

**RESOLUTION NO. 2023-17-3395**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE  
APPROVING AND ADOPTING CITY OF IRWINDALE COUNCIL  
PROCEDURES**

**WHEREAS**, the City Council of the City of Irwindale desires to establish governing rules of procedure for its meetings, as well as the meetings of all City Committees, Boards, and Commissions; and

**WHEREAS**, governing rules of procedures will ensure the orderly, expeditious and efficient transaction of City business; and

**WHEREAS**, the governing rules are set forth in Exhibit A of the Resolution, are entitled, "City of Irwindale City Council Procedures".

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF  
IRWINDALE, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

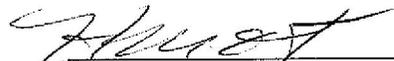
**Section 2.** The City Council of the City of Irwindale hereby approves and adopts the governing rules as set forth in Exhibit "A," entitled "City of Irwindale City Council Procedures", which shall apply to all City Council meetings and the meetings of all City Committees, Boards, and Commissions.

**Section 3.** Staff is directed to communicate the adoption of the "City of Irwindale City Council Procedures" to all City Committees, Boards, and Commissions, and the Irwindale Community Foundation.

**Section 4.** Staff is directed to post the "City of Irwindale City Council Procedures" on the City's website.

**Section 5.** The Chief Deputy City Clerk shall certify to the adoption of this resolution, which, shall in turn, have immediate effect.

**PASSED, APPROVED, and ADOPTED** this 22<sup>nd</sup> day of February 2023.

  
\_\_\_\_\_  
H. Manuel Ortiz, Mayor

ATTEST:



\_\_\_\_\_  
Laura M. Nieto, MMC  
Chief Deputy City Clerk

STATE OF CALIFORNIA        }  
COUNTY OF LOS ANGELES    } ss.  
CITY OF IRWINDALE         }

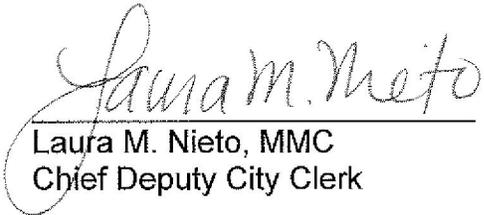
I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2023-17-3395 was adopted at an regular meeting of the Irwindale City Council held on the 22<sup>nd</sup> day of February 2023, by the following vote of the Council:

AYES:           Councilmembers:   Breceda, Burrola, Garcia, Mayor Ortiz

NOES:           Councilmembers:   Ambriz

ABSTAIN:       Councilmembers:   None

ABSENT:        Councilmembers:   None

  
\_\_\_\_\_  
Laura M. Nieto, MMC  
Chief Deputy City Clerk

**CITY OF IRWINDALE  
CITY COUNCIL PROCEDURES**



**Adopted February 22, 2023**

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## I. PURPOSE AND INTENT

It is the intent of the City Council of the City of Irwindale ("Council") to establish governing rules of procedure in order to ensure the orderly, expeditious, and efficient transaction of City business. Until such time as they are amended or new rules adopted by the City Council, these rules of procedure shall govern the order and conduct of business of the City Council and all other legislative or governing bodies of the City, including all City Committees, Boards, and Commissions. These procedural rules are not intended to, and shall not, supersede or preempt the Constitution of the United States, the California Constitution, State law, the Irwindale City Charter, Irwindale Municipal Code, or other local laws or regulations. The City Council may abolish, suspend, modify, or waive these procedural rules, at its discretion. These rules are procedural only, and failure to follow rules as described herein shall not be grounds to invalidate an action.

## II. MEETINGS

The **Ralph M. Brown Act**, commencing at Government Code Section 54950 *et seq.*, ("Brown Act") governs the meetings of the City Council. Except for very limited circumstances, the Brown Act requires that all City Council meetings be conducted in open session.

- 2.1 **REGULAR MEETINGS.** The Regular City Council Meetings are held on the second and fourth Wednesday of every month, beginning at 6:30 p.m.
- 2.2 **ADJOURNED MEETINGS.** Any regular or adjourned meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting.
- 2.3 **SPECIAL MEETINGS.** A special meeting may be called at any time by the Presiding Officer of the legislative body of a local agency, or by a majority of the Members of the legislative body, by delivering written notice to each Member of the legislative body and to each local newspaper of general circulation. The notice shall be delivered personally, by e-mail, or by any other means and shall be received at least 24-hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any Member who at or prior to the time the meeting convenes, files with the clerk or secretary of the legislative body a written waiver of notice. The written notice may also be dispensed with as to any Member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.
- 2.4 **EMERGENCY MEETINGS.** In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour

posting requirement of Government Code Section 54956, or both of the notice and posting requirements.

**2.5 CLOSED SESSIONS. MATTERS OF DISCUSSION.** Any matter proposed to be considered in Closed Session must appear on the posted agenda unless added on an emergency basis in the same manner as required for items on the open agenda. Closed Session item descriptions shall generally comply with Government Code Section 54954.5. All meetings of the Council shall be open to the public; however, the Council may hold Closed Sessions, from which the public may be excluded, for consideration of the following subjects:

- a. Pending litigation;
- b. Threatened or anticipated litigation against the local agency;
- c. Commencement of litigation;
- d. Real estate negotiations;
- e. Public Employment; and
- f. Labor Negotiations

**2.6 CLOSED SESSIONS. REPORT OF ACTION/STATEMENT OF REASONS.** Following the conclusion of Closed Session, any action taken shall be reported in open session if required by Government Code Section 54957.1. Prior to, or after, a Closed Session, the Council shall state the general reason, or reasons, for the Closed Session. The Council may consider only those items covered in the statement.

