



City Council and Commissions

MEETING GUIDELINES AND PROCEDURES POLICY

City of Desert Hot Springs
CITY COUNCIL AND COMMISSIONS
MEETING GUIDELINES AND PROCEDURES
TABLE OF CONTENTS

| | | |
|------------|---|----------|
| 1.0 | MAYOR-ELECT AND COUNCILMEMBERS-ELECT | 1 |
| 1.1. | <u>Ralph M. Brown Act Conduct</u> | 1 |
| 2.0 | MEETINGS OF THE CITY COUNCIL | 1 |
| 2.1. | <u>Applicability of the Ralph M. Brown Act</u> | 1 |
| 2.2. | <u>Applicability of Rosenberg's Rules of Order</u> | 1 |
| 2.3. | <u>Majority Vote</u> | 1 |
| 3.0 | LOCATION OF ALL CITY COUNCIL MEETINGS | 1 |
| 3.1. | <u>Location of All Meetings</u> | 1 |
| 4.0 | AGENDA PREPARATION | 1 |
| 4.1. | <u>City Manager</u> | 1 |
| 5.0 | PRESIDING OFFICER | 2 |
| 5.1. | <u>Mayor</u> | 2 |
| 5.2. | <u>Mayor Pro Tem</u> | 2 |
| 5.3. | <u>Absence of Mayor and Mayor Pro Tem</u> | 2 |
| 6.0 | APPOINTMENTS..... | 3 |
| 6.1. | <u>Mayor Pro Tem</u> | 3 |
| 6.2. | <u>Councilmember Appointments to Boards, Committee, and Commissions</u> | 3 |
| 7.0 | CLOSED SESSION..... | 4 |
| 7.1. | <u>Purpose</u> | 4 |

| | | |
|--------|---|---|
| 7.2. | <u>Order of Business – Closed Session</u> | 4 |
| 7.2.1 | <u>Call to Order</u> | 4 |
| 7.2.2 | <u>Approval of the Agenda</u> | 4 |
| 7.2.3 | <u>Public Comments</u> | 4 |
| 7.2.4 | <u>Adjourn to the Closed Session</u> | 4 |
| 7.3. | <u>Permissible Closed Session Attendees</u> | 4 |
| 7.4. | <u>Confidentiality</u> | 4 |
| 8.0 | REGULAR MEETINGS – OPEN SESSION | 5 |
| 8.1. | <u>Purpose</u> | 5 |
| 8.2. | <u>Order of Business – Regular Meeting</u> | 5 |
| 8.2.1 | <u>Call to Order</u> | 5 |
| 8.2.2 | <u>Roll Call</u> | 5 |
| 8.2.3 | <u>Pledge of Allegiance</u> | 6 |
| 8.2.4 | <u>Moment of Inspiration</u> | 6 |
| 8.2.5 | <u>Closed Session Report</u> | 6 |
| 8.2.6 | <u>Approval of the Agenda</u> | 6 |
| 8.2.7 | <u>Public Comments</u> | 6 |
| 8.2.8 | <u>Public Hearing</u> | 7 |
| 8.2.9 | <u>Administrative Calendar</u> | 7 |
| 8.2.10 | <u>Consent Calendar</u> | 7 |
| 8.2.11 | <u>Public Comments</u> | 8 |
| 8.2.12 | <u>Mayor and City Councilmember Comments</u> | 8 |
| 8.2.13 | <u>City Manager Report</u> | 9 |

| | | |
|-------------|---------------------------------|-----------|
| 9.0 | SPECIAL MEETINGS | 9 |
| 10.0 | EMERGENCY MEETINGS | 9 |
| 11.0 | DECORUM AND ORDER | 9 |
| | EXHIBIT A | 11 |
| | EXHIBIT A-1 | 12 |
| | EXHIBIT B..... | 13 |
| | REFERENCES..... | 14 |

1.0 MAYOR-ELECT AND COUNCILMEMBERS-ELECT

1.1. Ralph M. Brown Act Conduct

Any person elected to serve as the Mayor or a Councilmember who has not yet assumed the duties of the subject office shall conform his or her conduct to the regulations of the Ralph M. Brown Act (the "Brown Act") and such persons shall be treated for purposes of enforcement of the Brown Act as if he or she has already assumed office.ⁱ

2.0 MEETINGS OF THE CITY COUNCIL

2.1. Applicability of Ralph M. Brown Act

The Ralph M. Brown Act shall govern all meetings of the City Council and qualifying Committees and Commissions, as determined by the City Attorney.

