



Handbook of Rules and Procedures of the City Council of the City of Tulare

Preface

As provided by California Government Code Section 36813, the City Council of the City of Tulare established the Handbook of Rules and Procedures contained therein. The Handbook shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended or new rules are adopted in the manner provided herein.

In addition to the Handbook of Rules and Procedures, the City Council has included in this document other information which may be useful to the City Council, administrative staff and the general public. This document is to be known as “The Handbook of Rules and Procedures of the City Council of the City of Tulare.”

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Chapter 1 – General Information, Powers, and Duties

A. The City of Tulare

The City of Tulare is a charter city which operates under a City Council-City manager form of government. Under this form of government, the elected City Council sets the policies for the operation of the Tulare City Government as well as the City. These policies are implemented by staff. The administrative responsibility to carry out the policies set by the City Council rests with the city manager who is appointed by the City Council.

B. Council Elections

The City Council consists of five members elected by district. Each councilmember serves four-year staggered terms without limit. Elected officials serve until their successor has been elected and qualified. Elections are held in November of even-numbered years.

The City contracts with the County of Tulare to administer municipal elections.

C. Vacancies

Pursuant to Section 9 of the City Charter, “A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general Municipal Election, when a successor shall be chosen by the electors for the unexpired term. All appointees shall be qualified electors of the district which was vacated. If the Council fails to agree or for any other reason does not fill such vacancy within 30 days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reasons the seats of a majority of the Council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted as herein provided for general municipal elections.

If any officer of the City shall remove from the City, or absent himself/herself therefrom for more than thirty (30) days consecutively without the permission of the Council, or shall fail or qualify, or shall resign, or be convicted of a felony, or be adjudged insane, his/her office shall thereupon become vacant.”

D. Mayor/Vice Mayor Selection

The mayor and vice mayor are members of the City Council and selected by members of the Council. These positions serve a two-year period without limit. Both positions carry additional responsibilities, but neither position carries additional power beyond those of all other councilmembers.

E. Compensation and Benefits

The City Charter provides that councilmembers, including the mayor, receive \$5.00 per regular meeting attended (maximum of \$10/month). At their option, they can participate in the City’s health and life insurance program in the same manner as regular employees. Expenses for City-related business (e.g. meetings, conference

attendance, League division dinners, etc.) are covered by the City pursuant to the Council Travel Policy.

F. City Clerk

Since 1987, the city manager has held the official title of City Clerk; however, the Office of the City Clerk is supported by a chief deputy and deputy city clerk who carry out the official functions of the city clerk. When reference is made to the “City Clerk,” these positions are inclusive of that title.

The city clerk is the local official for elections, local legislation, the Public Records Act, the Political Reform Act, and the Brown Act (open meeting laws). Before and after the City Council acts, the city clerk, in consultation with the city attorney, ensures that actions follow all federal, state, and local statutes and regulations, and that all actions are properly executed, recorded, and archived.

The statutes of the State of California prescribe the basic functions and duties of the city clerk, and the Government Code and Election Code provide precise and specific responsibilities and procedures to follow.

The Office of the City Clerk is a service department within the municipal government upon which the City Council, all City departments, and the general public rely for information regarding the operations and legislative history of the City. The city clerk serves as the liaison between the public and City Council and provides related municipal services.

G. City Attorney

In accordance with the Tulare City Charter, the City Council shall appoint the city attorney who shall be an attorney-at-law, duly admitted to practice in the courts of this state, and having practiced therein at least two years.

In the event that it is deemed necessary by the city attorney to hire either special or conflict counsel to act in the place of, or in conjunction with, the city attorney for major and significant projects or litigation, the city attorney shall bring forth such a recommendation to the City Council for approval at a regular or special meeting and be designated to execute the necessary document to facilitate those contracts.

H. Triangle of Policy, Process, and Product

The City Council establishes the **Policy** establishing vision and direction for the community’s future.