**2.7 QUORUM.** A majority of the Council (three Members) shall be sufficient to conduct business. In the absence of a majority of the Council Members from a regular or adjourned meeting, the City Clerk may declare the meeting adjourned to a stated day and hour.

### **III. ORDER OF BUSINESS**

**3.1 AGENDA.** The order of business of Council meetings will be listed in the agenda prepared by the City Clerk. The Council will follow the order of business in the prepared agenda; items of general, or special, interest may be taken out of order by the Presiding Officer or by a majority vote of the Council.

- a. **Posting.** The agenda will be posted in three public places designated by Council for such purpose and will be available for public review at City Hall at least 72-hours prior to the commencement of regular meetings. All agenda packet material will be available for review at City Hall and at Council Chambers. The designated public places for posting the agenda are the Irwindale City Hall, Irwindale Public Library, and the Post Office located at 16025 Calle Del Norte in the City of Irwindale.
- b. **Consent Calendar.** Consent Calendar items are considered by Council to

be routine and noncontroversial and will all be enacted by one motion in the form listed. There will be no separate discussion of these items prior to the time the Council votes on the motion to adopt unless Members of the Council or Staff request that specific items be removed from the Consent Calendar for separate action. Members of the public may be given an opportunity to speak on the Consent Calendar generally, before the Council makes a motion on the items listed. Members of the public may ask that a specific item be removed from the Consent Calendar for separate discussion and to be heard on that item. However, the City Council shall in its sole discretion determine whether or not to remove an item from Consent Calendar for separate discussion. If the City Council determines not to remove an item from Consent Calendar for separate discussion, no additional public comment for that item will be permitted. The Check Register and Warrants, Demands, and Payroll will routinely appear on the Consent Calendar.

Any Council Member may request that an item be removed from the Consent Calendar. Removed items will be heard immediately after approval of the remaining items on the Consent Calendar, and any action taken shall be accordance with the procedures as described herein .

- c. **Spontaneous Communications.** Spontaneous Communications shall be placed on the agenda after the Consent Calendar. This is the opportunity for members of the public to comment on any items not appearing on the regular agenda. Because of restrictions contained in California Law, the City Council may not discuss, or act on, any item not on the agenda, but may briefly respond to statements made or ask a question for clarification. Council Members may also request a brief response from staff to questions raised during public comment or may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting. Written communications on an item of legitimate City business that is not on the agenda and received by the City Clerk's Office in advance of the Council meeting shall be read into the record.
- d. **Requests for Future Agenda Items by City Council.** The agenda shall contain a section entitled "Future Agenda Item Requests by Council Members."

If a City Council Member is interested in a task or project, the City Council Member shall request that the item be agendized in this section for City Council discussion of whether time should be spent on the proposed item. To ensure compliance with the Brown Act, all item requests shall either be stated on the record at the preceding public meeting or be submitted to the City Manager or Assistant City Manager at least one week in advance of the meeting so that the item can be included on the agenda under this section. In order for any listed item to be placed on a future agenda for substantive discussion, the City Council must act by formal motion (i.e., requires a motion and a second and majority vote) to direct the City

Manager to place the item on a future agenda. Pursuant to the requirements of the Brown Act, no other items may be considered other than those listed in this section.

- e. **Public Comment on Agenda Items.** Members of the public will be given an opportunity to address items on the agenda, before action is taken on the items, in the following order:
  - i. Tier 1: In-person attendees
  - ii. Tier 2: Teleconference attendees
  - iii. Tier 3: In-person or Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body.

Public comment on any agenda item is generally limited to three minutes per speaker, unless extended pursuant to Section 5.4 herein. Written communications about a specific item on the agenda received by the City Clerk's Office in advance or during the Council meeting at the time the item is being discussed, shall be read into the record.

- f. **City Council Comments.** There are two sections on the agenda that allow for city council comments. The first is "COUNCIL MEMBER TRAVEL REPORTS." When a Council Member travels at the City's expense serving as a representative of the City at a committee meeting or conference, the Council Member must provide an update report on that activity at the next Council meeting. The second is "COUNCIL MEMBER COMMENTS." This is an opportunity for the Mayor and Council Members to report on their activities and the actions of the Committees upon which they sit and to bring a matter to the attention of the full Council and staff. Any matter that was or is to be considered during the public hearing portion is not appropriate for discussion in these sections of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.
- g. **City Manager's Report.** This is an opportunity for the City Manager to make any City-related announcements to the Council and members of the public.

- 3.2 **CALL TO ORDER.** The meeting of the Council shall be called to order by the Presiding Officer or, in his/her absence, the Vice Chair. In the absence of all Council Members, the City Clerk shall call the meeting to order and declare the same adjourned to a stated day and hour. The meetings will be opened with the Pledge of Allegiance and an invocation.
- 3.3 **ROLL CALL.** A roll call of Presiding Officer and Council Members will be conducted by the Chief Deputy City Clerk, who enters the names of those present and those absent in the Minutes.
- 3.4 **ABSENCE OF CITY CLERK.** The City Manager is the City's appointed City Clerk.

