of the Town Clerk, 437 Old Mammoth Road, Mammoth Lakes, California 93546; or the Town of Mammoth Lakes Website at www.townofmammothlakes.ca.gov. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Town Clerk’s Office.”

B-7 PUBLIC COMMENT OPPORTUNITY ON AGENDA

Every agenda for regular meetings must provide an opportunity for members of the public to directly address the Council on any item of interest to the public, before or during the time the Council takes up the item for consideration (if it is on the agenda), as provided for in Section 54954.3 and any other applicable section of the Brown Act. For items on closed session, members of the public must be present to address the Council before the Council recesses into closed session. (See also Section D (Addressing the Council) below.)
In addition, the public can access an E-comments portal through the Town’s website to submit written comments to the Town Council regarding items on the agenda up to 24 hours before the Town Council meeting begins.

B-8 ORDER OF BUSINESS

The Agenda shall be conducted in the order and manner set forth below:

(A) CLOSED SESSION. If needed, the Council will discuss items in closed session as provided for in the Brown Act, either before or after the open session of the meeting.

(B) ROLL CALL. The Town Clerk shall call the roll of the Councilmembers or note those who are present, and the names of those present shall be entered in the minutes.

(C) FLAG SALUTE. The Presiding Officer shall provide someone to lead the group in the Pledge of Allegiance.

(D) PUBLIC COMMENT. The Presiding Officer shall announce commencement of the Public Comment period. Public Comment shall be subject to Sections D-1 through D-5.

(E) MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS. This is the time for the Town Council to give brief oral reports on items of interest to them, including events they have attended or items they wish to have addressed in the future. No action shall be taken on any such item, unless they are specifically listed for such purpose.

(F) COMMISSION UPDATES. If needed, this is the time for the Council to hear brief oral reports from members of the Town’s commissions. No action shall be taken on any such item, unless they are specifically listed for such purpose.

(G) DEPARTMENT HEAD REPORTS. This is the time for the Town Staff to give brief oral reports on items within the subject matter jurisdiction of the Town, including responses to prior Public Comment requests. No action shall be taken on any such item, unless they are specifically listed for such purpose.
(H) **COUNCIL PRESENTATIONS.** Presentations, Awards, and Proclamations are given under this item.

(I) **PUBLIC PRESENTATIONS.** The Council shall hear brief reports from community groups and public agencies. No action shall be taken on any such item, unless they are specifically listed for such purpose.

(J) **CONSENT AGENDA.** All matters listed under the Consent Agenda are considered by the Council to be routine and will all be enacted by one motion. There will be no separate discussion of these items prior to the time the Council votes on the motion, unless Councilmembers, staff, or the public request specific items be discussed and/or removed for separate discussions or action. A member of the public wishing to request that an item be removed from the consent calendar must be present at the meeting in order to make that request. Approval of Minutes and the Register of Demands will routinely appear on the Consent Agenda.

(K) **APPROVAL OF MINUTES.** The Council shall consider the correction, if necessary, and the approval of the minutes of the last meeting. A full reading of the minutes shall not be required unless requested by a majority of the Council.

(L) **REGISTER OF DEMANDS.** A copy of the current register of demands shall be furnished to each Councilmember with the Agenda Packet. The Council shall consider the correction, if necessary, and approval of the current accounts payable listings.

(M) **PUBLIC HEARINGS.** The Council shall conduct all hearings in accordance with Section J below.

(N) **POLICY MATTERS.** The Council shall consider and/or take action on new and old business and legislative matters that not subject to a public hearing.

(O) **ADJOURNMENT.** The meeting shall be adjourned by order of the Presiding Officer.
C. **PRESIDING OFFICER**

C-1 **MAYOR TO PRESIDE**

The Mayor shall be the Presiding Officer at all meetings of the Town Council. In the absence of the Mayor, the Mayor Pro-Tempore shall preside. In the absence of both the Mayor and Mayor Pro Tempore, the Town Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

C-2 **POWERS & DUTIES OF PRESIDING OFFICER**

(A) **PARTICIPATION.** The Presiding Officer may move, second, debate, and vote. The Presiding Officer shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as Presiding Officer.