The city clerk, in consultation with the city attorney, oversees the **Process** ensuring that the decision-making process complies with federal, state, and local regulation, and that it is properly recorded.

The city manager provides the **Product** which is the primary reason for the existence of local government: to provide services to the taxpayer that the taxpayers cannot (or will not) provide for themselves.

I. Mayor as Presiding Officer and Duties Thereto

The mayor shall be recognized as the official head of the City of Tulare for all ceremonial purposes and by the Governor for military purposes. In the time of public danger or emergency, the mayor may, with the consent of the City Council, cause order to be maintained and enforce laws. The mayor shall act as the presiding officer at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council. The mayor may move, second, and debate from the Chair, subject to such limitations of debate as are imposed on all councilmembers by these rules and shall not be deprived of any of the rights and privileges of a councilmember as such presiding officer. The mayor shall possess no veto power.

The mayor shall preserve strict order and decorum of council meetings at all times. The mayor may announce special rules for the consideration of a particular item on the agenda, such as, but not limited to: The length of time persons may speak, require that, if desirable, a spokesperson address the Council on behalf of a group of persons and, in the event of a hearing, provide time for arguments and rebuttals from proponents and opponents. The mayor shall state each item coming before the City Council, and shall upon conclusion of said presentation related thereto call for the vote. Following the vote, the mayor shall announce the results of the vote. The mayor is eligible to vote on all motions, and shall direct the order of participation of councilmembers. The mayor shall, in all instances, have the last chance to speak. The mayor shall sign all ordinances and resolutions adopted by the City Council during the mayor's presence. The mayor shall sign all agreements and/or contracts, except where otherwise instructed or set forth by policy.

J. Vice Mayor

In the absence of the mayor, the vice mayor shall possess and perform the power and duties of the mayor. In that capacity, the vice mayor shall sign ordinances and resolutions adopted in his/her presence. The vice mayor shall also sign all agreements and/or contracts, except where otherwise instructed or set forth by policy.

K. Rules and Procedures

Simple parliamentary decorum shall govern meetings. The mayor shall ask for a motion and a second prior to calling for a voice vote (e.g. ayes, nays, abstentions) absent an electronic voting device. The mayor has the right to direct the clerk to poll the Council on any matter, beginning with the member who motioned, then the member who seconded, and left to right thereafter, with the mayor being polled last.

Amendment to, or adoption of, new City Council Rules shall be accomplished by majority vote of the Council.

Any councilmember may move the mayor to enforce the rules and a majority vote of the City Council shall require the mayor to so act. The Council may at any time by majority vote set aside these policies for purposes of any agenda item.

L. Interference in Staff Functions

The City Council shall deal with the administrative services of the City only through the city manager, except for the purpose of inquiry, and neither the City Council nor any member thereof, shall give orders to subordinates of the city manager. No member of the City Council shall publicly criticize or censure any staff member of the City, and shall instead relay any criticism of a staff member privately through the city manager.

The City Council shall deal with the Office of the City Attorney only through the city attorney, except for the purpose of inquiry, and neither the City Council nor any member thereof, may give orders to subordinates of the city attorney.

M. Council Voting

A majority, also known as a simple majority, is a subset of a group that is more than half of the entire group (ex. 50% plus 1 of the members present at a given meeting).

A two-thirds majority means that two-thirds of the members present or more must agree to the proposition. Items which need a two-thirds majority approval require four councilmembers to vote for approval if all councilmembers are present. If one councilmember is absent on an item which needs a two-thirds approval, the vote for approval must be unanimous.

Chapter 2 – City Council Meetings

A. Regular Meetings

Regular meetings of the City Council shall be open to the public and held on the first and third Tuesdays of every month at the hour of 7:00 p.m. Whenever the day fixed for any regular meeting of the City Council falls upon a day designated as a holiday, such meeting may be held at the same hour on the next succeeding day, not a holiday, as if it were a regular meeting.