The Chief Deputy City Clerk is the acting City Clerk for all purposes. If the Chief Deputy City Clerk is absent from a Council meeting, the Management Analyst may act on the Clerk's behalf. . If the Management Analyst is absent from a Council meeting, the Administrative Secretary (Community Development) may act on the Clerk's behalf. If there is no acting Clerk present, the Presiding Officer shall appoint a Council Member to serve as City Clerk Pro Tempore (Gov't Code § 36804).

- 3.5 PREPARATION/APPROVAL OF MINUTES.** It is the City Clerk's responsibility to maintain a record (Minutes) of Council meetings. The City Clerk shall have exclusive responsibility for preparation of the Minutes, and any directions for changes in the Minutes may be made only by Council action.

In order to maintain a full and true Minute record, the Minutes shall consist of a clear and concise statement of each and every Council action including motions made and the vote thereon. Items may be included if considered to be particularly relevant or otherwise necessary by the Clerk. Action Minutes will be taken of all City Council meetings (Regular, Special; Emergency) by the City Clerk, or designee. Any Council Member may request a statement be included in the Minutes by indicating "for the record."

- 3.6 PUBLIC HEARINGS.** It is the policy of the Council to assure that the due process rights of all persons are protected during City hearings. A "quasi-judicial" hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty or property. Usually, quasi-judicial hearings involve a single parcel of land and apply facts and evidence in the context of existing law. Findings must be stated to explain the evidentiary basis for the Council's decision.

The following procedure shall be used for conducting public hearings in which there is an **applicant** (e.g., land use applications):

- a. Presiding Officer states the Public Hearing Item.
- b. Announcement of any ex parte communications, conflicts of interest, and/or recusals.
- c. Staff Presentation and recommendation on the Public Hearing Item.
- d. Council asks questions of Staff.
- e. Open the Public Hearing.
  - i. Applicant's presentation on the Public Hearing Item.
  - ii. Council asks questions of the Applicant.
  - iii. Public Testimony/Public Comment in favor of and against the Public Hearing Item.
  - iv. Applicant's rebuttal.
- f. Close the Public Hearing.
- g. Council deliberates on the Public Hearing item.

- h. Council votes.

The following procedure shall be used for conducting a public hearing in which there is **no applicant** (e.g., a City-initiated change to the Development Code):

- a. Presiding Officer states the Public Hearing Item.
- b. Announcement of any ex parte communications, conflicts of interest, and/or recusals.
- c. Staff Presentation and recommendation on the Public Hearing Item.
- d. Council asks questions of Staff.
- e. Open the Public Hearing to allow public testimony/public comment in favor of and against the Public Hearing Item.
- f. Close the Public Hearing.
- g. Council deliberates on the Public Hearing Item.
- h. Council votes on the item.

Council Members shall refrain from asking questions or, in any way, interfere with the "public testimony/public comment" portion of the Public Hearing section.

**3.7 RESOLUTIONS.** Resolutions Not Prepared in Advance of a City Council meeting: When a resolution has not been prepared in advance of a City Council meeting, the procedure shall be to instruct the City Attorney to prepare a resolution for presentation at the next Council Meeting.

- a. Urgency Resolutions. In matters of urgency, a resolution may be presented verbally, with instructions to the City Attorney and staff for written preparation of the urgency resolution. After the resolution has been verbally stated, the resolution may be adopted by three affirmative votes. Urgency resolutions shall be avoided except when absolutely necessary.

**3.8 ORDINANCES.** Consent Calendar Agenda Item #1, on the City Council agenda shall waive full reading of all ordinances on the City Council agenda.

Council will approve the introduction, or first reading, of the ordinance, by title only and if approved, the adoption and second reading will be scheduled for the following Council meeting.

The first reading of a proposed ordinance will be placed under the "New Business" or "Public Hearing" sections of the agenda pursuant to applicable law. The second reading of a proposed ordinance will be placed on the Consent Calendar except as otherwise required by applicable law.

With the exception of urgency (emergency) ordinances, no ordinance shall be adopted by the Council on the date of introduction, nor within five days thereafter, nor at any time other than a regular or adjourned regular meeting. An ordinance must be adopted, at its second reading, by at least three affirmative votes, and becomes effective 30 days thereafter (an urgency ordinance requires a minimum of four affirmative votes and becomes effective immediately, Ref: Sec. 2.10).

If an ordinance is substantively altered after first reading, a motion for an amended first reading is required. The ordinance shall not be considered for adoption until five days thereafter. Correction of a typographical or clerical error does not constitute a substantive alteration of the ordinance.

