



# CITY OF **BIG BEAR LAKE** *California*

## **CITY COUNCIL RULES OF ORDER**

### **1. COUNCIL MEETINGS**

All meetings of the Council shall be open to the public, except as provided by law.

#### (a). Regular Meetings

Regular meetings of the Council shall be held in accordance with the schedule outlined in the Municipal Code and the adopted regular meeting calendar. All Regular Meetings shall adjourn by 10:00 pm unless a majority of the City Council votes to continue the meeting past the fixed time of adjournment. Any motion to extend the meeting beyond 10:00 pm, shall include a list of specific Agenda items to be considered and shall specify in which order these items shall be handled. Any Agenda items not considered prior to 10:00 pm and not included in a motion to extend the meeting shall automatically be continued for consideration at the next regularly scheduled City Council meeting.

All Regular Meetings of the City Council will be broadcast live on a local cable channel and on the City's website, except in rare instances when unforeseen scheduling or technical issues may arise.

#### (b). Special Meetings/Workshops

Special meetings and workshops are meetings of the Council held on special or irregular dates and may be called by three or more members of the Council or by the Mayor. The City Clerk shall prepare and mail, personally deliver, or deliver by any other means that ensures receipt, to each member of the City Council, and to each local newspaper and radio that has requested notice in writing at least 24 hours before the time of the meeting, a notice of special meeting stating time, place, and business to be transacted. Only matters set forth in the notice of the meeting shall be discussed at such meeting and no ordinance (other than urgency ordinances) may be adopted. In the event of conflict between this paragraph and the provisions of Section 54956 of the Government Code governing special meetings, the latter section shall prevail.

All Special Meetings of the City Council will be broadcast live on a local cable channel and on the City's website, except in rare instances when unforeseen scheduling or technical issues may arise.

#### (c). Closed Sessions

The Council may, from time to time, meet in closed session, not open to the public nor news media, in accordance with the Ralph M. Brown Act.

### **2. CONDUCT OF BUSINESS**

At an hour set by ordinance on the day of each regular meeting, each member of the Council, the City

Manager, the City Clerk, the City Attorney, and such Department Heads or others as have been requested to be present shall take their regular stations in the Council Chambers. However, members of the Council may participate in Council meetings by teleconferencing, in accordance with Section 54993 of the Government Code. The business of the Council shall be conducted in substantially the order and in the manner as herein provided and, so far as practicable, in accordance with parliamentary rules as laid down in Robert's Rules of Order (as most recently revised and unless otherwise addressed in this Policy).

(a). Quorum

Three members of the Council shall constitute a quorum for the transaction of business. When there is no quorum, the Mayor, Mayor Pro Tem, or any member of the Council shall adjourn such meeting, or if no member of the Council is present, the City Clerk shall adjourn the meeting. For the purpose of considering any item subject to vote of the Council, when a member of the Council disqualifies him/herself due to a conflict of interest, his/her presence shall not be counted toward a quorum and that person shall not be permitted to vote unless required pursuant to the rule of necessity. The rule of necessity shall not be applied where any member of the Council is absent. If the Council loses a quorum due to a disqualification and the rule of necessity does not apply, the remaining Council members may continue to discuss the item as a committee of the whole, but they shall not take action on the item.

Unless otherwise provided for in the Municipal Code, a majority of the Council shall be sufficient to do business and motions may be passed 2 to 1, if only 3 members of the Council attend. The following matters, however, require three affirmative votes: adoption of ordinances, resolutions granting franchises, orders for payment of money, and selection of presiding officers.

(1). Legally Required Participation

If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Council shall select by lot or other means of random selection that number of its disqualified members which, when added to the members eligible to vote shall constitute a quorum.

(2). Absences

Any member of the Council not in attendance at a Council meeting shall be noted as "absent." Such absences shall be considered unexcused, unless the City Council formally excuses an absence by a majority vote, in which case the absent member of the Council shall be noted as "excused."

(b). Rules of Debate

(1). Recognition

Every member of the City Council desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine him/herself to the question under debate.

(2). Rights of Presiding Officer

The Presiding Officer may move, second, and debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members of the City Council and shall not be deprived of any of the rights or privileges of a member of the Council due to his/her acting as the Presiding Officer.