(B) **RESTATING OF THE QUESTION.** The Presiding Officer, or such member of the Town Staff as he or she may designate, may verbally restate each motion immediately prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer, in his or her discretion, may publicly explain the effect of a vote for the audience, or may direct a member of the Town Staff to do so, before proceeding to the next item of business.

(C) **MAINTAINING ORDER AND DECORUM.** The Presiding Officer shall be responsible for maintaining order and decorum at all meetings. The Presiding Officer shall also decide all questions of order subject, however, to an appeal to the Council.

(D) **SIGNING OF DOCUMENTS.** The Presiding Officer shall sign all ordinances, resolutions, and other documents requiring the Presiding Officer’s signature adopted in his or her presence, unless he or she is unavailable. If the Presiding Officer is unavailable, the alternate Presiding Officer may sign such documents.

(E) **APPOINTMENTS OF COMMITTEES.** The Mayor may appoint such ad-hoc committees of Councilmembers, Town staff and private citizens, or a combination thereof, as the Mayor deems necessary and expedient to assist and advise the Council in its work.
(F) **ANNUAL SELECTION OF MAYOR AND MAYOR PRO TEMPORE.** At its second regular meeting in June or as soon thereafter as election results can be certified, the Town Council shall nominate and elect from its membership a Mayor and a Mayor Pro Tempore. The Mayor and Mayor Pro Tempore shall serve until the election of their successors.

D. **ADDRESSING THE COUNCIL**

D-1 **WRITTEN CORRESPONDENCE**

(A) **TOWN CLERK ATTENTION.** The Town Clerk is authorized to receive and open all mail addressed to the Town Council, and he/she shall give it immediate attention in order that all administrative business not necessarily requiring Council action may be addressed between Council meetings. All communications and any action taken pursuant thereto shall be reported to the Town Council.

(B) **REQUIRED COUNCIL ACTION.** Any communications requiring Council action shall be placed upon the agenda for the next regular meeting, together with a report and recommendation by the Town Staff. All correspondence shall be answered or acknowledged as soon as possible.

D-2 **RIGHT TO ADDRESS COUNCIL AT MEETING**

(A) **AGENDA & NON-AGENDA ITEMS.** Subject to the provisions of Sections D-3, D-4, and D-5, any interested member of the public shall have the right to address the Council on items within the subject matter jurisdiction of the Council, in accordance with Section 54954.3 and any other applicable sections of the Brown Act. If an item is on the agenda, the person shall have the right to address the Council before the Council's consideration of that item. For items on closed session, members of the public must be present to address the Council before the Council recesses into closed session. For items not on the agenda, the person shall have the right to address the Council only during the "Public Comment" portion of the agenda.

(B) **ADDRESSING THE COUNCIL AFTER A MOTION IS MADE.** After a motion has been made, or after a public hearing has been closed, no member of the public shall
address the Council without first securing permission of the Presiding Officer and with the consent of the Council.

(C) **PERSONS AUTHORIZED TO BE WITHIN THE DAIS.** No person except the Town Officials shall be permitted within the dais area in front of the Council table without the invitation or consent of the Presiding Officer.

D-3 **MANNER OF ADDRESSING COUNCIL.**

Any person desiring to address the Council shall stand and wait to be recognized by the Presiding Officer. The Presiding Officer may determine any fair and reasonable manner in which to recognize speakers. After being recognized by the Presiding Officer, the person should state his or her name for the record, and proceed to address the Council. All remarks and questions shall be addressed to the Council as a whole and not to any particular member. No individual Councilmember or member of the Town Staff shall be questioned without first obtaining permission from the Presiding Officer.