B. Special Meetings

A special meeting may be ordered at any time by the mayor or by their designee whenever the public business may require it or upon the request from three members of the City Council. Whenever a special meeting shall be called, notice of such meeting shall be provided pursuant to State law.

C. Study Sessions

The City Council may meet in a “study session” called as a special meeting for the purpose of acquiring information on a particular subject or subjects. Study sessions shall be open to the public. Study sessions are not public hearings; however, public input will be received.

D. Closed Sessions

Consistent with Government Code Section 54954.2, the Council may hold closed sessions during any regular or special meeting or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.

The general subject matter for consideration shall be expressed in an open meeting before such session is held. After closed session, the legislative body must reconvene to open session and is required to disclose any reportable action taken along with the vote, or announce that no reportable actions were taken.

In a closed session, the legislative body can consider only matters covered in its agenda descriptions. Councilmembers shall keep all written materials and verbal information provided to them on matters that are confidential under law in complete confidence to ensure that the City’s position is not compromised. No mention of information in these materials should be made to anyone other than councilmembers, city attorney, or city manager, unless one of the aforementioned is precluded or a subject thereof.

If the City Council, in closed session, has provided direction to City staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claims or litigation, and/or employee negotiations, all contact with the other party should be by the designated representative handling the negotiations or litigation. Unless specifically authorized by Council’s action, a councilmember should not have any contact or discussions

with the other party or its representative(s) involved concerning the negotiation during this time and not communicate any discussion conducted in closed sessions. All public statements, information, press releases, should be handled by the designated representative or spokesperson.

Government Code Section 54963 (a) – (f) outlines the injunctive relief and disciplinary actions that may be imposed on those who divulge confidential closed session discussions without first receiving authorization from the legislative body.

E. Agenda

Prior to each Council meeting, the city manager, with input from department heads and the city attorney, shall set the agenda, reviewing same with the mayor. The city clerk shall arrange such matters, including all ordinances, resolutions, reports, communications, contracts, documents, or other matters as may have been timely provided for inclusion in the agenda.

F. Call to Order

The meetings of the City Council shall be called to order by the mayor, or in the mayor's absence, by the vice mayor. In the absence of the mayor and vice mayor, the meeting shall be called to order by the most senior councilmember present. This person shall serve as the Council's presiding officer until the arrival of the mayor or vice mayor or until adjournment of the meeting.

G. Quorum

Three members of the City Council shall constitute a quorum for the transaction of business. A majority of a quorum shall be sufficient to pass any action taken by the City Council except on such matters, which, by law, require a greater majority. All ordinances require at least three affirmative votes. All resolutions and all orders for the payment of money require a simple majority of those members present.

H. Lack of Quorum

If a majority of the City Council are absent from any meeting, the remaining members of the City Council may declare the meeting adjourned, or if no member of the City Council is present, the city clerk may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced. A copy of the order of adjournment must be posted within 24 hours after the adjournment at or near the door of the place where the meeting was held.

I. Recognition to Speak – Councilmember

Every councilmember desiring to speak shall address the mayor and, upon recognition by the mayor, shall confine his or her remarks to the item coming before the City Council.

1. Interruptions:

A councilmember, once recognized, may voice concerns, comments, or ask staff to provide explanation or clarification of the item before the City Council, without interruption, unless out of order with the rules and procedures established herein and/or the mayor call the item to order.

2. Public Hearings:

Councilmembers should not speak to the merits of an issue, other than to ask questions, until the public hearing has been closed.

J. Councilmembers' Obligation After Absence

When a councilmember is absent from an earlier meeting at which a matter was discussed, it shall be the duty of that councilmember to become acquainted with the issues discussed by reading the documents presented, reviewing the minutes from the meeting in which that item was discussed, listening to or viewing the taped recording of the meeting missed in order to further participate in future discussions and/or vote on the item.