2.2. Applicability of Rosenberg's Rules of Order

In the absence of a rule herein to govern a point of procedure, Rosenberg's Rules of Order shall control.

3.3 Majority vote

A majority of the City Council shall mean the majority of the councilmembers in attendance, unless otherwise proscribed by law.

3.0 LOCATION OF ALL CITY COUNCIL MEETINGS

3.1. Location of All Meetings

Meetings of the City Council shall be held at the place designated by ordinance within the jurisdictional boundaries of the City of Desert Hot Springs.ⁱⁱ

4.0 AGENDA PREPARATION

4.1. City Manager

It shall be the responsibility of the City Manager, assisted by the City Clerk, to prepare all City Council meeting agendas, including the various boards, committees or commissions that the City Council-body may sit as.

Requests for placement of an item on agenda must be submitted to the City Manager by staff.

The City Manager shall have sole discretion as to the agenda content, with the exception of those items submitted and/or requested by Council as

adopted by Resolution, as amended, but which currently is as follows:

Solely with respect to placing future items on the agenda by councilmembers or the mayor, the city manager is authorized and directed to do so as follows:

- (1) by direction of the mayor; and*
- (2) by direction of two city councilmembers.*

Councilmembers wishing to place items on a future agenda shall submit requests to the city manager at least ten (10) days before the council meeting. The items shall be placed on the agenda for discussion purposes only, and not as action items. The item shall identify the mayor or councilmembers making the request and contain a brief description of the subject matter. The city council, during the discussion item, will consider whether to direct staff to place an item on a future agenda for action. Upon direction of a majority of the city council present, staff will prepare a staff report and other documents as may be needed for any future action item.

This policy does not affect urgency items, which are those limited situations where an item requires immediate action, and the need to take immediate action came to the attention of the councilmember subsequent to the distribution of the agenda.

5.0 PRESIDING OFFICER

5.1. Mayor

The Mayor shall preside at the meetings of the City Council.ⁱⁱⁱ

5.2. Mayor Pro Tem

If the mayor is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act.^{iv} The Mayor Pro Tem shall have all of the powers and duties of the Mayor in his or her absence.^v

5.3. Absence of Mayor and Mayor Pro Tem

In the absence of the Mayor and Mayor Pro Tem, the majority of the three remaining Councilmembers shall select by majority vote of the councilmembers in attendance who shall serve as the presiding officer.

6.0 APPOINTMENTS

6.1. Mayor Pro Tem

The position of Mayor Pro Tem shall be appointed by the Mayor and ratified by the majority of the City Council at the first regularly scheduled Council meeting of December of each year.

6.2. Councilmember Appointment to Boards, Committees, and Commissions

The appointments shall be made pursuant to Chapter 2.24 "Departments, Boards, and Commissions" of the DHSMC, as amended. Mayor shall appoint Council members to all City and intergovernmental Boards and Committees. ~~and Commissions.~~

6.3 Commissions.

In furtherance of DHSMC Sections 2.24.020(a) dealing with Commission appointments, and 2.24.030(a) dealing with Commission vacancies, all members of the City Council shall have an opportunity to review the applications of the Commission applicant(s) as follows:

- a. The Councilmember who is responsible for the appointment of a Commissioner shall notify the City Clerk prior to time the agenda is posted for the meeting at which the proposed Commissioner appointment is to be made of the name of the proposed Commissioner. The City Clerk shall include the names and applications of all persons who submitted an application for the Commission in the agenda packet, including that of the proposed Commissioner.
- b. The proposed Commissioner, but not all applicants, shall appear at the council meeting when the appointment is being made and shall be available to answer questions from the councilmembers.

7.0 CLOSED SESSION

7.1. Purpose

The City Council may only hold a closed session to discuss the matters listed under the Brown Act.

7.2. Order of Business – Closed Session

The order of business for a Closed Session shall be listed on the agenda and may include:

7.2.1 Call to Order

The designated presiding officer may call the Closed Session to order as soon as a quorum of the City Council is present but no sooner than the time the Closed Session has been posted to commence.

7.2.2 Approval of the Agenda

The City Council may approve the Closed Session agenda prior to adjourning to the closed session. A majority vote of the City Council is required to change the order of the agenda or remove an item from the closed session agenda.