D-4 **TIME LIMITATION**

(A) **PUBLIC COMMENT PERIOD (NON-AGENDA ITEMS).** Every person addressing the Council on an item not on the agenda ("Public Comment" period) shall limit his or her address to five (5) minutes, unless further time is granted by the Presiding Officer. If the Presiding Officer determines it to be necessary in the interests of time and the ability of the Council to consider all items on its agenda, the Presiding Officer may do any one or more of the following: (1) require that one or more - in the discretion of the Presiding Officer - spokespersons be chosen to represent the group so as to avoid repetitive comments; (2) choose to limit the overall time for the "Public Comment" period; or (3) reduce the five (5) minutes given to each individual. Speakers shall not be allowed to yield or give their allotted time to other speakers.

(B) **AGENDA ITEMS (INCLUDING PUBLIC HEARINGS).** Every person addressing the Council on an item on the agenda shall limit his or her address to five (5) minutes, unless further time is granted by the Presiding Officer; provided, however, that for public hearing agenda items, the applicant shall be provided with at least five (5) minutes and may, in the determination of the Presiding Officer, be asked to respond to or address comments made by members of the public. If the Presiding Officer
determines it to be necessary in the interests of time and the ability of the Council to consider all items on its agenda, the Presiding Officer may do any one or more of the following: (1) require that one or more — in the discretion of the Presiding Officer — spokespersons be chosen to represent the group so as to avoid repetitive comments; (2) choose to limit the overall time for public comments or the overall time given to those persons speaking in support and in opposition to the item; or (3) reduce the five (5) minutes given to each individual. Speakers shall not be allowed to yield or give their allotted time to other speakers.

D-5 IMPROPER REMARKS

Any person making impertinent, slanderous, or profane remarks, or who becomes unruly while addressing the Council, shall be called to order by the Presiding Officer. If such conduct continues and willfully disrupts the meeting, the Presiding Officer may, in accordance with Section 54957.9 and any other applicable sections of the Brown Act or other federal or state laws, rules or regulations, order him or her removed from the meeting room or order the room cleared. Public criticism of Town policies, procedures, programs, or services or acts or omission of the Council shall not be deemed improper.

D-6 CHALLENGING UNLAWFUL ACTIONS; LITIGATION

Pursuant to Sections 54960 and 54960.1 of the Brown Act and any other applicable law, any interested person may file litigation to obtain a determination as to whether an action taken by the Town Council is null and void as having been taken in violation of the Brown Act.

E. DEBATE AND DECORUM

In the absence of a rule herein to govern a point or procedure, Rosenberg’s Rules of Order shall be used as a guide.

E-1 GETTING THE FLOOR

Councilmembers wishing to speak shall first address the Presiding Officer and gain recognition by him or her before getting the floor. Councilmembers shallconfine themselves to the question under debate.
QUESTIONS TO STAFF

Councilmembers wishing to question the Town Staff may, after recognition by the Presiding Officer, address questions to the Town Staff. The Town Manager is entitled either to answer the inquiry or direct the question to the appropriate staff member for an answer.

INTERRUPTIONS

A Councilmember, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, a point of order or personal privilege is raised by another Councilmember, or the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, the member shall cease speaking until the question of order is determined. If the question is determined to be in order, the Councilmember may continue speaking on the question. After recognition by the Presiding Officer, Town Staff shall hold the floor until completion of their remarks, unless recognition is withdrawn by the Presiding Officer.

POINTS OF ORDER

The Presiding Officer shall determine all points of order subject to the right of any Councilmember to appeal such determination to the Council. The Presiding Officer may request the opinion of the Town Attorney in making such determination. If an appeal is taken, the question shall be: "Shall the decision of the Presiding Officer be sustained?" The Council’s decision on this matter shall conclusively determine such question of order.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF COUNCILMEMBERS AND SYNOPSIS OF DEBATE

Any Councilmember shall have the right of having an abstract of their statement and/or synopsis of the debate on any subject under consideration by the Council entered in the minutes. Such right shall be exercised by specific direction to the Town Clerk at the Council meeting.
E-7 DECORUM AND ORDER - COUNCIL AND TOWN STAFF

(A) GENERAL RULES OF DECORUM. While the Council is in session, the Councilmembers and Town Staff shall preserve order and decorum. A Councilmember or Town Staff shall not interrupt, otherwise delay the proceedings or the peace of the Council, or disturb any member while speaking. A Councilmember or Town Staff shall not refuse to obey the directives of the Presiding Officer. If any Councilmember or Town Staff violate these rules of decorum in a manner which willfully disrupts the meeting, the Presiding Officer may, in accordance with Section 54957.9 and any other applicable sections of the Brown Act or other federal or state laws, rules or regulations, direct the Sergeant-at-Arms to clear the room or remove such offenders from the room.