K. Adjournment of Meeting

The mayor, or presiding officer, shall adjourn the meeting. In the instance of the lateness of the hour, the mayor may adjourn the meeting to a date and time specific to continue discussions on either the remainder of the agenda or on a specific item for discussion.

L. Agenda Items Out of Order

Upon request by any councilmember and consent of a majority of the City Council present, the Council may modify the order of the agenda at the meeting if such modifications would promote fluidity in the process and discussions.

M. Audio Recordings

All regular meetings (except closed sessions) of the City Council are audio recorded as well as all special meetings, inclusive of, but not limited to study sessions, and budget sessions. Audio recordings are in digital format and are to be archived for a minimum of five years.

N. Agenda Format for Regular Meetings

The agenda format for City Council regular meetings may be prepared to include, but not limited to, the following categories and/or sub-categories, not necessarily in the order herein reflected.

CALL TO ORDER
PLEDGE OF ALLEGIANCE AND INVOCATION
PRESENTATIONS (INCLUDES PROCLAMATIONS/RECOGNITIONS)
PUBLIC COMMENTS
COMMUNICATIONS
CONSENT CALENDAR
PUBLIC HEARINGS
GENERAL BUSINESS
MAYOR/COUNCIL REPORTS, UPDATES AND ITEMS OF INTEREST
STAFF UPDATES
FUTURE AGENDA ITEMS
CLOSED SESSION
ADJOURNMENT

O. Components of Regular Meetings

The following sections of a regular meeting agenda shall set forth the guidelines of decorum for each respective section of the agenda:

1. Public Comments

This is the time for the public to comment on matters within the jurisdiction of the Tulare City Council that are not on the agenda. The Council asks that comments are kept brief and positive. The Council cannot legally discuss or take official action on request items that are introduced tonight. This is also the time for the public to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Public Hearing or General Business items will be heard at the time those items are discussed. In fairness to all who wish to speak, each speaker will be allowed three minutes with a maximum time of 15 minutes per item unless otherwise extended by Council. Please begin your comments by stating your name and providing your city of residence.

2. Communications

Communications are to be submitted to the City Manager's Office 10 days prior to a Council Meeting to be considered for this section of the agenda. No action will be taken on matters listed under Communications; however, the Council may direct staff to schedule issues raised during Communications for a future agenda. Public comments will be limited to three minutes per topic unless otherwise extended by Council.

3. Consent Calendar

All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

4. Public Hearings and General Business

Comments related to Public Hearing and General Business items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

P. Minutes

The City Council utilizes action minutes. Action minutes or decision-only minutes exclude any discussions that went into making the decision and capture the conclusion and/or action taken. The digital audio recordings shall serve as the verbatim record.

Minutes may be approved under the Consent Calendar without reading; however, if a councilmember raises a point of correction to the minutes of a City Council meeting, that correction may be made verbally for the record with Council's consensus of a majority present and approved at that meeting in which it is addressed.

Q. Legislative Procedures

Generally, legislative proceedings shall be conducted in the following order:

- Introduction of the item by the city manager
- Staff presentation
- If applicable, public hearing opened by mayor
- Public comments received
- If applicable, public hearing closed by mayor
- Questions by councilmembers
- Discussion by councilmembers
- Action by City Council

Appeal proceedings shall be conducted in the following order:

- Introduction of the item by the city manager
- Staff presentation
- Hearing opened by mayor
 - Appellant's comments
 - Public comments
 - Rebuttal-Appellant comments
- Hearing closed by mayor
- Questions by councilmembers
- Discussion by councilmembers
- Action by City Council

R. Appeals

The filing of an appeal shall have the effect of staying the issuance of any permit or procedure until such time as the matter on appeal is resolved. If there are subsequent items to come before the Council that are subject to the outcome of the appeal, those items shall be listed following the item for appeal on the agenda; the decision of which shall be factored upon the Council's decision on appeal.