7.2.3 Public Comments

(a) The public may address the City Council on any Closed Session item prior to the Council Adjourning to closed session, under the established rules of decorum for public comments and testimony in general; and

(b) The City Council is prohibited from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by law.

7.2.4 Adjourn to the closed session meeting

The presiding officer shall adjourn to the closed session meeting.

7.3. Permissible Closed Session Attendees

Attendance of a closed session is limited to those persons actually necessary to advise or take direction from the City Council on a specific agenda item for that session.

7.4. Confidentiality

(a) Proceedings conducted in Closed Session are deemed

confidential and no person in attendance at a Closed Session shall publicly disclose the discussions or the actions taken in Closed Session, unless otherwise permitted or required under the law.^{vi} Penalties and remedies are set forth in state law; and

- (b) All attendees at a closed session shall place all personal electronic devices capable of audio or video recordings in the "off" mode and such items will be placed in a designated location where they are inaccessible during the meeting.

Upon completion of the closed session agenda items, the council shall adjourn the closed session and reconvene in regular open session.

8.0 REGULAR MEETINGS – OPEN SESSION.

8.1. Purpose

Regular meetings shall be an opportunity to conduct City business, and shall involve approval of the minutes of the last meetings, proclamations, awards, councilmember reports, committee reports, staff reports, public hearing, audience communications, and all other scheduled business.

8.2. Order of Business – Regular Meeting

8.2.1 Call to Order

The designated presiding officer shall call the Regular meeting to order as soon as a quorum of the City Council is present but no sooner than the time the Regular meeting has been posted to commence.

8.2.2 Roll Call

- (a) The City Clerk shall take a verbal roll call of all Councilmembers present at the Regular meeting immediately after the designated presiding officer calls the Regular meeting to order and the names of those present and absent shall be entered in the minutes;
- (b) The order of the roll call shall be alphabetical except that the Mayor shall be called last; and
- (c) If a quorum of the City Council is present, the City Clerk shall declare for the record that a quorum is present.

8.2.3 Pledge of Allegiance

The Presiding Officer shall designate any individual at the meeting to lead the City Council, City administrative staff and the public in reciting the Pledge of Allegiance to the United States flag.

8.2.4 Moment of Inspiration

The Presiding Officer may designate any individual at the meeting to deliver a non-denominational moment of inspiration.^{vii}

8.2.5 Closed Session Report

After any closed session, the City Council shall reconvene into open session. The City Attorney shall disclose the action taken in the closed session pertaining to subject matters permitted under the Brown Act. If a closed session occurs at the end of a meeting, the City Attorney shall also disclose the action taken at the next regular meeting during the agenda item titled City Attorney Report on Closed Session.

8.2.6 Approval of the Agenda

The City Council shall approve the agenda. A majority vote of the City Council is required to remove items from the agenda. Councilor's requests for items to be removed from consent agenda will be announced prior to the approval of the agenda.

8.2.7 Public Comments

The public shall have an opportunity to directly address the City Council on any item of interest to the public that is not on the agenda but is within the subject matter jurisdiction of the City Council.^{viii}

- (a) The City Council is prohibited from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by law;
- (b) Each speaker shall be entitled to speak during the public comment period for a total of three minutes unless waived by the presiding officer or a majority of the City Council; and^{ix}
- (c) At the discretion of the providing officer, public comments may be continued to a point in the meeting after the official business on the agenda has been concluded.

8.2.8 Public Hearing

Any written documentation to be considered by the City Council at a public hearing, whether provided by a member of the public or a Councilmember, must also be presented to the City Clerk, who shall be responsible for retaining the original of the document as a public record and delivering a copy to each of the Councilmembers and relevant City personnel.

Unless otherwise required by state law or the Municipal Code, public hearings shall be conducted in the following order:

- (a) Staff introduction and review;
- (b) Open Public Hearing;
- (c) Testimony by person who is the subject of the hearing (Proponent/Applicant);
- (d) Speakers in support of the request;
- (e) Speakers opposing the request;
- (f) Speakers neutral;
- (g) Applicant rebuttal (defined as responding to objections from speakers; Proponent/Applicant shall not discuss new topics);
- (h) Public testimony closed by the Presiding Officer: Public testimony may need to be re-opened if applicant or other member of the public is permitted to speak following closure of the public hearing to ensure that the conduct of the hearing conforms to all relevant due process requirements;
- (i) Deliberation by Councilmembers: Councilmembers are encouraged to address questions to City staff only so as to avoid the necessity of reopening the public hearing to ensure that the conduct of the hearing conforms to all relevant due process requirements; and
- (j) Action by City Council

8.2.9 Administrative Calendar

The Administrative Calendar includes those that do not involve a public hearing and those that cannot be added to the consent calendar. Typically, administrative items include consideration of proposed ordinances and all other items that require discussion amongst the Councilmembers.