- 3.9 URGENCY ORDINANCES (EMERGENCY).** An ordinance which is necessary to go into effect immediately and requires a four-fifths vote to do so. It is required, however, to be on the regular posted City Council agenda.
- 3.10 CONSIDERATION OF ITEMS NOT ON THE CITY COUNCIL AGENDA.** No matters, other than those appearing on the agenda, will be acted upon by the City Council. There are two exceptions to this general rule. The first is if the city council determines by majority vote of the City Council that an emergency situation exists. The term "emergency" is defined in Section 54956.5 of the Government Code. The second exception is if the body finds by a two-thirds vote of those City Council Members present, or if less than two-thirds of the city council is present, by unanimous vote, that there is a need to take immediate action on an item and the need for action came to the attention of the local agency subsequent to the posting of the agenda (Gov't Code Section 54954.2 (b)).
- 3.11 ADJOURNMENT.** Adjournment of the meeting to the next regular meeting does not require a motion. A motion is required to adjourn a meeting to an adjourned meeting specifying the date, time, and place of said adjourned meeting.
- 3.12 WRITTEN COMMUNICATION.** Unless specifically requested otherwise, the City Manager and Chief Deputy City Clerk are authorized to receive and open all mail, including electronic communications or correspondence received by City Staff, addressed to the City Council and the City Manager may take any immediate administrative action required between Council meetings, which does not require specific Council action. Any communication requiring Council action will be reported to the Council at the next possible meeting, together with a report and recommendation of the City Manager. City Staff are directed to report to the City Manager any mail or correspondence (electronic or otherwise) received, which in their best judgment should be reported to the City Manager. The City Manager shall report as necessary to the City Council for further direction and action.

#### **IV. PRESIDING OFFICER**

- 4.1 PRESIDING OFFICER.** The Chair (Mayor) shall be the Presiding Officer at all meetings of the Council. In the absence of the Chair, the Vice Chair (Mayor Pro

Tempore) shall preside. In the absence of both the Chair and Vice Chair, the Council shall elect a temporary Presiding Officer to serve until the arrival of the Chair or Vice Chair, or until adjournment. The terms "Presiding Officer," "Mayor," and "Chair" are used interchangeably herein.

- 4.2 **PARTICIPATION OF PRESIDING OFFICER.** The Presiding Officer is primarily responsible for the conduct of the meeting; may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members; and shall not be deprived of any such rights and privileges.
- 4.3 **QUESTION (MOTION) TO BE STATED.** The Presiding Officer shall verbally restate each motion immediately prior to calling for the vote. Following the vote, the City Clerk shall announce whether the motion carried or was defeated. In cases where the action of the Council may be unclear for those in the audience, the City Clerk shall summarize the action of the Council before proceeding to the next item of business.
- 4.4 **SIGNING OF DOCUMENT.** Subject to Council policy, the Presiding Officer shall sign ordinances, resolutions, and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice Chair, or temporary Presiding Officer, shall sign all such documents approved and adopted by Council that do not specifically require the Mayor's signature, as provided by City Charter or by any other law.
- 4.5 **MAINTENANCE OF ORDER.** The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person shall be allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

#### **V. RULES, DECORUM AND ORDER**

- 5.1 **POINTS OF ORDER.** The Presiding Officer shall determine all Points of Order. As an example, Council Members must be recognized by the Presiding Officer before speaking. If there is any dispute as to which Council Member has the floor, a Council Member may state, "Point of Order." The Presiding Officer shall then make a determination of the Point of Order. Any Council Member who disagrees with the Presiding Officer's determination may appeal to the full Council. If any appeal is raised, the question shall be in the following form: "Shall the decision of the Presiding Officer be sustained?" In this event, a majority vote shall govern and conclusively determine such question of order. Debate and discussion on this issue shall not be permitted, so as to timely proceed with the orderly conduct of business.
- 5.2 **DECORUM AND ORDER – COUNCIL MEMBERS**
  - a. Every Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine himself/herself

to the question under debate.

- b. Every Council Member desiring to question the administrative staff shall address questions to the City Manager or City Attorney, who shall be entitled to either answer the inquiry or designate a member of staff for that purpose.
- c. A Council Member who is recognized to speak by the Presiding Officer shall not be interrupted except in the following circumstances: (i) a point of order is raised by another Council Member; or (ii) the recognized Council Member yields to questions from another Council Member.
- d. A Council Member who is called to order while speaking shall cease speaking until the question of order is determined. If ruled to be not in order, the Council Member shall remain silent or shall alter the remarks so as to comply with rules of the Council.
- e. The Presiding Officer and Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and/or statements as to motives and personalities.
- f. Any Council Member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Council shall require the Presiding Officer to so act.

**5.3 DECORUM AND ORDER – EMPLOYEES.** Members of the Administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to Members of the Council. The City Manager shall ensure that all City Employees observe such decorum.

Any Staff member, including the City Manager, desiring to address the Council shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and full Council, and not to any one individual Council Member or public member.

**5.4 DECORUM AND ORDER – PUBLIC.** Any person desiring to address the Council shall wait in orderly fashion to be recognized by the Presiding Officer, and after being recognized shall proceed to the podium, or microphone. Such persons are requested to state for the record his or her name and address. However, members of the public cannot be required to provide their name, address, or other information as a condition to participating in a meeting (Govt C §54953.3.), and refusal to provide such information shall not disqualify a member of the public from speaking. Remarks are to be limited to the subject under discussion.

- a. **Time limitation.** Any public member addressing the Council shall limit his or her address to three (3) minutes regarding the subject under discussion. Additionally, if a member of the public wishes to donate their time to another speaker, both persons must be physically present and in attendance of the

meeting. In-person members of the public may be permitted, to donate three minutes of time to another speaker, provided that in no event shall any donations of time exceed six minutes of total speaking time per person on any one item. The Presiding Officer shall be responsible for enforcing all time limits. In lieu of donations of time, the Presiding Officer may, in his or her discretion, extend the 3-minute time limitation for the particular subject under discussion for all speakers. In no event shall the total amount of speaking time exceed 6 minutes per person for the subject under discussion. When any organized group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. Irrespective of any time limits, the City Council may regulate a speaker who is speaking too long, being unduly repetitious, or extending discussion of irrelevancies. The Presiding Officer is vested with discretion to determine at which point speech becomes unduly repetitious or irrelevant.