(3). Interruptions

No member of the Council, once recognized, shall be interrupted when speaking unless it is to call him/her to order or as otherwise provided herein. If a member of the City Council is called to order while speaking, he/she shall cease speaking until the question of order is determined and, if in order, shall be permitted to proceed.

(4). Motion to Reconsider

A motion to reconsider any action taken by the Council may be made only on the day the action was taken or at the next succeeding recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member of the City Council, and may be made any time with precedence over all other motions or while a member of the City Council has the floor. It shall be debatable and requires only majority vote. Action that cannot be reversed cannot be reconsidered. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the City Council.

(c). Resolutions/Ordinances

(1). Resolutions

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more transitory in nature or a singular act like approving a budget amendment) are accomplished by resolutions. The adoption of a resolution will be referenced in the meeting minutes and will be recorded in a separate document, numbered in sequence and preserved in a separate set of books. Such resolutions are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary documents to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document with the additional “whereas” explanatory material it often recites to facilitate such future reference and research.

(2). Ordinances

An ordinance shall not be passed within five days of its introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction at either a regular or special meeting. Except

when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after introduction of the altered ordinance.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

Effective Date: All ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

Publishing: It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code.

Urgency Ordinance: All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

(d). Addressing the City Council

Each person, after having received permission from the Presiding Officer to address the City Council, shall step to the microphone and give his/her name and city of residence for the record before proceeding. All remarks shall be addressed to the City Council as a body only. No person other than a member of the Council and the person having the floor shall enter into any discussion without permission of the Presiding Officer. Public comment is permitted on items not on the agenda that are within the subject matter jurisdiction of the City, and on agenda items. Subject to reduction in the maximum time limit in the discretion of the Presiding Officer, there is a three minute maximum time limit when addressing a respective board (City Council, Fire Protection District or Successor Agency). Any qualified and interested person following this procedure shall have the right to be heard on the following items of business:

(1). Staff Reports/Discussion Items

Interested persons or their representatives may address the Council with regard to written communications referred to in the report of the City Manager or any Department Head. Those who desire to address the Council must complete and submit a speaker's card before the item is brought to the floor for discussion. The Presiding Officer will call for speakers when the item is discussed. Subject to reduction in the maximum time limit in the discretion of the Presiding Officer, there is a three minute maximum time limit when addressing a respective board. Any speaker card submitted after the Council begins to discuss the item is subject to the following procedure: first, the Presiding Officer will seek consensus from the Council to consider hearing from the speaker and if permitted the speaker will then have one minute to provide his/her comment(s).

(2). Public Hearings

Interested persons or their authorized representatives may address the Council in regard to matters then under consideration. Those who desire to address the Council must complete a speaker's card. The Presiding Officer will call for speakers when the item is discussed. Subject to reduction in the maximum time limit in the discretion of the Presiding Officer, there is a three minute maximum time limit when addressing a respective board. If the item involves an applicant (i.e. development project, etc.), the applicant shall have ten minutes to present their item to the Council and/or address questions brought before the Council from members of the public. The Presiding Officer may entertain a motion to extend the applicant's time if needed. Any speaker card submitted after the public hearing has been closed is subject to the following procedure: first, the Presiding Officer will seek consensus from the Council to consider re-opening the public hearing. If the hearing is re-opened and the speaker permitted, he/she will then have one minute to provide his/her comment(s).

Any Council member shall disclose during the hearing and prior to voting, for the record, when applicable, that he/she communicated independently with any project applicant, or with any proponent or opponent, or with their representatives, concerning the project or proposal under consideration, and shall disclose the substance of the communication.

(3). Spokesman for a Group of Persons

Whenever any 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 spokesman be chosen by the group to address the Council.

(e). Decorum

(1). Council

Members of the City Council must preserve order and decorum and shall not, by conversation or otherwise, delay nor interrupt the proceedings or peace of the City Council in any way, nor disturb any other member of the City Council while speaking, nor refuse to obey the orders of the City Council or the Presiding Officer, except as otherwise herein provided.

(2). Other Persons

The Presiding Officer shall admonish any speaker from the public who shall make any personal, impertinent, or slanderous remarks or become boisterous while addressing the City Council.

