



CITY OF NEVADA CITY

CITY COUNCIL STANDARDS AND PROCEDURES

**COUNCIL STANDARDS AND PROCEDURES
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CITY OF NEVADA CITY

CITY COUNCIL STANDARDS AND PROCEDURES

SECTION 1. GENERAL

1.1 Purpose. The purpose of these Standards and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Nevada City.

1.2 Values. Respect for each Council Member's interpersonal style will be a standard of operation. Courtesy and respect for individual points of view will be practiced at all times. All Council Members shall respect each other's right to disagree. All Council Members shall practice a high degree of decorum and courtesy. When addressing the public in any way, all Council Members shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Council Member or the City.

1.3 Overview of Council responsibilities. The City of Nevada City is a General Law city of the State of California operating under the Council/Manager form of government and the City Manager's duties shall define how the City Council and City Manager interact and perform their respective duties and responsibilities. The City Council has the following duties and responsibilities:

(a) Appointment of the City Manager and City Attorney. The City Council shall appoint the City Manager and the City Attorney. There should be an annual review for the City Manager and the City Attorney.

(b) Establishment of boards and appointment of members. The Council may appoint establish Boards, Commissions, and Committees, and by majority vote make appointments of members of all Boards, Commissions, and Committees.

(c) Legislative decisions. The Council is the legislative body; its members are the community's decision makers. Power is centralized in the elected City Council collectively and not in individual members of the Council. The City Council approves the budget and determines the public services. It focuses on the community's goals, major projects and such long term considerations as community growth, financing and strategic planning. The City Council hires a professional City Manager to carry out administrative responsibilities and supervises the City Manager's performance.

1.4 Overview of City Manager responsibilities. The City Manager is hired to serve the City Council and the community and to bring the benefits of education, training and experience in administering the City's projects, programs, and public services on behalf of the City Council. The City Manager has the following among his or her duties:

- (a) Preparation of a Recommended Budget.**
- (b) Recruitment, Hiring, and Supervision of Personnel, Contractors, and Consultants.**
- (c) Implementation of the Council's policies and programs and public services in an effective and efficient manner, providing professional advice on policy matters, intergovernmental affairs, economic development and environmental issues.**

The City Manager follows the direction of the entire City Council and not individual members of the Council or the public, and serves at the sole discretion of the Council. *(See Nevada City Municipal Code Chapter 2.08.)*

1.5 Review. The City Council shall conduct a review of this document biennially, or whenever a new Council Member has been seated or Council deems necessary, to assist Council Members in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.

1.6 Ralph M. Brown Act. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with the Ralph M. Brown Act.

SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS

2.1 Reorganization. In July of each year, the office of the Mayor and Vice Mayor (also known as Mayor Pro Tem) shall rotate based on the policy set forth in Nevada City Resolution Nos. 2007-34 and 2012-23, as follows:

- (a)** The Mayor shall be the senior member who has not previously served in that capacity and the term of office shall be one year, without succession, beginning at the first regularly scheduled City Council meeting each July or the first meeting following certification of a City Council election.
- (b)** The Mayor Pro Tem shall be the next senior member who has not previously served as Mayor and the term of office shall run concurrent with that of the Mayor as described above.
- (c)** When two or more members have equal seniority and have not yet served as Mayor or Mayor Pro Tem, the order of succession shall be determined by the number of votes each member received at the time of their election.
- (d)** The Mayor Pro Tem shall automatically succeed the Mayor each year, excepting that the Mayor Pro Tem may decline such succession. If the Mayor Pro Tem declines the position of Mayor, such office shall be extended to the next senior member in order, or by majority vote of the Council if all other members have served at least on year as Mayor.
- (e)** Once all seated members have served as Mayor, succession shall be based on a majority vote of the Council, recognizing that the term of office for each position shall be one year.

Members of the City Council who first took their seats on the Council more than twenty-three (23) months prior to the meeting at which the Mayor is being selected are eligible for Mayorship.

2.2 Appointment of Vacancy. In the event of a vacancy on the City Council, the Council, pursuant to Government Code Section 36512, may fill the vacancy by appointment with the person to serve only until the date of an election which shall immediately be called to fill the remainder of the term and such Municipal Election shall be held, not less than one hundred fourteen (114) days from the call of the Election. *(See Nevada City Municipal Code Chapter 2.04.020.)*

SECTION 3. ADMINISTRATIVE MATTERS

3.1 Attendance. City Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Manager or the Deputy City Clerk, and, if possible, the Mayor as a courtesy, if they will be absent from a meeting.