- b. **Disorderly behavior.** Any member of the public who engages in disorderly behavior that actually disrupts, disturbs or otherwise impedes or renders infeasible the orderly conduct of any City Council meeting shall, upon an order by the Presiding Officer or a majority of the City Council, be barred from further audience before the City Council during that meeting, pursuant to the provisions of subsection (c), below.

Disorderly behavior means engaging in behavior during a meeting of the city council that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and may include, but is not limited to, the following:

- i. Speaking without being recognized by the Presiding Officer.
- ii. Continuing to speak after the allotted time has expired, repetitiously addressing the same subject, failing to relinquish the podium when directed to do so.
- iii. Speaking on an item at a time not designated for discussion by the public of that item.
- iv. Unruly applause, whistles, yells, or raucous demonstrations.
- v. Throwing objects.
- vi. Speaking on an issue that is not within the jurisdiction of the City Council, including attacks against the character or motives of any person that are irrelevant to the conduct of City business.
- vii. Attempting to engage the audience or staff rather than the City Council.
- viii. Engaging in behavior that constitutes use of force or a "true threat of force," as defined in section 54957.95 of the Government Code.

- ix. Refusing to modify conduct after being advised by the Presiding Officer that the conduct is disrupting the meeting or disobeying any other lawful order of the Presiding Officer or a majority of the City Council.
- c. **Enforcement.** The rules of conduct while addressing the City Council set forth above shall be enforced in the following manner:
  - i. Call to order and warning to desist. Whenever practicable, prior to removing an individual, the Presiding Officer or a majority of the City Council shall give a warning to the person who is breaching the rules of conduct to be orderly and to comply with the rules of conduct hereunder. Such a warning shall articulate the rule of conduct being violated and the manner in which the person must comply.

A warning shall not be necessary when it would not be effective under the circumstances, including when, but not limited to, the disturbance is such that the warning cannot be heard above the noise, the person is engaging in behavior that constitutes the use of force or a true threat of force, or the conduct of the person or persons constitutes an immediate threat to public safety, such as the throwing of objects or specific threats of harm and the apparent, present ability to carry out such threats. A warning shall also not be necessary when an individual violates the rules of conduct more than once during a Council meeting, or continuously violates the rules of conduct Council meeting after Council meeting.
  - ii. Order barring person from meeting. A person who engages in disorderly behavior shall be barred from the remainder of that council meeting by the Presiding Officer or a majority of the City Council when that person: (i) continues the disorderly behavior after receiving a warning pursuant to subsection (c)(1); (ii) ceases the disorderly behavior upon receiving a warning pursuant to subsection (c)(1), but later in the same council meeting resumes such disorderly behavior; or (iii) engages in disorderly behavior and no warning is practicable under the circumstances, pursuant to subsection (c)(1).

The continuation of disorderly behavior after receiving a warning, repeated disorderly behavior during a Council meeting, disorderly behavior at Council meeting after Council meeting, or disorderly behavior that is so significant that a warning cannot be given, constitutes the type of behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of a City Council meeting.
  - iii. Removal. If the person barred from the meeting does not voluntarily remove him/herself upon being instructed to do so by the Presiding Officer or a majority of the City Council, the Presiding Officer or the majority of the City Council may direct the Sergeant-at-Arms to remove that person from the Council Chamber.

- 5.5 MEETING DISRUPTIONS** – In the event that there is a disruption that results in the Council not being able to conduct its business, the Presiding Officer may immediately recess the meeting for a defined period of time. In the event that the disruption continues in a manner that prevents the Council from conducting its business after reconvening, then the Presiding Officer may order the Sergeant-at-Arms to remove the disruptive members of the public from the Council Chambers. In the event that any 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 who are willfully interrupting the meeting, the 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. Upon clearing of the room, the Council may, at its discretion, readmit individuals, including representatives of the press or other news media, who did not participate and were not responsible for willfully disturbing the orderly conduct of the meeting.
- 5.6 PERSONAL INTEREST.** No Council Members prevented from voting by legal conflict of interest shall remain at the Council dais during the debate and vote on any such matter. In the event of such conflict, the Council Members shall state for the record the basis for the conflict of interest and leave the Council Chamber prior to the commencement of discussion of the issue.
- 5.7 LIMITATION OF DEBATE.** No Council Member shall be allowed to speak more than once upon any one subject until every other Council Member choosing to speak has spoken. Merely asking a question, seeking clarification, or making a suggestion is not considered as speaking.
- 5.8 DISSENT AND PROTEST.** Any Council Member shall have the right to express dissent from, or protest to, any action of the Council and request that the reason be entered into the Minutes during the time of council discussion on any item.
- 5.9 PROCEDURES AND RULES.** If there arises any question as to a point of procedure, Robert's Rules of Order shall govern, unless there is a conflict between Robert's Rules of Order and the rules set forth herein, at which point the procedure as described herein shall govern.
- 5.10 SERGEANT AT ARMS.** The Council may, from time to time, appoint a Sergeant-at-Arms and, he or she shall attend the meetings of the Council and is charged with carrying out all lawful orders given by the Presiding Officer for the purpose of maintaining order and decorum. The Sergeant-at-Arms shall be the Chief of Police or his or her designee.
- 5.11 PARLIAMENTARIAN.** The City Attorney, or his or her designee, may act as the parliamentarian to the City Council. The City Attorney, or his or her designee, is primarily charged with familiarity of the procedures as described herein and shall,

at his or her discretion, suggest to the Council the applicable rules of procedure.