(B) LIMITATION OF DEBATE. Councilmembers normally should speak not more than once upon any one subject until every other Councilmember choosing to speak thereon has spoken. Members shall limit their statement to five (5) minutes each time they have the floor, unless the Council, by majority vote, approves an extended period.

(C) DISSENTS, PROTESTS, AND COMMENTS. Any member shall have the right to express dissent from, or protest to, or comment upon, any action of the Council and 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..."

(D) RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED. In presiding over Council meetings, the Mayor, Mayor Pro Tempore, or temporary Presiding Officer shall 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 Councilmembers present and voting, and shall be binding and legally effective for purposes of the matter under consideration.

E-8 DECORUM AND ORDER - MEMBERS OF THE PUBLIC

(A) GENERAL RULES OF DECORUM. Public members attending Council meetings shall observe the same rules of order and decorum applicable to the Council and Town Staff. The Presiding Officer may, in accordance with Section 54957.9 and any other
applicable sections of the Brown Act or other federal or state laws, rules or regulations, direct the Sergeant-at-Arms to clear the room or remove any person making impertinent and slanderous remarks that willfully disrupt the meeting or any person who becomes unruly while addressing the Council in such a manner that willfully disrupts the meeting. Such person may be barred from the remainder of the Council meeting.

(B) **EXAMPLES OF POTENTIALLY DISRUPTIVE ACTIONS.** Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations that willfully disrupt the meeting shall not be permitted. The Presiding Officer may, in accordance with Section 54957.9 and any other applicable sections of the Brown Act or other federal or state laws, rules or regulations, direct the Sergeant-at-Arms to clear the room or remove such offenders from the room. Aggravated cases may be prosecuted by appropriate complaint signed by the Presiding Officer or a Councilmember.

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**E-9 ENFORCEMENT OF DECORUM**

The Chief of Police, or such member of the Police Department as he may designate, shall be the Sergeant-at-Arms of the Town Council and shall attend meetings at the request of the Presiding Officer, Town Manager, or Town Council. He shall be available to attend all meetings immediately upon call. He shall carry out all orders given by the Presiding Officer or Council to maintain order and decorum at the Council meetings. Any Councilmember may move to require the Sergeant-at-Arms to enforce the rules and the affirmative vote of a majority of the Councilmembers present shall require him to do so.

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**E-10 FAILURE TO OBSERVE RULES OF ORDER**

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

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**F. MOTIONS**

**F-1 PRESENTATION OF MOTIONS**

(A) **DEFINITION.** A motion is the formal statement of a proposal or question to the Council for consideration and action.
(B) **RIGHT TO MAKE A MOTION.** Every Councilmember has the right to present a motion, provided they have first been formally recognized by the Presiding Officer.

F-2 **PROCESSING OF MOTIONS**

When a motion is made and seconded, it shall be restated by the Presiding Officer before debate. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Council.

F-3 **PRECEDENCE OF MOTIONS**

(A) **GENERAL ORDER OF PRIORITY.** When a main motion is before the Council, no motion shall be entertained except the following, which shall have priority in the order listed below:

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

(B) **RESTRICTIONS.** The above order of priority is subject to the following restrictions:

1. A motion shall not be repeated without intervening business or discussion.
2. A motion shall not be in order when the previous question has been ordered.
3. A motion shall not be in order while a vote is being taken.
4. The Presiding Officer may allow informal recognition of any Councilmember or Town Staff at any time, and such shall not be considered to be out-of-order.