S. Appointments

Appointment to City boards, commissions, and committees shall be made as set forth in the Boards, Commissions, and Committees Handbook adopted by the Tulare City Council as may be amended from time to time.

T. Addressing the City Council

1. Speaker Form and Speaker Time

A person desiring to address the City Council is encouraged to complete a speaker form. Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the mayor may, at the beginning of the item, limit the time for individual comments. When deemed necessary, the mayor may allocate a longer speaker time other than what is noted on the agenda without objection from the City Council.

Each person shall stand at the podium, if one is available, and is asked to state and spell their name and provide city of residence for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the City Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without the permission of the mayor. No question shall be asked of a councilmember or a member of City staff except through the mayor.

2. One Speaker at a Time

No person, other than the person having the floor, shall be permitted to enter into any discussion without the permission of the mayor. All discussions shall be through the mayor, and no question shall be asked of a councilmember or City staff except through the mayor.

3. Questions and Comments from the Public

Questions and comments from the public shall be limited to the subject under consideration, except for those items introduced under Public Comments.

4. Addressing the City Council After a Motion is Made

No person in the audience may address the City Council after a motion is made without first securing permission from the mayor to do so. Upon recognition by the mayor and permission being granted by the City Council, the person so recognized shall confine him/herself to the question under discussion.

U. Continued Agenda Items

It is City Council practice and policy that matters scheduled on an agenda will be heard at the meeting scheduled. When unforeseen circumstances mandate a request for continuance of an agenda item by an applicant, appellant, or other interested parties, the request must be made to the City Council at the outset of the consideration of the item. In addition, any person intending to make a request for a

continuance shall inform the city clerk, orally or in writing, as soon as possible prior to the meeting that such a request for continuance will be made. The city clerk shall inform the mayor. The City Council will consider the request for continuance prior to discussing the substance or merits of the agenda item. The interested parties may speak to the issue of a continuance without forfeiting the right to speak later to the merits of the issue if a majority of the Council agrees. Comments may be presented by persons not able to attend the meeting for which the item is finally scheduled if the City Council agrees to continue the item.

V. Public Hearing Closed

Once a public hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of a councilmember addressed through the mayor; however, a public hearing may be re-opened by a majority approval by the Council to hear new information.

W. Cancellation of Meeting

If the City Council considers and then decides to cancel a future regularly scheduled or special meeting, it should take such action at the earliest prior meeting possible. If the action to cancel a meeting is taken more than one regular meeting prior to the date of the canceled meeting, the fact of any such cancellation shall also be referenced under items of interest on the agenda for the meeting immediately preceding the canceled meeting date. All noticing of the canceled meeting will be done by the City clerk in accordance with State law.

X. Staff Updates

This is the time that staff is called upon by the mayor to give updates of information and items of interest in the community.

Y. Future Agenda Items

The purpose of this procedure is to establish a clear, effective, and easily understood process for members of the City Council to have items placed on the City Council agenda for consideration.

In that regard, Councilmembers may submit a written request by using the Council Item Request Form to the City Clerk's Office for inclusion of an item on a City Council agenda. At the meeting where the request is heard, discussion shall be limited to whether the item should be added to an agenda, not the merit of the item. In order to be included on the next available Council agenda, requests must be received by the city clerk from a councilmember no later than the Monday of the week prior to the Council meeting (eight days prior to the meeting).

The procedure for consideration as a future agenda item shall be as follows:

1. Members of the City Council shall use the Council Item Request Form as formatted by the City Clerk's Office to submit a timely written request for inclusion of an item on a future City Council agenda.