8.2.10 Consent Calendar

- (a) The consent calendar is intended to save time by allowing approval of several routine, non-controversial items with a single motion and may include the second reading of ordinances;
- (b) The individual items will not be discussed or debated unless pulled from the Consent Calendar for the discussion. Items may be pulled from the consent calendar by any member of the council, at the time the agenda is approved; and
- (c) Consent Calendar items shall include, but are not limited to:
 - (i) Approval of Minutes.
A motion to approve is not required, except in the instance where there is disagreement among the Councilmembers concerning a correction.
 - (ii) Register of Demands.
The demand register listing the charges made against each budgetary fund and account since the previous City Council meeting may be approved by a majority of the Council.

8.2.11 Public Comments

All remaining speakers shall be afforded an opportunity to speak at this time on any item not listed in the Regular meetings agenda. Each speaker will be afforded three (3) minutes to speak, unless more time is granted by the presiding officer.

8.2.12 Mayor and City Councilmember Comments

The Mayor or any Councilmember may report on meetings attended for other governmental agencies on behalf of the city, attendance at community events, and meetings with constituents or other groups as well as bringing any new business before the Council under Mayor and Councilmember Comments portion of the Agenda. No discussion of such items shall be allowed and no action on such matters may be taken until a subsequent meeting, unless such item is deemed to be an urgency or emergency item. The Mayor or any Councilmember may respond to any public comment on an item or matter which has not been placed on the Agenda.

8.2.13 City Manager Reports

The City Manager shall report on informational matters such as meetings or events which may be of potential interest to the City Council and the status of any state and national legislation that may impact the City, progress on upcoming or ongoing city projects, reports on city financial matters, updates on police and fire department issues, city personnel, and any other items the city manager shall deem of interest to the council.

9.0 SPECIAL MEETINGS

The City Council may call Special Meetings in compliance with the Ralph M. Brown Act.

10.0 EMERGENCY MEETINGS

The City Council may call Emergency Meetings in compliance with the Ralph M. Brown Act.

11.0 DECORUM AND ORDER

11.1 Desert Hot Springs officials and employees will treat members of the public with respect and expect the same in return. The City is committed to maintaining orderly City Council meetings, free from disruption.

11.2 All interactions between City staff, City elected officials, and members of the public will be conducted in a respectful manner.

11.3 Threats of violence will not be tolerated.

11.4 Loud, insulting, demeaning or offensive communications will not be tolerated if they substantially impair the effective conduct of the meeting.

11.5 The City will not tolerate any individual, employee, or elected official who disrupts or threatens to disrupt City government operations, threatens the health and safety of staff or councilmembers, willfully causes property damage, uses loud and/or offensive written or oral language which could provoke a violent reaction, or who has otherwise established a continued pattern of uncivil behavior.

11.6 No person attending a Public Meeting shall engage in disorderly or boisterous conduct, which substantially impairs the effective

conduct of the meeting, including but not limited to excessive applause, excessive whistling, excessive stamping of feet, excessive booing or making any loud, threatening, profane, abusive, personal, impertinent, or slanderous utterance that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.

- 11.7** All remarks by members of the public shall be addressed to the Mayor or presiding officer and not to any other member of the public or to a single Council, Board or Commission Member unless in response to a question from that Member.
- 11.8** Signs, placards, banners, or other similar items shall not be permitted in the audience during a Public Meeting if the presence of such item substantially impairs the effective conduct of the meeting.
- 11.9** The presiding officer shall be responsible for maintaining the decorum at the public meeting and uniformly enforcing the rules of decorum.
- 11.10** If any person continues to breach the rules of decorum in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting following an order from the presiding officer to cease the conduct, the presiding officer may order the person to leave the public meeting.
- 11.11** If any person refuses to leave the public meeting following an order from the presiding officer, the presiding officer may order any law enforcement officer on duty to remove the person from the public meeting.
- 11.12** Except as otherwise specifically allowed and consented to by the presiding officer, no member of the public shall be permitted in any of the following areas:
 - (a)** Behind the dais;
 - (b)** Behind the area where City Staff sits; or
 - (c)** In the well area, which is the open area directly in front of the dais and extending outward to the podium area.