F-4 **PARTICULAR MOTIONS, PURPOSE, AND CRITERIA**

The purpose and relevant criteria of the motions listed above are as follows:

(A) **MOTION TO RECESS.**
(1) **Purpose.** To permit an interlude in the meeting and to set a definite time for continuing the meeting.

(2) **Debatable or Amendable.** Yes. However, duration of recess may be restricted.

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**(B) MOTION TO POSTPONE TEMPORARILY.**

(1) **Purpose.** To temporarily set aside a pending main motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting. It is also referred to as a motion to lay on the table.

(2) **Debatable or Amendable.** It is debatable, but not amendable.

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**(C) MOTION FOR PREVIOUS QUESTION.**

(1) **Purpose.** To prevent or stop discussion on the pending question and to bring such question to vote immediately. If the motion fails, discussion shall continue. If the motion passes, a vote shall be taken on the pending motion.

(2) **Debatable or Amendable.** No.

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**(D) MOTION TO LIMIT OR EXTEND DEBATE.**

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

(2) **Debatable or Amendable.** This motion is not debatable. Amendments are restricted to period of time of the proposed limit or extension.

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**(E) MOTION TO REFER TO COMMISSION OR STAFF.**

(1) **Purpose.** To refer the question before the Council to a commission or to the Town Staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

(2) **Debatable or Amendable.** Yes.

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**(F) AMEND.**

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

(2) **Debatable or Amendable.** It is debatable unless applied to a main motion that is not debatable. It is amendable.

(G) **POSTPONE INDEFINITELY.**

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

(2) **Debatable or Amendable.** It is debatable but not amendable.

(H) **MAIN MOTION.**

(1) **Purpose.** The primary proposal or question before the Council for discussion and decision.

(2) **Debatable or Amendable.** Yes.

G. **VOTING**

G-1 **VOTING PROCEDURE**

(A) **VOICE OR ROLL CALL VOTE.** When any motion is in order for the question, a vote thereon shall be taken by voice or roll call and entered into the record. Motions may be passed by a simple majority of the members present at a properly called meeting, except those motions or actions required by law to be adopted by a higher number of Councilmembers.

(B) **ROLL CALL VOTE.** A roll call vote shall be used for the enactments listed above. All other motions shall not require a roll call vote unless demanded by a Councilmember. It shall not be in order for members to explain their vote during the roll call.

G-2 **CHANGE OF VOTE**

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

Every member should vote unless disqualified for cause accepted either by vote of the Council or by opinion of the Town Attorney. Self-disqualification, without approval, which results in a tie vote, shall be viewed as thwarting Council action. However, no Councilmember shall be forced to vote. A Councilmember who abstains shall in effect consent that a majority of the quorum may act for him. Tie votes shall be lost motions and matters may be reconsidered upon the making of a motion to reconsider.

CONFLICT OF INTEREST

Any Councilmember who has a financial interest which requires disqualification under applicable law, including Government Code Section 1090 et seq. or the Political Reform Act, shall disclose said interest and disqualify himself or herself in accordance with applicable law. Where it is not clear whether such interest is of a disqualifying nature, the Councilmember shall confer with the Town Attorney in advance of the meeting. The Councilmember shall confer with the Town Attorney in sufficient time to seek research and guidance from the Town Attorney, Attorney General, or Fair Political Practices Commission, as necessary under the law.

RECONSIDERATION AND RESCISSION OF PRIOR ACTION

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

(A) RECONSIDERATION. A motion to set aside a vote or reconsider a main motion shall always be in order at the same meeting. The motion to reconsider is amendable and debatable. Such motion can be made by a Councilmember regardless of how he previously voted on the matter. If the motion to reconsider passes, the prior action is overruled and canceled.

(B) RESCISSION. A motion to rescind, repeal, cancel, or nullify prior Council action on a main motion shall be in order at any meeting of the Council. The effect of rescinding prior Council action shall operate prospectively only and not retroactively to the date of the original action. That is, it shall not operate to adversely affect intervening legal rights which create an estoppel situation.
C) **LOST MOTIONS.** A lost motion is one that fails to receive the necessary number of votes to carry the motion. Tie votes result in a lost motion. Lost motions may be renewed at any subsequent Council meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider, discussed above.