3.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Council Members/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (e.g., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Council Members should be respectful and professional.

3.3 Regional Boards. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Nevada City is appropriate on some boards; this is generally the case when other local governments have their own representation. The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Nevada City. If an issue should arise, that is specific to Nevada City and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with a majority of the Council's position.

Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council during properly posted Council meetings.

Council Members shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Council Member is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

3.4 Distribution of Information. It is essential that every member of the City Council have the same information from which to form decisions and actions. Any information distributed to one Council Member shall also be distributed to all Council Members.

3.5 Reimbursement. Every effort shall be made to limit the need to reimburse Council Members for expenses. City Council Members may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Council Member in accordance with the current Travel and Meeting Reimbursement Policy adopted by the City Council. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. *(See Nevada City Resolution 2014-12 and attached Travel and Meeting Reimbursement Policy.)*

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the legislative body.

3.6 Ethics, Sexual Harassment and Anti-Bullying Training. Any member of the City Council and commissions, or advisory committees formed by the City Council, shall receive at least two hours of ethics training in general ethics principles and ethics laws *(as mandated by AB 1234)*, two hours of sexual harassment prevention training *(as mandated by AB 1825)* and two hours of abusive conduct prevention training *(as mandated by AB 2053)* all relevant to his/her public service every two years. New members must receive this training within their first year of service and file a certificate of completion with the Deputy City Clerk. Members shall attend training sessions that are offered locally in the immediate vicinity of Nevada County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of each of these trainings every two years to satisfy this requirement for all applicable public service positions. The City will use and recognize training courses that have been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The Deputy City Clerk is required to keep ethics training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

3.7 City Mission and City Seal. The Mission of the City of Nevada City is a strategic document that reflects the values of our residents. The City Seal is an important symbol of the City of Nevada City. No change to the City Mission and/or City Seal shall be made without Council approval. Individual council members shall be careful in use of the City Seal so as not to create an appearance that the council member is acting on behalf of or with official endorsement of the City of Nevada City. *(Nevada City Seal is housed in the Finance and Administration Department with the Deputy City Clerk)*

3.8 Use of Social Media and Email. Council Members that would like to use social media platforms for official purposes need to establish a separate account from their “personal” account. Council Members that use social media platforms for official purposes may not prevent

any member of the public from viewing and commenting on the platform, nor shall they suppress, or delete their comments.

Council Members using social media accounts for official purposes should adopt social media policies for the account that are made public and strictly adhered to. The policy should explain to the public the purpose of the account, limitations on what users may post in comment thread and how violations of the policy will be addressed. Limiting what “followers” can post need to be reasonable, viewpoint neutral and enforced consistently to avoid violations of the First Amendment.

The City doesn’t provide City email accounts for Council Members due to technology limitations within the City. This being the case, Council Members using email for official business should have a separate email account for their “City” position versus use of their personal email. All information that is sent back and forth through email between the Council Member and any other member of Council, staff or public is subject to the Public Records Act. Council Members should be aware when using any personal technology for official business is also subject to the Public Records Act. *(See Nevada City Resolution 2018-32 and the attached Social Media Policy.)*

SECTION 4. COUNCIL RELATIONSHIP WITH STAFF

4.1 City Manager. City Council Members are always free to go to the City Manager to discuss City business. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Council Members. The City Manager may delegate this responsibility to Department Heads. *(See Nevada City Municipal Code Chapter 2.08.030.)*

4.2 Agenda Item Questions. If a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Council Members from asking questions during a Council meeting.

4.3 Interaction of City Council with Staff. The Council shall treat staff with respect and shall not abuse staff, nor embarrass staff in public. The City Council Members are to work through the City Manager on all issues, concerns and questions. This is to allow the senior professional staff, with the proper education, training, experience and knowledge of issues, laws and City Council’s policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts. Council Members may ask Department Heads for information. This informal system of direct communication is not to be abused. City Council Members shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy.

4.4 Individual Council Member’s Requests. Council Members shall make their requests for information to the City Manager not directly to individual members of staff. The use of City staff,

including the City Manager, to respond to an individual Council Member's request for any purpose that exceeds more than one hour of total staff time must be approved by the majority vote of the full Council. The individual City Council Member may make his/her request orally or in writing to the City Manager. The City Manager shall provide an estimate of the cost and how the request affects the Council's Goals and Objectives. This request will then be considered by the City Council at the next possible City Council meeting. Irrespective of the amount of staff time required to respond to each Council Member's request, individual Council Member's requests should be limited to no more than five requests per week.