(3). Enforcement

The chief law enforcement officer, or his/her authorized representative, shall be ex-officio Sergeant-at-Arms of the City Council. He/she shall carry out all orders and instructions of the Presiding Officer for the purpose of maintaining order and decorum in the Council Chamber. Upon instructions of the Presiding Officer, it shall be the duty of any law

enforcement officer present to eject from the Council Chamber any person in the audience who uses loud, boisterous, or profane language at a Council meeting that disrupts the orderly conduct of the meeting, or any person who persistently interrupts the proceedings of the Council or refuses to keep quiet or take a seat when ordered to do so by the Presiding Officer, and to place under arrest any person who is violating the law.

(f). Call to Order

At the hour appointed for the meeting, the Presiding Officer shall take the chair and call the Council to order. The Mayor, or in his/her absence the Mayor Pro Tem, shall be the Presiding Officer. In the absence of the Mayor and the Mayor Pro Tem, the City Clerk shall call for a motion to select a Council member to serve as Mayor Pro Tempore and call the meeting to order, whereupon the Mayor Pro Tempore shall relinquish the chair at the conclusion of the business then before the City Council. Upon the arrival of the Mayor or the Mayor Pro Tem during the course of a meeting, the Mayor Pro Tempore shall relinquish the chair at the conclusion of the business then before the City Council.

(1). Duties of Presiding Officer

The Presiding Officer shall assume his/her place and duties immediately following his/her election. He/she shall preserve strict order and decorum at all meetings, have the power to limit the time of any citizen speaking from the floor, state questions coming before the City Council, and announce the Council's decision on all subjects. He/she shall vote on all motions. The Mayor shall sign all ordinances and other documents adopted and approved by the Council.

(2). Changes to the Order of Business

The Mayor can seek consensus from the City Council to change the order of business at any time during the meeting; however, business will usually be considered in the order shown on the agenda.

(g). Invocation

All Regular City Council Meetings will include an invocation after the open session meeting is officially called to order and the Pledge of Allegiance is recited. The brief invocation is intended to reflect upon the community's shared ideals and common ends before the City Council embarks on the business of governing. To ensure objectivity in the selection of the speaker of the invocation, on an annual basis the City will compile a list of all known local individuals who are willing to volunteer to provide an invocation. The invocation speakers will be selected without preference to any specific religion, belief, faith, or ideology. No guidelines or limitations shall be issued by the City regarding invocation content, except that the invocation may not proselytize or advance any faith, or disparage the religious faith or non-religious views of others.

Staff will make every effort to schedule a local religious or other leader to give the invocation, but in the event a religious or other leader cannot be scheduled, there is a last minute cancellation or the scheduled speaker fails to appear, a moment of silence will be observed in lieu of the invocation.

(h). Parliamentarian

The City Attorney shall act as the Parliamentarian and shall decide all questions of order. In the absence of the City Attorney, the City Manager shall act as the Parliamentarian.

(i). Roll Call

Before proceeding with the business of the Council, the City Clerk shall call the roll of the member of the Council and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical with the Mayor called last.

(j). Adoption of Consent Calendar

Adoption of the Consent Calendar may be made by one motion by the Council, providing the audience has been so advised and unless any Council member, individual, or organization has any questions or wishes to make a statement on any particular item on the Consent Calendar. In that event, the Presiding Officer may defer action on the particular matter or matters and place same on the regular agenda for consideration in any order he/she deems appropriate.

Items of routine or procedural nature shall be placed on the Consent Calendar portion of the Agenda. All items may be approved by one blanket motion. Prior to, or following review of, the Consent Calendar, any Council member may request that any item be withdrawn from the Consent Calendar for separate consideration. However, any Council member may abstain from voting on any consent item without requesting its removal from the Consent Calendar, and the City Clerk shall be instructed to record such abstentions in the minutes.

(k). Voting

(1). Roll Call Vote

All votes of the City Council shall be by roll call. The City Clerk shall call the names of each member of the Council, except that the name of the Presiding Officer shall be called last.

(2). Silence Constitutes Affirmative Vote

In all voting, unless a member of the Council states he/she is not voting due to a conflict of interest, his/her silence shall be recorded as an affirmative vote.

(l). Council Business

(1). Committee/Board Reports

Each Council member shall give a brief report on respective committee, Agency and/or Board meetings attended since the last City Council meeting (e.g., MARTA, BBARWA, etc.)

(2). Council Member Board / Committee Reports & Comments

Any Council member may make a general announcement under this item (i.e. community

event, anniversary celebration, etc. Comments shall pertain to items not on the posted agenda.