**II. MINUTES**

**H-1 PREPARATION OF MINUTES**

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

**H-2 MINUTES OF HEARINGS**

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

**H-3 READING OF MINUTES**

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, such minutes may be approved without reading if the Town Clerk has previously furnished each Councilmember with a copy.

**I. ORDINANCES, RESOLUTIONS, AND CONTRACTS**

**I-1 PREPARATION OF ORDINANCES, RESOLUTIONS, AND CONTRACTS**

(A) **ORDINANCES.** All ordinances shall be prepared by the Town Attorney and shall be presented to the Council only when ordered by the Council, requested by the Mayor, Town Manager or prepared by the Town Attorney on his own initiative.
(B) **RESOLUTIONS.** It shall be considered best practice to have all resolutions prepared by the Town Attorney. However, resolutions may be prepared for submission by an individual, group, or organization. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. Urgency resolutions shall be avoided except when absolutely necessary and shall be avoided entirely when such resolutions are not required by law.

(C) **CONTRACTS.** All contracts shall be prepared or approved by the Town Attorney, and shall be presented to Council only when ordered by the Council, or submitted by the Mayor, Town Manager, or Town Attorney.

I-2 **PRIOR APPROVAL BY ADMINISTRATIVE STAFF**

All ordinances, resolutions, and contract documents shall be approved as to form and legality by the Town Attorney before presentation to the Council. Where there are substantive administrative matters involved, the Town Manager or his authorized representative shall also examine and approve such ordinances, resolutions, or contracts.

I-3 **ENACTMENT OF ORDINANCES**

(A) **INTRODUCTION.** Ordinances shall be introduced for first reading by motion. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or adjourned regular meeting held at least five (5) days after alteration. Corrections or typographical or clerical errors are not considered alterations.

(B) **ADOPTION.** Ordinances shall be adopted by motion. Ordinances shall not be adopted within five (5) days of their introduction. Ordinances shall only be adopted at a regular or adjourned meeting.

(C) **READING.** All ordinances shall be read in full either at the time of introduction or passage. However, further reading may be waived, after reading the title, by regular motion adopted by majority vote of the Councilmembers present.

(D) **URGENCY ORDINANCE.** An urgency ordinance is an ordinance for the immediate preservation of the public peace, health, or safety of the Town, as provided for in applicable law. It may be passed immediately upon introduction and either at a regular
or special meeting. The urgency ordinance must declare the facts constituting the urgency and it shall be passed by the number of affirmative votes required by applicable law.

(E) **PUBLICATION.** Within 15 days after its adoption, the Town Clerk shall cause each ordinance or a summary thereof to be published as required by applicable law.

(F) **EFFECTIVE DATE.** Most ordinances take effect 30 days after their final passage. However, certain ordinances shall take effect immediately, as allowed by applicable law.

I-4 **ADOPTION OF RESOLUTIONS**

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

J. **HEARINGS**

J-1 **APPLICATION AND DEFINITION**

The following procedural rules shall apply to all hearings before the Town Council. As used here, the term "hearing" shall include all public hearings required by state law or Town ordinance.

J-2 **RIGHTS OF INTERESTED PERSONS**

On the date and at the time and place designated in the notice, the Council shall afford any interested person and / or authorized representative, the opportunity to examine and cross examine witnesses, to present documentary evidence, to present statements, arguments, or contentions orally and/or in writing, subject to the rules on ADDRESSING THE COUNCIL, listed in Section D of this manual, and rules stated below.

J-3 **PRESENTATION OF EVIDENCE**

(A) **ORAL EVIDENCE.** All oral statements which are relevant to the subject matter of the hearing may be considered by the Council. Oral evidence may be taken, on oath or affirmation, at the request of any interested party or his authorized representative.
(B) **EXHIBITS AND DOCUMENTS.** Exhibits and documents used by the Town Staff and any persons participating in the hearing may be considered as evidence.