SECTION 5. PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

5.1 Definitions.

- (a) Task Force:** A temporary grouping of individuals and resources for the accomplishment of a specific objective.
- (b) Committee:** A group of people officially delegated to perform a function, such as investigating, considering reporting, or acting on a matter.
- (c) Ad Hoc:** Committees established for a specific purpose. Formed for or concerned with one specific purpose (e.g. ad hoc parking committee); for the particular end or case at hand without consideration of wider application; formed or used for specific or immediate problems or needs; often improvised or impromptu; contrived purely for the purpose in hand rather than carefully planned in advance.
- (d) Commission:** A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty; the rank and powers so conferred.
- (e) Board:** A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly – in having greater autonomy and authority.

5.2 Recruitment Process.

- (a)** On or before December 31st of each year, the Deputy City Clerk shall prepare and post a list of all Council-appointed board, commission and committee terms that expire during the next calendar year in compliance with the state law (Government Code Sections 54970 et. seq.).
- (b)** The Deputy City Clerk shall annually advertise on the City's website for applicants wishing to be considered for appointment to boards, commissions and committees.
- (c)** Although there may be multiple applicants, Council Members are not required to choose from the pool of applicants and may nominate their own appointee, provided the appointee qualifies.

- (d) All persons seeking appointment to a City board, commission or committee shall complete and submit an application form to the Deputy City Clerk as set forth in Section 5.6. Applications shall be kept on file for two years in the Deputy City Clerk's office and vacancies may be considered from applications on file, as well as new applications.
- (e) Appointments made by individual Council Members are official only after the Council Member has submitted a completed application and appointment form to the Deputy City Clerk, the Deputy City Clerk has determined that the individual is eligible to serve and the Deputy City Clerk has provided proper notification to the appointed board, commission or committee member, and chair of the board, commission or committee. Council Members may announce an appointment at a City Council meeting; however, such an announcement is not required for the appointment to become effective. The Deputy City Clerk shall notify the full City Council of any appointments made by individual Council Members.
- (f) If an unscheduled board or commission vacancy occurs during the term of the appointing Council Member and the Council Member so requests, the following steps should be taken to publicize vacancies on boards, commissions and committees:
 - 1. Public announcement of the vacancy at a Council meeting.
 - 2. A recruitment period of at least ten (10) days.
 - 3. A vacancy notice posted at City Hall, Redbud Library, and on the City's website for at least 20 days.
 - 4. Announcements in the local media, such as press releases, online news outlets and free weekly sales papers.
 - 5. Distribution to appropriate professional and community organizations and all groups that have requested notification.

5.3 Requirement for Appointment.

- (a) All persons appointed to City boards, commissions and committees shall be residents of the City of Nevada City at the time of their appointment and shall remain so throughout their term of appointment. Should any person so appointed move from the City during their term of office, such office shall be forfeited. The Council shall, upon forfeiture, make a new appointment to fill the unexpired term.
- (b) All persons appointed to City boards, commissions and committees should complete and submit an application form to the Deputy City Clerk as set forth in Section 5.6.
- (c) Except as provided by state or local statute, the appointee shall not be a current City employee or currently appointed to another City board, committee or commission.

5.4 Council Notification. By September 1 of each year, the Deputy City Clerk will notify the Council of expiring terms for members of those City boards, commissions, and committees appointed by the full Council.

5.5 Incumbents.

(a) At the end of the first term, the incumbent board, commission or committee member may, at the discretion of the Council or appointing Council Member, be reappointed for an additional term without the need to apply or interview for re-appointment. In lieu of an application, the board, commission or committee member shall submit to the Deputy City Clerk a letter of interest in re-appointment 30 days prior to the expiration of the member's first term.

(b) Any incumbent interested in re-appointment who has served two or more terms must apply for re-appointment as set forth in Section 5.6.

5.6 Application. Except as set forth in Section 5.5, all persons considered for appointment or re-appointment shall complete an application form. This application form must be received by the Deputy City Clerk by the required deadline.

5.7 Appointment Procedure for Planning Commission Members. This portion of the policy sets forth the procedure for appointments of Planning Commission Members consistent with Chapter 2.36 of the Nevada City Municipal Code.

(a) The Commission shall consist of five (5) members and each member of the City Council shall have the right to appoint one (1) Planning Commissioner. Planning Commissioners must be residents of Nevada City.

(b) Planning Commissioners serve at the will and pleasure of the City Council.