Exhibit A

WORKFLOW TO ADD ITEMS TO ANY CITY COUNCIL AGENDA

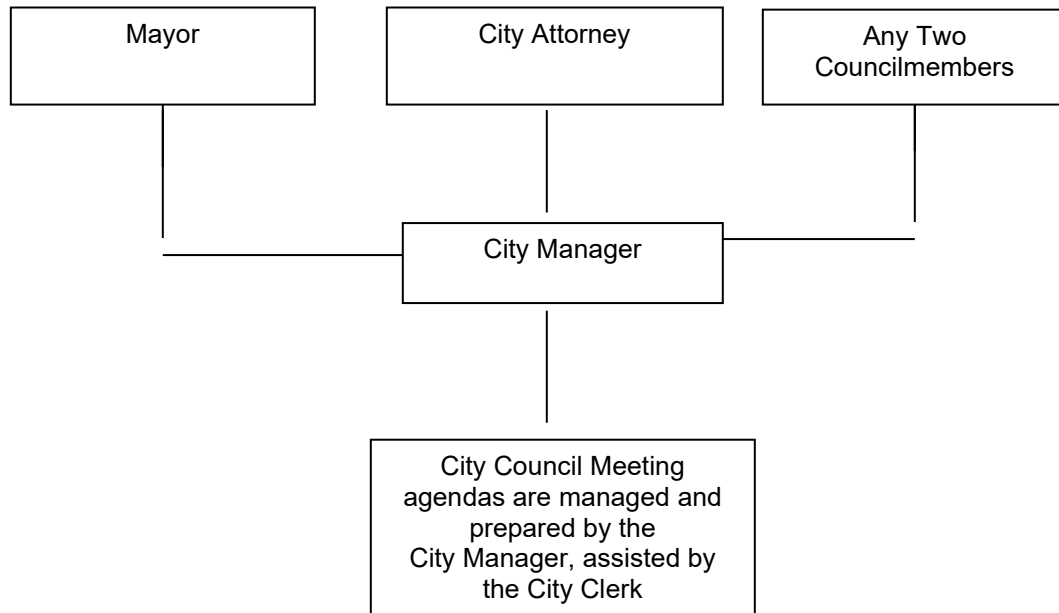


Exhibit A-1

WORKFLOW TO ADD ITEMS TO ANY COMMISSION OR COMMITTEE AGENDA

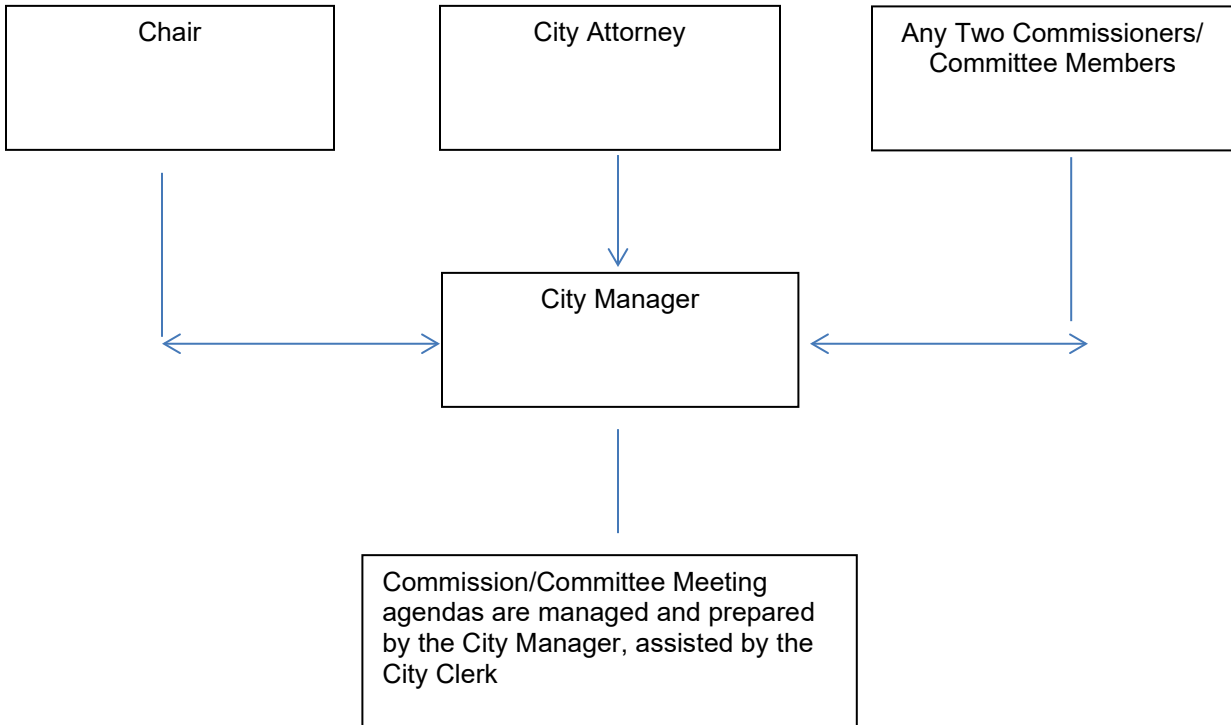
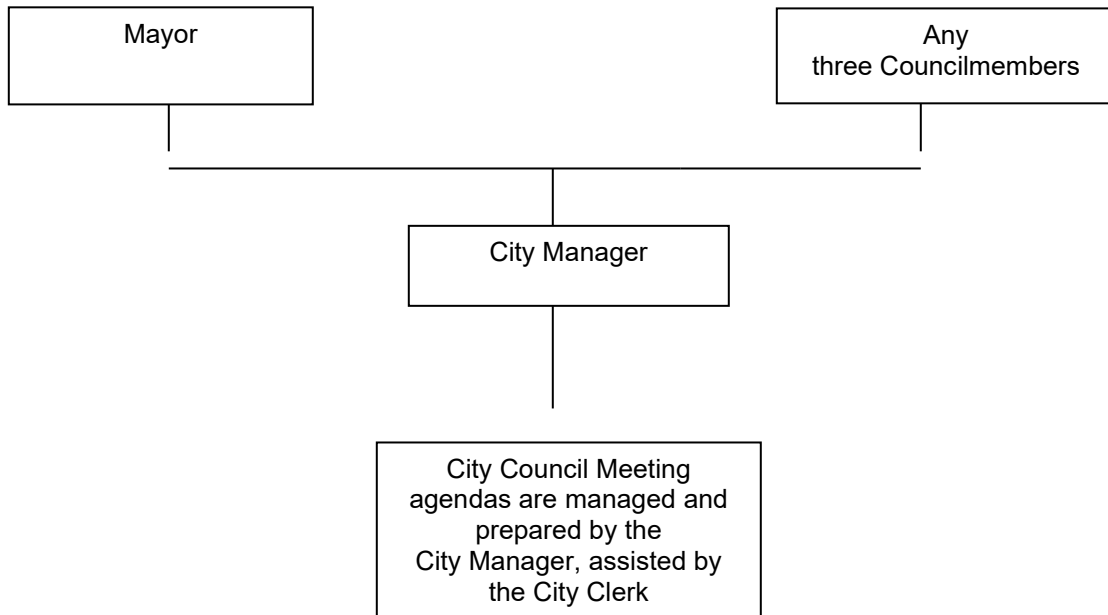


Exhibit B
WORKFLOW TO CALL A SPECIAL MEETING



REFERENCES

2008066.1

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- i. Govt. Code ' 54952.1; (*mayor-elect, councilmember-elect*)
 - ii. Govt. Code ' 54954, subd. (a); (*location of meeting; general rule*)
 - iii. Govt. Code ' 36802; (*presiding officer*)
 - iv. Govt. Code ' 36802 (*presiding officer*)
 - v. Govt. Code ' 36802 (*presiding officer*)
 - vi. Attorney General Opinion 87-410
 - xvi. Marsh v. Chambers 463 U.S. 783 (1983) (*invocation*)
 - viii. Govt. Code ' 54954.3 subd. (a); (*opportunity for public to address city council*)
 - ix. Govt. Code ' 54954.3 subd. (b); (*public comments; time limitations*)