2. Once the Council Item Request Form is timely received by the City Clerk's Office, it will be placed on the next agenda of a regular meeting. The completed Council Item Request Form will be included in the agenda packet for Council review prior to the next Council meeting.
3. No more than 10 items total may be submitted collectively for consideration by all councilmembers at any regular meeting, and in that regard, no individual councilmember may submit more than three items for consideration at any regular meeting. In the event more than 10 items are submitted collectively by the councilmembers to the City Clerk's Office for consideration at a regular meeting, no more than two items shall be accepted by the City Clerk's Office for consideration from any one councilmember. In that regard, the City Clerk's Office shall work with the councilmembers to prioritize which two items are to come before the Council.
4. At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis will be prepared within a reasonable time as determined by the city manager unless otherwise directed by a majority of the City Council. Discussion shall be limited to whether an item should be added to an agenda, not the merit of the item.

Chapter 3 – Decorum

A. Enforcement of Decorum

The Chief of Police, or his/her designated representative is the sergeant-at-arms of the City. The sergeant-at-arms shall attend City Council meetings for the purpose of maintaining order and decorum in the City Council Chamber, lobby, or other designated meeting location, unless excused by the mayor. Upon instructions from the mayor, the sergeant-at-arms shall eject any person from the City Council Chamber, in conformance with State law.

B. Conduct in the Council Chamber

1. Council Chamber Defined

Council Chamber shall be, in addition to the usual and customary meeting location, any location or facility wherein a majority of the legislative body may meet for an open and public meeting as defined and noticed in accordance with the Brown Act, whether it be a regular meeting, special meeting, joint meeting, closed session or study session.

2. Rules of Decorum for the Public

There are multiple opportunities to address the City Council during a Council meeting. During these opportunities, members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, and stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from the meeting per Government Code Section 54954.3. Any person who engages in such disruptive behavior may be guilty of a misdemeanor. This section does not prohibit any expressions, actions, or behavior that are otherwise protected by the First Amendment.

3. Rules of Conduct and Safety

When the City Council is in session, all persons present must preserve safety and order. Members of the public should sit in the seats provided, subject to ADA compliance, unless addressing the Council or entering or leaving the Council Chamber. Members of the public shall not block the aisles or exits in any manner. Members of the public should not bring audible equipment into the Council Chamber, including cellular phones or pagers, without first either turning said equipment off or switching it to a silent mode.

4. Removal from the Council Chamber

Subject to provisions of Section 2 above, any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chamber per Government Code Sections 54954.3 and 54957.95¹.

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting; and,
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting; and,
- (c) Disobedience of any lawful order of the mayor, which shall include an order to be seated or to refrain from addressing the City Council; and,
- (d) Any other unlawful interference with the due and orderly course of said meeting.

5. Cell Phones

In order to minimize interference to audio recording equipment during a City Council, cell phones shall be turned off or placed on silent during all meetings.

6. Media Equipment - Broadcast, News, Photograph, Print, Published, Recording, Video

The use of media equipment that enables recording of information of an open and public meeting is permissible absent a reasonable finding by the legislative body that the use of said equipment presents a persistent disruption (noise, illumination, obstruction of view or pathway) to the proceedings or to the other members of the audience.

In the event that use of media equipment is disruptive, the Presiding Officer may first seek to remedy the disturbance with the equipment operator, asking that the device, whether it is noise, illumination, obstruction of view or pathway, be silenced, turned off, moved or removed from the area in question.

If the equipment operator refuses to make such accommodations the mayor, by a reasonable finding of the legislative body, may determine that such use is a persistent disruption and bar the use of said equipment, illumination device and/or restrict the equipment operator from setting up at a particular location within the Council Chamber/meeting location.

C. Courtesy

1. Councilmembers

Councilmembers shall accord the utmost courtesy to each other, City employees and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statement as to motives and personalities.

¹ Senate Bill 1100, signed into law, adds Section 54957.95 to Government Code, effective January 1, 2023.

2. City Employees

Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

3. Public Speakers

Members of the public have the right to attend City Council meetings and to address the City Council on specific agenda items and under the Public Comments section of the agenda. The right of members of the public to address the City Council includes their right to criticize the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council and members of the City Council.

While the City Council meeting is in session, all persons must preserve order and decorum. A person who addresses the City Council under a specific agenda item or under Public Comments section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.