(c) The normal term of each Planning Commissioner shall begin upon appointment and end no more than ninety (90) days after the appointing Council Member leaves office. In the event that a new Council Member takes office earlier than ninety (90) days after the appointing Council Member leaves office, the new Council Member may appoint a new Planning Commissioner before the end of the ninety (90) day period above mentioned (said appointment shall be pursuant to Section 2.36.020 of the Nevada City Municipal Code). In the event that a new Council Member has not been seated within ninety (90) days of the appointing Council Member leaving office, the City Council may appoint a person to act as a temporary Planning Commissioner until a new Council Member is seated and appoints a Planning Commissioner.

(d) Any planning commissioner may be removed by a majority vote of the total voting members of the Council.

(e) In the event that a Planning Commissioner resigns, is removed or otherwise ceases to act as a Planning Commissioner, that vacancy shall be filled by the Council Member who originally appointed that Planning Commissioner.

5.8 Appointment Procedure for Board and Committee Members Appointed by the Full Council. This portion of the policy sets forth the procedure for appointments made by the full Council for boards and committees appointed by the full Council.

- (a) Subject to review of the Council, the Mayor may establish a procedure for review of applications and selection of applicants for interview, for those board and committee members appointed by the full Council. Such selection and interview may be conducted by an ad hoc committee of the Council or full Council.
- (b) If an unscheduled board or committee vacancy occurs prior to the expiration of the member's term, the vacancy shall be noticed in compliance with the state law (Government Code Sections 54970- 54974).
- (c) All persons appointed by the full Council to boards and committees serve at the pleasure of the Council and shall serve for the term indicated or until a successor has been appointed.
- (d) Members of boards and committees appointed by the full Council shall be interviewed at a duly noticed open Council meeting and shall be selected by motion and majority vote of the Council.

5.9 Attendance.

- (a) Board, commission and committee members are expected to regularly attend and participate on their respective boards, committees and commissions.
- (b) A board, commission or committee member whose attendance is less than seventy five (75%) of the required meetings over a period of a year may be subject to removal by the Council Member who appointed the person or the full Council if appointed by the Council.
- (c) The Council may grant an approved leave of absence for a board, commission or committee member for such reasons as the Council determines appropriate. During the approved leave of absence, the Council Member who appointed the person, or full Council, depending on how the person was appointed, may appoint a temporary person to fill the position.

5.10 Standards and Procedures and Conflicts of Interest.

- (a) Board, committee and commission members shall be expected to adhere to the Council Standards and Procedures.
- (b) Board, committee and commission members shall comply with all state and local laws with respect to ethics and conflicts of interests to the extent that such laws apply to their position, including state and local requirements to timely file Statements of Economic Disclosure if the member is designated as a filer by state law or by the City's Conflict of Interest Code.

- (c) Members of City boards, commissions or committees may not use their board, commission or committee position title for political endorsements.

5.11 Conflicts with Federal, State or Local Law. In case of a conflict between this section of the Standards and Procedure policy with federal, state or local law, such federal, state or local law shall be the controlling factor.

SECTION 6. MEETINGS

6.1 Open to Public. All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.

6.2 Broadcasting of City Council Meetings. All regular Council meetings shall be scheduled in the Council Chambers to allow for web streaming and simulcast on the Public Education Government Access Channel.

6.3 Regular Meetings. At the first regular meeting in July, the City Council will approve the schedule of meetings for the fiscal year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 6.5, if necessary.

The City Council shall convene its regular City Council meetings at 6:30 p.m. on the second and fourth Wednesday of each month. The City Council may, as the Council deems necessary, cancel regular meetings provided that the City Council shall hold a regular meeting at least once each month pursuant to Government Code Section 56803. The regular 6:30 p.m. starting time of a council meeting can be varied by the City Manager with the concurrence of the Mayor to commence earlier or later (but in no event past 7:00 p.m.) depending upon the volume or nature of business for the council to consider at any given meeting, provided the City Manager gives appropriate prior written notice of the adjusted starting time to the press and public.

Regular Meetings shall be terminated at 10:30 P.M.; however, the Mayor may, by majority vote of the Council, extend the meeting past 10:30 P.M. whenever the Council deems such extension necessary.

6.4 Cancelling Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed their unavailability to attend a meeting. The City Council may, as the Council deems necessary, cancel no more than four (2) Regular Meetings per calendar year (outside of the months of November and December which only have one meeting per month annually), by majority vote, provided, however, that the City Council shall hold a Regular Meeting at least once each month pursuant to Government Code Section 36805.

