

March 13, 2013

Santa Monica, California

RESOLUTION NO. 2

A RESOLUTION OF THE MEASURE V COMMITTEE OF THE CITY OF SANTA MONICA ESTABLISHING THE RULES OF ORDER AND PROCEDURE FOR THE CONDUCT OF COMMITTEE MEETINGS

THE MEASURE V COMMITTEE OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. The Measure V Committee Rules of Order and Procedure are hereby established as follows:

RULES FOR MEASURE V COMMITTEE MEETINGS

**RULE 1. RULES OF ORDER.**

Except as otherwise provided by these rules, the City Charter, the Municipal Code, or applicable provisions of state law, the procedures of the Measure V Committee ("the Committee") shall be governed by the latest revised edition of Roberts Rules of Order.

The rules, or any one thereof, may be suspended by a majority of the Members present.

**RULE 2. TIME AND PLACE FOR HOLDING REGULAR MEETINGS.**

The Committee's regular meetings shall be held quarterly on the 2<sup>nd</sup> Wednesday of the month beginning June 10, 2009. The regular meeting shall commence at 6:30 p.m. If any such Wednesday falls on a City holiday, such regular meeting shall be cancelled or held on such other day as may be fixed. The place for holding regular

meetings is the Ken Edwards Center, 1527 4<sup>th</sup> Street, Santa Monica, unless otherwise designated.

**RULE 3. QUORUM AND ACTION.**

Three Members shall constitute a quorum for the transaction of business. No business meeting or business may transpire without a quorum.

Any Committee member may question the presence of a quorum. If a quorum is questioned, the Presiding Officer shall forthwith direct the Clerk to call the roll, each Member shall respond when his or her name is called and the Clerk shall announce the result. Such proceedings shall be without debate, but no Member who is speaking may be interrupted by a question as to the presence of a quorum.

**RULE 4. MEETINGS TO BE PUBLIC - EXCEPTION FOR CLOSED SESSIONS.**

As required by the Ralph M. Brown Act (the "Brown Act"), California Government Code Sections 54950, et seq all regular, adjourned regular and special meetings of the Committee shall be public, subject only to the exceptions specified in the Brown Act.

**RULE 5. AGENDA.**

The Office of Sustainability shall prepare the Agenda in consultation with the Committee Chair.

(a) The Agenda and all available supporting documents shall be delivered to Committee members on the fourth workday preceding the meeting to which it pertains or as soon thereafter as possible.

(b) Any Committee member may direct that any matter within the Committee's jurisdiction be placed upon the Agenda

(c) The City Clerk shall post the Agenda as required by the Brown Act. Copies of the Agenda shall be posted in the City Clerk's office and in the lobby of the

Police Department. The City Clerk shall maintain on file in his or her office declarations establishing compliance with the posting requirements.

(d) No action shall be taken on any item not appearing on the posted Agenda unless the item is added to the Agenda in the manner required by the Brown Act.

(e) Matters directed to be placed on the Agenda at the direction of Committee members shall be listed on the Agenda in the order of receipt by the Office of Sustainability.

(f) Written requests to the Committee shall be received and opened by the Office of Sustainability and be placed on the Agenda for consideration at the earliest convenient meeting, taking into consideration the length and content of meeting agendas. Agendized communications shall be listed on the Agenda in order of receipt. No communication shall be placed on an Agenda if it contains material that:

- (1) Is profane.
- (2) Is potentially slanderous or libelous.
- (3) Advocates or opposes the candidacy of any person or party for any elective office.
- (4) Is primarily an advertisement or promotion or has as a substantial purpose, the advancement of any cause the major benefit of which is private and not public.

#### **RULE 6. CATEGORIES AND ORDER OF BUSINESS.**

The business of the Committee shall be conducted in the order and manner specified below. The order may be changed by a majority vote of those present. The following is the order of business for items to be heard beginning at 6:30 p.m.:

- (a) Call to Order.
- (b) Roll Call.

(c) Public testimony on items on the agenda and other items within the Committee's jurisdiction.

(d) Approval of minutes.

(e) Study Session. During Study Sessions staff will present information regarding a complex matter that will be subject to Committee deliberation and decisions in the future. No Committee action will be recommended or taken as part of the Study Session.