The mayor or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If, after receiving such a warning, the person persists in breaching the rules of decorum, the mayor or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the mayor or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chamber. In the event there is no one from law enforcement present, the mayor or presiding officer may direct the city manager to contact law enforcement.

4. Appointed Members of Boards, Commissions, and Committees

Appointed members of boards, commissions, and committees of the City shall observe the same rules of order and decorum applicable to the City Council.

D. Noise in the Lobby

Noise emanating from the lobby outside the City Council Chamber which disrupts City Council meetings shall not be permitted.

E. Crowd Control in the Council Chamber

If the city manager, or the city manager's designee, anticipates a crowd larger than the maximum number of attendees allowed in the City Council Chamber, they shall meet with the mayor and discuss alternatives for accommodation of the potential number of people in excess of that allowable at the location.

F. Smoking

It is unlawful for any person to smoke in the City Council Chamber.

G. Food and Drink

No food or drinks, other than bottled water, may be brought in by the public into the audience seating area of the City Council Chamber.

H. Distribution of Materials in the Council Chamber

No person, other than City staff, shall distribute flyers, leaflets, placards or other literature or circulate any petition within the City Council Chamber.

Flyers, leaflets, placards or literature may only be distributed to the Council by a member of the public under Public Comments, or by a project applicant/appellant pertaining to City business as may be referenced on the agenda, by approaching the city clerk and requesting such material be distributed on their behalf.

Such other literature may only be displayed or distributed outside the City Council Chamber area.

Chapter 4 – Procedural Rules

A. Rules of Order

The City Council establishes these rules and may amend them from time to time, or adopt new rules as it deems necessary. Amendment to or adoption of new City Council procedures shall be accomplished by a majority vote.

B. Rules of Discussion

1. Withdrawal of Motion

A motion may not be withdrawn by the maker of the motion without the consent of the councilmember who seconded the motion.

2. Voting

The City Council, in the absence of an electronic voting device, votes by “voice vote” on all matters before it, unless a roll call vote is required by law or is requested by the mayor. Silence shall be recorded as an affirmative vote, unless recusal is required by law, in which case silence shall be recorded as a recusal and the reason for such recusal must be publicly stated by the councilmember, or if requested, by the city attorney. The presiding officer shall announce the results of the vote. The city clerk shall show on ordinances and resolutions the names of councilmembers and their respective votes.

3. Failure to Vote

Absent a disqualification under State law, including conflict of interest provisions and prohibitions on participating when personal bias would prohibit a fair decision, it is the responsibility of every councilmember to vote. Failure to vote that is not compelled by a legal disqualification shall constitute an affirmative vote. A councilmember who fails to vote shall nonetheless be counted toward making up a quorum, unless otherwise required by State law.

4. Abstaining from Vote for Reasons Other than an Identified Legal Disqualification

A councilmember who chooses to abstain from voting without identifying a legal disqualification shall be counted as an affirmative vote. A councilmember shall state a reason for abstaining prior to doing so; failure to do so will constitute the same action as silence or failure to vote. A councilmember who abstains from voting for other than an identified legal disqualification shall nonetheless be counted toward making up a quorum.

5. Abstention/Recuse: Conflict of Interest

Councilmembers shall disqualify themselves and abstain from voting if they have a financial conflict of interest or any other disqualification prescribed by law in a matter before the City Council. In such event, they may not participate in the discussion or the vote. Councilmembers shall state the specific reason for such disqualification. Unless the matter is on the Consent Calendar, the abstaining

councilmember shall leave the dais and the Council Chamber when the item is announced until the conclusion of the agenda item. The matter will then proceed as though the member is not present, and the member shall not be counted toward making up a quorum. Further requirement on abstention and absence from the Chamber may be imposed by State law.