## VI. MOTIONS

### 6.1 GENERAL PROCEDURE OF ACTING ON AGENDA ITEMS.

- a. Motions may generally be passed by a simple majority (2-1) vote if only a quorum of Council Members are present. However, the following matters require a minimum of three affirmative votes (a majority of the total Membership of the Council):
  - i. Ordinances (emergency/urgency ordinances, and resolutions of necessity require four affirmative votes);
  - ii. Resolutions;
  - iii. Orders for payment of money;
  - iv. Selection of Officers
- b. Super Majority Votes: (two-third's majority vote required, i.e. 4 affirmative votes)
  - i. Limit debate.
  - ii. Close nominations
  - iii. Object to the consideration of an item
  - iv. Suspend the rules as described herein

### 6.2 PROCEDURE. The following procedure is suggested for Council's consideration of non-Public Hearing agenda Items:

- a. Presiding Officer states the Item to be considered.
- b. Announcement of any ex parte communications, conflicts of interest, and/or recusals.
- c. Staff Presentation and recommendation on the Item.
- d. Council asks questions/clarifications of Staff.
- e. Open Public Comments for the Item.
- f. Close Public Comments for the Item.
- g. At Council's direction, City Manager and/or Staff respond to any questions from Public Comment.
- h. Presiding Officer asks, "Do I have a motion?"
- i. If a motion is made, Presiding Officer asks "Do I have a second?"
- j. If there is a motion and a second, then Council proceeds with deliberation.
- k. After deliberation, the Council votes on the item.

### 6.3 PROCESSING OF MOTIONS. When a motion is made and seconded, it shall be

restated by the Presiding Officer before debate. A motion shall not be withdrawn by the mover without the consent of the Council Member seconding it and the approval of Council.

- 6.4 **DIVISION OF MOTION.** If a motion contains two or more divisible propositions, the Presiding Officer may, and upon request of a Council Member shall (unless appealed by another Council Member), divide the motion.
- 6.5 **ORDER OF MOTIONS.** When multiple motions are before the body, the last motion is voted on first.
- a. **Non-Debatable Motions:**
- i. Adjourn,
  - ii. Recess
  - iii. Fix the time to adjourn
  - iv. Limit debate

**VII. PARTICULAR MOTIONS, PURPOSE AND CRITERIA**

- 7.1 **MOTION TO ADJOURN.** To terminate a meeting.

*Debatable or Amendable: No, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be held.*

- 7.2 **MOTION TO REFER TO COMMISSION, COMMITTEE, OR STAFF.** To refer the question before the Council to a commission, committee, or to the City 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.

*Debatable or Amendable: Yes.*

- 7.3 **MOTION TO AMEND (*friendly amendment*).** To modify or change a motion that is being considered by the Council so it will express more satisfactorily the will of the Members. If there are two amendments, the second amendment is voted upon first if it carries, it automatically cancels the first amendment, and the vote is taken on the amended motion. An amendment motion relating to a different matter shall not be in order and shall not be voted on.

*Debatable or Amendable: Yes.*

- 7.4 **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 will move a substitute motion. The substitute motion is voted on first. If a substitute motion passes, it does away with the prior motions. If it fails, the previous motion

comes back up for consideration.

*Debatable or Amendable:* No, except the Substitute Motion may be amended.

- 7.5 POSTPONE INDEFINITELY.** 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 shall not be brought up again for the remainder of the meeting.

*Debatable or Amendable:* It is debatable but not amendable.

- 7.6 MAIN MOTION.** The primary proposal or question before the Council for discussion and decision.

*Debatable or Amendable:* Yes.

- 7.7 RECONSIDERATION.** A Member of the majority of the previous vote must motion at the same or next regular meeting. If a Member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

*Debatable or Amendable:* Yes.

- 7.8 WITHDRAWAL.** Permits the maker of a motion to remove it from deliberation after the motion has been stated by the Presiding Officer. If there is not unanimous consent, the motion is debated and voted upon.

*Debatable or Amendable:* Yes.

- 7.9 ADDRESSING THE COUNCIL AFTER MOTION IS MADE.** After a motion has been made, no person shall address the Council without securing permission by the Presiding Officer.

#### **VIII. VOTING**

- 8.1 VOTING PROCEDURE.** Motions will be adopted by roll call vote. The results of the vote shall be entered in full in the minutes.
- 8.2 VOTING.** Every ordinance, resolution, and payment of money requires three affirmative votes. Emergency ordinances require four affirmative votes. Unless otherwise required by law, all other actions of the Council require a majority vote of the Council Members present.
- 8.3 FAILURE TO VOTE.** Every Council Member should vote unless disqualified for a personal conflict of interest. Self-disqualification, without cause, which results in a tie vote shall be avoided; but no Council Member shall be forced to vote. A Council Member who abstains from a vote shall, in effect, consent that a majority of the quorum may take action without him or her. Tie votes shall be lost motions and

may be reconsidered.