6.5 Special Meetings. A special meeting may be called at any time by a majority of the City Council or the City Manager in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be given in

accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the City Manager. Study sessions are scheduled to provide Council Members the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

6.6 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Manager and/or the City Attorney), to consider or hear any matter, which is authorized by law. The City Manager or any three Council Members may call closed session meetings at any time.

6.7 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If fewer than, three Council Members appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Council Member in the absence of the Mayor and Vice Mayor, or in the absence of all Council Members, the City Manager or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

6.8 Minutes. The City Manager shall prepare action minutes of all public meetings of the City Council. Copies shall be distributed to each Council Member.

6.9 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special, or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 7. POSTING NOTICE AND AGENDA

7.1 Posting of Notice and Agenda. For every regular, special, or study session meeting, the Deputy City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to law.

7.2 Location of Posting. The notice and agenda shall be posted at City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

SECTION 8. AGENDA CONTENTS

8.1 Mayor's Responsibility. The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The City Manager and his/her designee, shall organize the agenda (a tentative agenda will be provided to all Council Members no later than the Wednesday prior to the Friday agenda posting for review and comment/input).

8.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. As stated in Section 4.2, if a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed.

8.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the public as required by law.

8.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

(a) Upon a majority determination that an "emergency situation" (as defined by State Law) exists; or

(b) Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

8.5 "Timing" of Agenda. Staff and/or the Mayor **may** "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.

8.6 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Closed Session Announcement (if needed), Roll Call, Pledge of Allegiance, Proclamations, Presentations, Public Comments on Items not on the Agenda, Council Members Requested Items, Committee Reports, and Future Agenda Items, Consent Calendar, Department Requested Action Items and Update Reports, Public Hearings, Old Business, New Business, Correspondence, Announcements, City Manager's Report and Adjournment.

8.7 Change in Order of Business. The City Manager, Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. Council Members shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.

8.8 Agenda Request Policy. Requests for placement of items on the agenda by the public can be requested to the City Council during Public Comments for Items not on the Agenda. . Any member of the Council may request that an item be placed on a future agenda by indicating their desire to do so under that portion of the City Council agenda designated, "Council Member Requested Items, Committee Reports and Future Agenda Items" Additionally, the City Manager

may place items on the agenda. For requested items by the public and/or the City Council the majority of Council must agree on the addition of that item to a future agenda.

SECTION 9. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

9.1 Role of Mayor.

(a) The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Council Members and among Council, staff and public. The Mayor shall intervene when a Council Member, staff or other meeting participant is being verbally or otherwise attacked by a member of the public.

(b) Communication with Council Members:

1. Council Members shall request the floor from the Mayor before speaking.

2. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.

(c) Communication with members of the public addressing the Council on agendized items

1. The Mayor shall open the floor for public comment as appropriate.

2. Council Members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.

3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council Members and among Council Members and members of the public.

4. Members of the public shall direct their questions and comments to the Council.

9.2 Rules of Order. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

(a) A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agendized item so that a motion can more easily be made that takes into account what appears to be the majority position.

(b) All motions require a second.

(c) A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.

(d) A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council Members present.

9.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

9.4 Applicants. Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Council Members. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

9.5 Staff and Consultant Reports. In general, staff and consultant reports should be clear, brief and concise. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

9.6 Public Comment.

(a) Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.

(b) The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. Speakers are not allowed to delegate their time to another speaker. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

(c) Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.

(d) After the speaker has completed their remarks, the Mayor may direct the City Manager or City Attorney to briefly address the issues brought forth by the speaker. Council Members shall be respectful of the speakers and shall not enter into a debate with any member of the public nor discuss amongst themselves.

(e) All Council Members shall listen to all public discussion as part of the Council's community responsibility. Individual Council Members should remain open-minded to informational comments made by the public.

(f) The Mayor has the right to ask a member of the public to step down if over the allotted time or if the speaker's comments are not within the city's jurisdiction.

9.7 Motions. It will be the practice of the City Council for the Mayor to provide Council Members an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Council Member may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Council Member recognized by the Mayor. Customarily, the Mayor will take the floor after all other Council Members have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Council Member may request the Mayor or moving party divide the motion into separate motions to provide Council Members an opportunity for more specific consideration.

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 Council takes other action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council, who may legally participate in the matter are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

9.8 Reconsideration.

(a) Request for reconsideration.

1. Request by a member of the public.

Notwithstanding *Rosenberg's Rules of Order*, a request for reconsideration may be made by a member of the public to the City Council at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

2. Request by a member of the City Council.

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

3. The member of the public or City Council Member making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

(b) Motion to reconsider any Council action.