(C) **COMMUNICATIONS AND PETITIONS.** All communications and petitions concerning the subject matter of the hearing shall be read aloud either in full or by synopsis thereof, providing that a reading in full shall be provided at the request of any Councilmember. All such communications and petitions may be considered as evidence by the Council.

(D) **STAFF REPORTS.** Whenever practicable, a written staff report shall be prepared and read or summarized orally as part of the staff presentation. Said report shall be considered as evidence.

(E) **LARGE MAPS AND DISPLAYS.** Large size maps and displays presented for use at the hearing shall, whenever practicable, be displayed in full view of the participants and the audience. Said maps or displays, or authentic reductions thereof, may be considered as evidence.

(F) **ADMISSIBLE EVIDENCE.** The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to reply in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a decision, unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

J-4 **EVIDENCE OUTSIDE THE HEARING**

Any evidence taken outside the Council Chamber such as field trips, views of the premises, and discussion with individuals, shall not be considered by the Council in reaching its decision except under either of the following circumstances:
(A) **ADJOURNED MEETING.** When, during the hearing, the meeting is adjourned to a date, place, and time certain for the specific purpose of taking visual or demonstrative evidence such evidence may be considered; or

(B) **COUNCILMEMBER OBSERVATIONS & REPORTS.** With the consent, either oral or written, of all interested persons, or their authorized representatives, appearing at the hearing, individual members of the Council may take visual or demonstrative evidence outside the Council Chamber, provided, that the hearing shall be continued to a date and time certain and, upon reconvening, each Councilmember shall orally report his observations of such outside evidence taken and shall be subject to examination thereon by any interested person or authorized representative.

### J-5 CONTINUANCES

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

### J-6 DECISION

The Council shall consider all evidence properly presented in accordance with the rules stated in this manual. Unless otherwise provided by law, the Council shall render a decision or determination on the matter within forty (40) days of the close of the hearing. Said decision or determination shall be by motion made and action taken thereon at a regular or adjourned meeting of the Council. Any Councilmember who was not present during the entire hearing or who, in the opinion of the Town Attorney should not discuss or vote on the matter, shall disqualify himself from discussion or voting on said matter.

### J-7 RECORD OF HEARING

A verbatim audio or video recording shall be made of the oral evidence presented at the hearing. Said recording, together with all documents, maps, exhibits and displays admitted into evidence, shall be retained by the Town Clerk for a period of two (2) years from the date of the close of the hearing. In lieu of retaining said recording, the Town Clerk may prepare a typewritten
transcript thereof which shall also be retained for two (2) years. Said recording or transcript and evidentiary documents shall be made available for public inspection and use at reasonable times and under such reasonable conditions as may be prescribed by the Town Clerk.
APPENDIX

ROSENBERG'S RULES OF ORDER
Rosenberg’s Rules of Order
REVISED 2011
Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg
MISSION AND CORE BELIEFS  
To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION  
To be recognized and respected as the leading advocate for the common interests of California’s cities.

About the League of California Cities  
Established in 1898, the League of California Cities is a member organization that represents California’s incorporated cities. The League strives to protect the local authority and autonomy of city government and help California’s cities effectively serve their residents. In addition to advocating on cities’ behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR  
Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.
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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — Robert’s Rules of Order — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then Robert’s Rules of Order is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of Rosenberg’s Rules of Order.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmer down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, Rosenberg’s Rules has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted Rosenberg’s Rules in lieu of Robert’s Rules because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.

3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.

4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body’s agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:
**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

**Motions in General**

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body**, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

**The Three Basic Motions**

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. For example, a motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body
There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the chair would then move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if amended, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate
The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example, "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in
California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice? Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider
There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.


**Courtesty and Decorum**

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

**Special Notes About Public Input**

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.
I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 17-61 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 21st day of June, 2017, by the following vote:

AYES:            Councilmembers Fernie, Richardson, Sauser, Mayor Pro Tem Hoff, and Mayor Wentworth

NOES:            None

ABSENT:          None

ABSTAIN:         None

DISQUALIFICATION: None

JAMIE GRAY, Town Clerk