**8.4 RECONSIDERATION.** After motion and vote by the Council, such action may be reconsidered or rescinded only in the following manner:

- a. **Reconsideration.** A motion to set aside a vote (to reconsider) on a main motion shall always be in order at the same meeting or at the next regular Council meeting following the action. The motion can be made by any Council Member who voted affirmatively on the matter. If the motion to reconsider passes, the effect thereof is to overrule and cancel the prior action and rehear the original subject.
- b. **Lost Motion.** A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. A tie vote which has resulted from there being present less than a full Council shall be automatically reconsidered at the next Council meeting at which all Members are present. 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).

#### **IX. ENFORCEMENT**

**9.1 PURPOSE.** In order for the public to maintain a reasonable modicum of reliance upon the rules and regulations of a civil administration whose purpose it is to provide necessary services and protect the freedom of the governed, it is necessary for elected and appointed representatives to conduct the public business in accordance with established oaths, protocols, standards, policies, rules, resolutions, and laws. While ordered discussion and debate is a necessary product of communication between the public and their representatives to ensure the needs of the community are properly served, no real purpose may be served in an atmosphere of chaos. Therefore, the violation of civil administration, albeit the nature of which is largely self-enforced, must carry certain consequences to remind parties that disorder contravenes progress and the fruit that proper behavioral procedure yields.

**9.2 OATH OF OFFICE.** All Council Members shall, before assuming office, conducting any City business, or acting under color of authority, take an Oath of Office as required by the United States Constitution, California Constitution, and Government Code.

**9.3 ACCEPTABLE CODE OF CONDUCT.** Incident to the Oath of Office is an Acceptable Code of Conduct. Cohesive conduct and order among Council Members are necessary elements of parliamentary procedure when conducting public business. When conducting business under color of authority, or representing the City in general, Council Members shall comply with the Acceptable Code of Conduct which requires the following:

- a. Read and examine the agenda, agenda packet materials, appurtenant

- reference documents, and exhibits in preparation for the public meeting.
- b. Respect the order of the agenda and meeting format.
  - c. Perform to the best of his or her ability to represent the interests of his or her constituents.
  - d. Maintain an impartial and open mind throughout the process.
  - e. Recuse himself or herself in the event of conflicts of interest.
  - f. Contribute his or her best effort to maintain order and foster trust.
  - g. Speak in restrained tones to encourage civility.
  - h. Address a topic only when granted the floor by the Presiding Officer.
  - i. Restrict his or her comments to the subject at hand.
  - j. Avoid discussion on topics that have not been noticed on the agenda.
  - k. Exercise common courtesy and decorum when dealing with fellow Council Members, City staff, and the general public.
  - l. Avoid intimidation, bullying, pursuing personal attacks, engaging in character assassination, or indulging in verbal insults against his or her colleagues, staff, or the public.
  - m. Support freedom of expression that is absent disruptive intent.
  - n. Attend all necessary meetings and workshops.
  - o. Provide proper advance notice in the event of an emergency that might affect his or her ability to attend meetings.
  - p. Foster participation in the process, facilitate discussion, and promote good decision making.
  - q. Form a basic understanding of correct parliamentary procedure and operate subject to the premise that the majority rules.
  - r. Proceed efficiently, fairly, and effectively.
  - s. Respect the chain of authority and refuse to circumvent the City Manager.
  - t. Comply with all laws, including the laws of the City of Irwindale.
  - u. Uphold the esteem of the public trust and comply with all rules of ethics.

9.4 **CODE OF ETHICS.** Incident to the Oath of Office is the City's Code of Ethics. Cohesive conduct and order among Council Members are necessary elements of parliamentary procedure when conducting public business. When conducting business under color of authority, or representing the City in general, Council Members shall comply with the Code of Ethics which is included in every City agenda and requires the following:

As City of Irwindale Council Members, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City

policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Council Member.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

- 9.5 CENSURE OF LEGISLATIVE BODY MEMBERS.** A violation of any condition of office as specified within the Oath of Office, the Acceptable Code of Conduct, the Code of Ethics, or established protocols, standards, policies, rules, resolutions, and laws, by any sitting Council Member, shall constitute grounds for progressively stronger admonishment, ultimately leading to public censure by the City Council. However, it should be noted that the aim of admonishment is not punitive. The aim of admonishment is to enable good people to pause and reflect. Therefore, a Council Member may not be made the subject of a motion for censure vote without first being given notice of the violation and an opportunity to correct the violation if it can reasonably be corrected.

For the purposes of participation in local governance, one must assume the best in each other, and a common foundation constitutes the best path to civil and productive discourse. In order to model unity, as well as civility, Council Members should treat each other and members of the public with dignity and respect, and

not attempt in any way to abuse the censure process.

- a. **Who May file a Statement of Charges.** A sitting City Council Member may initiate corrective action regarding the behavior of a fellow sitting City Council Member by initiating the censure process described in this Section.

Furthermore, a sitting City Council Member may initiate corrective action by the censure process described in this Section against any sitting Member of any City board, commission, or committee. For example, a sitting City Council Member may initiate corrective action against a sitting Member of the City's Planning Commission. However, Members of City boards, commissions, or committees may not initiate any corrective action pursuant to this Section against any City Council Members, because such boards, commission, and committees are subordinate to the City Council.