1. Reconsideration at the same meeting.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting).

A motion to reconsider an action taken by the City Council may be made only by a Council Member who voted on the prevailing side, but may be seconded by any Council Member and is debatable. The motion must be approved by a majority of the entire City Council.

2. Reconsideration at a subsequent meeting.

If an intent to request a motion for reconsideration is communicated to the City Council prior to the deadline for posting the City Council meeting agenda, then the request for reconsideration may be agendaized if support for said action exists in accordance with the *Council Standards* Section 10.8. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda (urgency agenda item). At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

(c) Effect of approval of motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Standards and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

9.9 Discussion.

(a) The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Council Members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Council Members should disclose any ex parte communication prior to discussion on an item. Ex parte communications are those made in private between an interested party and an official in a decision making process.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

(b) Obtaining the floor for discussion.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should make their comments clear, brief and concise.

(c) Speaking more than once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council Member has already spoken, other Council Members wishing to speak shall then be recognized. No Council Member shall be allowed to speak a second time until after all other Council Members have had an opportunity to speak.

(d) Relevancy of discussion.

All discussion must be relevant to the issue before the City Council. A Council Member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Council Members shall avoid repetition and strive to move the discussion along.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Council Member who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

Arguments, for or against a measure, should be stated as concisely as possible. It is the responsibility of each Council Member to maintain an open mind on all issues during discussion and deliberation.

It is not necessary for all City Council Members to speak or give their viewpoints if another Council Member has already addressed their concerns. Although issues with potential to be litigated or otherwise appealed should have comments by each Council Member on the record.

(e) Mayor's duties during discussion.

The Mayor has the responsibility of controlling and expediting the discussion. A Council Member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

9.10 Council Member Respect. At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

9.11 Announcements. Council reports at the end of Council meetings shall be limited to announcing Mayor/Council related activities in which Council Members are involved, City and City-sponsored activities and items which directly affect the City. Community groups may announce their activities during Public Comments at the beginning of Council meetings. Council Members should refrain from making personal comments, stating personal activities, or items that do not impact their role as a Council Member.

SECTION 10. CLOSED SESSIONS

10.1 Purpose. It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City’s position, and could cost the taxpayers of Nevada City financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the Mayor shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Council Members shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City’s position is not compromised. No mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager, except where authorized by a majority of the City Council.

10.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City’s position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council Members and can harm the Council’s ability to communicate openly in closed sessions, thereby impairing the Council’s ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

10.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.

10.4 Agenda. The City Council agenda will contain a brief general description of the items to be discussed at the closed session, as required by law.

10.5 Permissible Topics. All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.

10.6 Rules of Decorum.

(a) The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Council Members to disagree. Council Members shall strive to make each other feel comfortable and safe to express their points of view. All Council Members have the right to insist upon strict adherence to this rule.

(b) Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Council Members.

(c) The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

10.7 Conduct of Meeting.

(a) The Mayor will call the closed session to order promptly at its scheduled time.

(b) The Mayor will keep discussion focused on the permissible topics.

(c) The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.

(d) If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Council Member, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

10.8 Public Disclosure After Final Action.

(a) The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, at a publicly noticed meeting as follows:

* Real Estate negotiations: After the agreement is final and accepted by the other party;

* Litigation: After approval to defend or appeal a lawsuit or to initiate a lawsuit;

- * Settlement: After final settlement of litigation or claims;
- * Employees: Action taken to appoint or dismiss a Council-appointed employee;
- * Labor relations: After the Memorandum of Understanding is final and has been accepted by both parties.

(b) The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

SECTION 11. DECORUM

11.1 Council Members. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. The City Manager or his/her designee shall act as the sergeant-at-arms.

11.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.

11.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. These Standards and Procedures shall apply to all City Council Meetings.

11.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cell phones and other electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

11.5 Removal. Any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the City Council, staff or general public, or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers by the sergeant-at-arms and may be barred from further attendance before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

11.6 Dangerous Instruments. No person may enter the chambers of a legislative body as defined in Section 54852 of the Government Code of the State of California or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.

11.7 Prosecution. Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor/Presiding Officer.

SECTION 12. ENFORCEMENT OF DECORUM

In extreme cases, such as when a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals as provided for in this Policy, the Mayor/Presiding Officer 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.

SECTION 13. VIOLATIONS OF PROCEDURES

Nothing in these Standards and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

APPROVED: February 26, 2020