(3). Council Agenda Item Requests

Any City Council member may request to place an item on an upcoming City Council meeting agenda, providing the City Manager with at least 30 days' notice in order to provide ample time for staff preparation. The City Manager may also place items on the City Council meeting agenda as necessary in his/her judgement to further ongoing City initiatives, meet Federal / State / other requirements, address perceived community needs and to take advantage of beneficial opportunities.

**3. MINUTES**

(a). As an Official Record

The official action minutes of the City Council will be kept by the City Clerk in a minute book with a record of each particular type of business transacted set off in paragraphs with proper sub-heads. The City Clerk shall be required to make a record only of such business as was actually passed upon by a vote of City Council and shall not be required to record any remarks of any member of the City Council or of any other person. Names or persons addressing the City Council, the title of the subject matter to which their remarks related, and whether they spoke in support of or in opposition to such matter shall be entered in the minutes.

(b). Recordings

The City Clerk will electronically record all regular City Council meetings, with the exception of closed sessions, and will retain the video recordings per the City's Records Retention Schedule. At his/her discretion, the City Clerk may retain video recordings for a longer period.

(c). Distribution of Minutes

As soon as possible after each meeting, the City Clerk shall furnish a copy of the minutes to each Council member, the City Manager, each Department Head, and any other individuals designated by the City Clerk or City Manager.

(d). Reading of Minutes

Unless the reading of the minutes of a Council meeting is requested by a member of the Council, the minutes may be approved without reading if the City Clerk has previously furnished each member of the Council with a copy thereof.

(e). Approval of Minutes

Minutes may be approved by placement on the Consent Calendar. All Council members may vote on such approval, even if they were absent from the applicable meeting.



**4. GENERAL CITY COUNCIL RELATED MATTERS**

(a). Proclamation and Resolutions of Support Protocol

The City Council has a practice of recognizing people, organizations, events and dignitaries that are related to our local community. The City Council will issue proclamations and other recognition items to honor an individual, an organization, recognize a special event or a special day, month or year. City Council members, citizens, or bonafide organizations may request a proclamation and other recognition items. All recognition requests relevant to the City of Big Bear Lake will be considered except those related to political, religious, or lifestyle ideology. The City Manager shall determine if the recognition item will be issued by presentation during a City Council meeting, at an event, or mailed to the requester.

Occasionally, the City Council and/or City staff will receive requests to adopt supporting resolutions and/or to provide letters of support relating to issues that have a potential to impact our community. Many of these requests are of an urgent nature and require a prompt response. When a request isn't time sensitive, the City Manager will include these items on the next City Council meeting agenda to seek approval from the entire City Council. When time is of the essence, the City Council provides authority to the Mayor and/or City Manager to use their judgement to determine if the City should offer their formal support to the requester.

**5. COUNCIL-MANAGER RELATIONS**

Individual Council members shall not direct staff to initiate any action or prepare any report that is significant in nature or initiate any project or study. All such direction shall be provided by the City Manager or by action of a majority of the City Council at a City Council meeting. Council members may ask for limited resources and information for items that are on an agenda as long as any information is distributed to all City Council members.

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure that the concern is resolved.

**6. MAYOR/MAYOR PRO TEM APPOINTMENT PROCESS AND COMMITTEE/AGENCY ASSIGNMENTS**

The appointments of the Mayor and Mayor Pro Tem shall be made on an annual basis at the first regular City Council meeting in December. Prior to this meeting, the Council and Council-elect (in even numbered years) will be invited to participate in a regularly scheduled or special meeting in November to provide each Council member and/or Council member-elect the opportunity to express their interests in becoming the Mayor or Mayor Pro Tem and/or in participating in various committees and agencies.

At the regular City Council meeting in December, or as soon thereafter as possible, the City Council will formally determine and vote on the Mayor and Mayor Pro Tem selections. Then the newly seated Mayor shall make, and publically announce, the Council member appointments to Committee/Agency assignments.

The City Council and/or the Mayor can establish an ad hoc committee. The Mayor shall be responsible for appointing all members of the City's ad hoc committee.