(f) Continued Items. This item includes agendized items of a previous meeting not considered at such meeting. The Committee may vote by a majority of its members to have a carry-over item placed on a subsequent agenda as a continued item.

(g) Staff Administrative Items. This category will include policy matters to be considered by the Committee.

(h) Written Communication. This item allows the Committee to consider issues raised by written submissions from the public.

(i) Committee Member Discussion Items.

#### **RULE 7. PREPARATION OF MINUTES.**

The City Clerk's Office shall have exclusive responsibility for preparation of the Minutes, and any directions for corrections in the Minutes shall be made only by majority vote of the Committee.

#### **RULE 8. APPROVAL OF MINUTES.**

Minutes of a Committee meeting may be approved without reading if the City Clerk has previously furnished each Member with a copy and unless a reading is ordered by a majority vote of the Committee.

**RULE 9. PRESIDING OFFICER.**

The Chair of the Committee shall be the Presiding Officer at all meetings. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the City Clerk or designee shall call the Committee to order and a temporary Presiding Officer shall be elected by the Committee members present to serve until the arrival of the Chair or Vice Chair or until adjournment.

**RULE 10. POWERS AND DUTIES OF PRESIDING OFFICER.**

(a) Participation. The Presiding Officer may move, second, and debate from the chair, subject only to such limitations of debate as are imposed upon Members by these rules, and shall not be deprived of any of the rights or privileges of a Member by reason of his or her acting as the Presiding Officer.

(b) Duties. The Presiding Officer shall (1) preserve order at all meetings of the Committee, (2) state (or cause to be stated) each question coming before the Committee (3) announce the decisions of the Committee on all subjects; and (4) decide all questions of order subject to the right to appeal rulings on questions of order to the entire Committee.

**RULE 11. RULES OF DEBATE.**

(a) Getting the Floor. A Member desiring to speak shall gain recognition by the Presiding Officer.

(b) Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Member to appeal to the Committee. If an appeal is taken, the question shall be: "Shall the decision of the Presiding Officer be sustained?" The Presiding Officer's decision may be overruled by a two-thirds vote of the Members then present.

(c) Point of Personal Privilege. The right of a Member to address the Committee on a question of personal privilege shall be limited to cases in which the

Member's integrity, character, or motives are questioned or where the safety or welfare of the Committee is concerned.

(d) Privilege of Final Comment. The Member moving the introduction or adoption of an item shall have the privilege of speaking last on the matter after all other Members have been given an opportunity to speak.

(e) Calling for the Question. A question may be called by majority vote of those present. However, neither the moving party nor the party seconding any motion may call for the question, each Member shall be afforded one opportunity to speak on each item before the question is called, and a question may not be called to interrupt or cut off a particular speaker.

(f) Limitation of Debate. Members shall limit their remarks to the subject under debate. No Member shall be allowed to speak more than once upon any particular subject until every other Member desiring to do so has spoken.

## **RULE 12. PROTEST AGAINST COMMITTEE ACTION.**

Any Member shall have the right to have the reasons for his or her opposition to any action of the Committee entered in the Minutes. Such opposition shall be made in the following manner: "I would like the Minutes to reflect that I opposed this action for the following reasons..."

## **RULE 13. PUBLIC TESTIMONY.**

(a) Pursuant to the Brown Act, public testimony is permitted on all agenda items, and the public shall have an opportunity to comment on any matter which is not on the Agenda but is within the Committee's jurisdiction. However, members of the public do not have the right to give testimony outside the scope of or unrelated to the agenda item under consideration. Additionally, members of the public should strive to avoid unduly reiterating their own or others' testimony.

(b) Registration. Any member of the public wishing to address the Committee regarding any item on the Agenda for public discussion shall register with the City Clerk

or designee prior to the start of the meeting. Any request received after the start of the meeting shall be considered late and may only be heard with Committee approval.

(c) Manner of Addressing the Committee. After being recognized by the Presiding Officer, each member of the public addressing the Committee shall state his or her name and whom he or she is representing, if he or she represents an organization or other person. Each member of the public is encouraged, but not required, to also state his or her address, neighborhood, or city of residence. All remarks shall be addressed to the Committee as a whole and not to any individual Member thereof.