- b. **Censure Procedure.** Censure of a City Council Member shall proceed as follows:

i. Opportunity to Correct. To initiate the process, a charging City Council Member shall first provide a charged City Council Member written notice of the alleged violation. The charged Member shall be provided an opportunity to correct such alleged violation if it can reasonably be corrected.

ii. Statement of Charges. If the charged Council Member does not correct the alleged violation, then a Statement of Charges shall be prepared by the charging City Council Member and served upon the charged Council Member, with a conformed copy delivered concurrently to the City Clerk and all other Council Members. The charging Council Member shall also concurrently provide a proof of service of the Statement of Charges. In the case of a City Council Member delivering a Statement of Charges to a Member of a City board, commission, or committee, then such Statement of Charges and proof of service shall be delivered to the charged Member, the City Clerk, other City Council Members, and other Members of the relevant board, commission, or committee.

A proper Statement of Charges shall be served as provided above a minimum of 10 days prior to the meeting when the motion for censure shall be made, and shall include:

- (a) The specifics of the violation (including the rule, regulation, law, etc. that was violated), and
- (b) A statement of the date, place, and time of the occurrence, and
- (c) A description of the unsatisfactory behavior.

iii. Response to Statement of Charges. The charged Member may respond to the Statement of Charges in writing within seven (7) days

after service of the Statement of Charges by serving it upon the charging Member, with a conformed copy delivered concurrently to the City Clerk and other Members. The charged Member shall also concurrently provide a proof of service of the Response to Statement of Charges to the charging Member, City Clerk and other Members. In the case of a City Council Member delivering a Statement of Charges to a Member of a City board, commission, or committee, then such response and proof of service shall be delivered to the charging Member, the City Clerk, other City Council Members, and other Members of the relevant board, commission, or committee. The charged Member may also choose to defer a written response in favor of a verbal response at the hearing on the motion for censure. Nothing herein shall prevent a charged Member to respond both in writing and at the hearing on the motion for censure.

iv. Hearing of Motion for Censure. The motion for censure shall be heard at the first regular meeting of the City Council ten (10) days after the Statement of Charges is served upon the charged Member and City Clerk. A continuance is allowed only if any City Council Member is absent. The hearing shall adhere to the following the general process:

- (a) The Presiding Officer (or, if absent or is the charged Member, then the Vice Chair) shall conduct the hearing in open session.
- (b) The charging Member shall read the Statement of Charges and may present witnesses and evidence.
- (c) The charged Member may rebut and may present witnesses and evidence.
- (d) Members of the public may comment on the Statement of Charges and any witnesses and evidence presented.
- (e) The remaining City Council Members may address/comment on the charges.
- (f) A motion for censure may be made by the charging Member and requires a second.
- (g) The City Council deliberates on the motion for censure and votes on the same.

**9.6 MOTION FOR CENSURE. CONSIDERATION AND PASSAGE.** Motion for censure passage requires a majority vote of the City Council in open session. If the Statement of Charges includes multiple charges, then the City Council may consider and vote upon each charge individually. If the motion for censure or a particular charge fails to obtain a majority vote, no new motion on the same grounds may be commenced against the same Member for a period of one (1)

year.

If the motion for censure passes, then the motion for censure and Statement of Charges shall become a part of the public record and record of proceedings. The motion for censure and Statement of Charges shall be disclosable pursuant to the California Public Records Act. The censure shall not prevent the Council Member from performing his or her official duties and shall not deny him or her any privilege of their position.

- 9.7 REQUEST FOR DEFENSE OR INDEMNIFICATION.** When evaluating a request for defense or indemnification made by a censured Member in litigation arising from the censured conduct, the record of the censure shall be considered by the City Council but shall not be determinative. Failure of the City Council to censure the conduct of a Council Member does not constitute waiver of the City Council's right to refuse to indemnify or defend the Council Member in an action arising from the conduct at issue.
- 9.8 GROUNDS FOR CENSURE.** The basis for a motion of censure under this Section may include, but are not limited to, the following acts by a Member:
- a. Serial unexcused absences of three or more regular meetings.
  - b. Violating laws and regulations relating to ethics and/or conflicts of interest.
  - c. Actions taken against established Legislative Body policy or the Council Goals, or usurpation of power in violation of City Charter.
  - d. Engaging in intimidation, harassment, discrimination, or retaliation, or creating a hostile work environment.
  - e. Any violation of federal, State, or local laws, rules, regulations, or ordinances including but not limited to, the Irwindale City Charter, or Irwindale Municipal Code.
  - f. Violation of the Acceptable Code of Conduct or the Oath of Office.
- 9.9 REMOVAL FROM OFFICE.** While City Council Members may censure one another as provided above, the City Council may not remove a sitting Council Member from office. State law provides the sole mechanisms for removal from office for City Council Members.
- 9.10 APPOINTED MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES.** Members of City boards, commissions, and committees who are appointed by the City Council serve at the pleasure of the City Council and may be removed at any time, with or without cause, by the City Council. Without limitation, the City Council may use any of the Grounds for Censure (including violations of the Acceptable Code of Conduct) set forth above as a basis for removal with cause.