## 7. MISCELLANEOUS

### (a). Use of Social Media

Although social media has become an effective communication tool used by local government to provide direct communications with the community, elected officials need to be mindful to not use social media in a manner that could harm the City's interest. In addition, Council members should be cautious with their social media postings in an effort to avoid inadvertently conducting serial meetings that would violate the notice and public meeting requirements. When Council members are making decisions about how to engage on social media, they should take a number of legal considerations into account such as; the Brown Act, the Public Records Act, due process, and First Amendment Considerations. If a City Council member is unsure about how their particular uses of social media may or may not conflict with the current governmental regulations, it is advisable that they consult with the City Attorney.

### (b). Use of City Issued Email Account

A majority of the City Council members' emails are subject to disclosure under the California Public Records Act (PRA) and must be retained and accessible in the event of an applicable PRA request. Therefore, each Council member will be issued a City email address (i.e. @citybigbearlake.com) to be used for all City Council related email correspondence. The City email account will include an official email signature that identifies City Council members in their official designations (i.e. Mayor, Council Member) and includes an important public disclaimer informing all recipients that their email correspondence with the elected official may be subject to a PRA request.

In addition, Council members need to be aware that their email correspondence is subject to the requirements of the Brown Act. While the Brown Act does not prohibit the use of email to make individual contacts between members of the Council, public or staff, great care should be taken to avoid the use of email to contact a majority of the Council which may unintentionally result in conducting a serial meeting.

### (c). Use of City Stationery

Individual City Council members will be provided with official City stationery for use as they deem appropriate. A copy of all City Council correspondence that was not originally prepared by City staff will be provided to the City Clerk's Office to be retained in accordance with applicable records retention regulations.

The City will also maintain official City stationery that will include all five current Council members' names within the letterhead. Staff will use this stationery when preparing official City Council correspondence that will be signed by the Mayor in his/her official capacity as the Council representative.

### (d). Use of City Office & Conference Rooms

The City Council will be provided with the use of one office to be shared by all five members of the Council. This office will be equipped with a shared computer and each individual Council

member will be provided with their own secure login. In addition, all Council members can use any available conference rooms located at City Hall. To ensure availability of the Council's shared office and/or meeting rooms, please contact the City Clerk Department's staff to schedule the use of these City facilities during normal City Hall business hours. Then the City's staff will ensure these rooms are unlocked and set up appropriately per the requested needs (i.e. the heater is turned on, ensure the presentation computer is logged into, set up the appropriate number of tables and chairs, etc.....) of the meeting.

(e.) Use of Titling, Labeling or Branding of Individual Council Member Events

When an individual Council member is hosting a special meeting or event that is widely advertised and open to the general public, they are required to include a standard disclaimer message on all promotional materials associated with the event to ensure the participants are aware it is not an official City of Big Bear Lake meeting or event. In addition, all Council members will be required to follow the City's Ordinance related to the use of the official city seal and logo.

(f.) Use of City Facilities by Individual Council Members

Individual Council members are permitted to utilize available offices, conference rooms, and/or meeting spaces at City Hall and other City facilities as necessary or desired to meet with small groups of constituents and/or other parties for the purpose of conducting individual Council member business, and should reserve appropriate meeting space with City staff. Individual Council members hosting a special meeting or event that is widely advertised and open to the general public, with the exception of campaign or election/re-election events which shall not be allowed, may host such events, in accordance with section 7(e) above, at City facilities, so long as any required permits are first obtained and all applicable fees are paid by the City Council member, as would be required of any other member of the community or organization.

(g.) City Council Mileage Reimbursement

Council members are not provided access to operate a City owned vehicle. Instead, the City provides each Council member with a monthly "Vehicle Allowance" per an adopted resolution. The current resolution (Resolution No. 88-09), provides a \$50 monthly stipend be paid to each Council member and a \$100 monthly stipend be paid to the Mayor. This resolution indicates the monthly stipend is intended to reimburse a Council member for their personal vehicle expenses incurred while engaging in official City business. In addition, the City will reimburse Council members for their personal travel expenses (including mileage) incurred while attending City related conferences and training events. The Elected and Appointed Officials Expense Reimbursement Policy (Resolution No. 2006-10) should be referenced to determine all allowable travel reimbursements.

In the event, a Councilmember is using their personal vehicle to attend various meetings/trainings related to their individual Agency/Board/Committee (i.e. BBARWA, SCAG, MARTA) assignments, they should seek mileage/travel reimbursement from those organizations.

**ADOPTED BY CITY COUNCIL: 9/20/2021**