(d) Time Limits. Members of the public shall limit their remarks to three minutes per agenda item unless the Committee grants additional time by majority vote. A Board or Commission member reporting to the Committee on behalf of a Board or Commission shall not be subject to this time limit; however, the Committee may limit the duration of such reports.

#### **RULE 14. RULES OF CONDUCT AND SAFETY.**

When the Committee is in session, all persons present must preserve safety and order. Members of the public should sit in the seats provided, unless entering or leaving the meeting room, should not block the aisles with personal belongings, and should not bring audible equipment into the meeting room including cellular telephones or pagers.

Any person who disrupts the meeting shall be called to order by the Presiding Officer. If such conduct continues, the Presiding Officer may request the removal of the person from the meeting room.

Any Committee member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Committee shall require him or her to do so.

**RULE 15. ENTITLEMENT TO VOTE AND FAILURE TO VOTE.**

Every Committee member is entitled to vote unless disqualified by reason of a conflict of interest. A Member who abstains from voting consents to the decision made by the voting Members.

**RULE 16. VOTING PROCEDURE.**

Any vote of the Committee, including a roll call vote, may be registered by the Members answering "Yes" for an affirmative vote or "No" for a negative vote upon his or her name being called by the City Clerk or designee. Voting order shall be based on seating order, with roll call, alternating in direction, and the Chair voting last.

**RULE 17. DISQUALIFICATION FOR CONFLICT OF INTEREST.**

Any Member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification and shall leave the dais prior to Committee consideration of the matter. A Member stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

**RULE 18. TIE VOTE.**

Tie votes shall be lost motions.

**RULE 19. CHANGING VOTE.**

The vote of a Member may be changed only if he or she makes a timely request to do so immediately following the announcement of the vote by the City Clerk, Clerk designee or the Presiding Officer and prior to the time that the next item in the order of business is taken up.

**RULE 20. PROCEDURE ON AGENDA ITEMS REQUIRING A MOTION.**

The following procedure shall be followed in connection with any Agenda item requiring a motion:

- (a) City Clerk/Chair reads the title.
- (b) Presiding Officer calls for a staff report.
- (c) Members question City staff.
- (d) Members deliberate.
- (e) A Member makes a motion, another Member seconds the motion, and the Committee debates it, with the maker of the motion having the opportunity to speak last.
- (f) The Presiding Officer or City Clerk restates the motion.
- (g) The Committee votes on the motion.
- (h) The Presiding Officer or City Clerk announces result.

**RULE 21. RECORD OF MEETINGS.**

All public meetings of the Committee shall be recorded by tape recorder. The recording shall be made by the Office of Sustainability and retained in accordance with the City's record retention schedule. The use of other recording or television equipment is permitted so long as it is not disruptive of the meeting.

**RULE 22. INTERPRETATION AND MODIFICATION OF THESE RULES.**

These rules shall be interpreted liberally in order to provide for the optimum in the free interchange of information and public debate without an unnecessary waste of time or duplication of effort. These rules may be amended by resolution upon the approval of three Members.

**RULE 23. FAILURE TO OBSERVE RULES OF ORDER.**

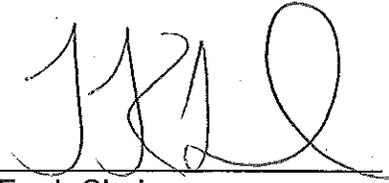
These rules of order and procedures govern the conduct of Committee meetings. These rules are intended to expedite the transaction of the business of the Committee in an orderly fashion and are deemed to be procedural only. Failure to strictly observe these rules shall not affect the jurisdiction of the Committee or invalidate any action taken at a meeting that otherwise conforms to law.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:

  
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Marsha Moutrie  
City Attorney

Adopted and approved this 13<sup>th</sup> day of March, 2013.



Tom Ford, Chair

I, Maria Dacanay, Secretary of the Measure V Committee, do hereby certify that the foregoing Resolution No. 2 (MVS) was duly adopted at a meeting of the Measure V Committee held on the 13<sup>th</sup> day of March, 2013, by the following vote:

AYES: Committee members: Duron, James, Chair Ford

NOES: Committee members: None

ABSENT: Committee members: Fetterman, Phillips

ATTEST:

  
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Maria Dacanay, Secretary