A councilmember may speak during public comment or as part of a public hearing process on their own behalf, as opposed to on behalf of someone else or on behalf of, or in their role as a councilmember, on a matter that directly affects their financial interest even when declaring a conflict of interest. Thus, while a councilmember would have to claim a conflict of interest on a matter affecting a piece of property in which the councilmember has a financial interest, they could address the Council, speaking to what the impact would be to their property. Any councilmember who chooses to speak on an item as an individual resident, that they are legally disqualified from participating as a councilmember, shall do so at their own risk and subject to any consequences from FPPC.

6. Tie Votes

When one councilmember is absent and a matter under discussion remains unresolved as the result of a tie vote on all motions made on such matter, the matter shall be automatically continued to the next Council meeting when it is reasonably known that all councilmembers will be present, provided that this rule shall not apply to matters involving the appellate jurisdiction of the City Council or when the absence of a councilmember is due to a disqualification for a conflict of interest. The City Council exercises "appellate jurisdiction" when it considers matters in which a subordinate body such as the Planning Commission could, but for an appeal to the City Council, confer final approval. In these instances a tie vote constitutes a non-action, which is a denial of the appeal.

7. Motion for Reconsideration

Upon final vote by the Council of any agenda item, a motion for reconsideration may be made, but only during the Council meeting wherein the agenda item was approved or denied. Any motion made after the close of the Council meeting is untimely. The motion for reconsideration is allowed by a member of Council that voted as part of the majority of the original motion. The motion may be seconded by any member of Council. If the motion to reconsider passes, then a member of Council may make a new motion related to the same item.

C. Council Dais

The City Council seating area, most commonly referred to as the dais, is restricted to Council and City staff at all times. Loitering or the dissemination of materials are not permitted in the area directly in front of the City Council seating area, commonly referred to as the well. Written or photographic materials are to be handed to the city clerk for dissemination to the Council, and made part of the record.

The dais consists of a half-circle (180°) seating arrangement which shall be as follows:

1. Seating for City Council, City Manager, and City Attorney

The Council, city manager, and city attorney shall occupy the seven seats in the middle of the City Council Dais. Seating in the seven seats shall be (facing the audience): The city attorney near the city clerk on the far left, the city manager on the far right, the mayor in the middle, the vice mayor to the left of the mayor, and the immediate past mayor to the right of the mayor. The seating of the remaining two councilmembers shall be as agreed between them and, if not agreed upon, as designated by the mayor. In the event the out-going mayor is not continuing as a councilmember, that seat shall be occupied as agreed upon by said councilmembers and, if not agreed upon, as designated by the mayor.

2. Seating of City Staff

All other seating on the dais by City staff shall be as designated by the city manager.

Chapter 5 – Administrative Rules

A. Purchase by Contract or in the Open Market

When the expenditure required for the purchase of any supplies exceeds the sum established by a policy through a resolution adopted by the City Council, the Purchasing Agent shall advertise for sealed proposals in the manner hereinafter prescribed for proposals for public work and the contract shall be awarded by the Council to the lowest responsible bidder, provided that the Council may reject all bids and order the Purchasing Agent to buy in the open market at a price less than the lowest bid received from a responsible bidder, and provided that if no bids are received, the Council may order the Purchasing Agent to buy in the open market. Until the Council shall otherwise provide by Ordinance, the chief financial officer shall act as Purchasing Agent.

B. Public Works to be Done by Contract

All public buildings and work, when the expenditure therefor shall exceed the sum established by a policy through a resolution adopted by the City Council, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising one time in a daily newspaper of general circulation, for sealed proposals for the work contemplated. Provided, that the Council may reject any and all bids, if deemed excessive, and re-advertise for bids to provide for the work to be done by the Department of Public Works.

C. Execution of Documents

1. Ordinances, Resolutions, and Ceremonial Certificates

The mayor as presiding officer, or in his absence, the vice mayor, shall execute all ordinances and resolutions. Ceremonial resolutions, proclamations, and certificates will be, whenever possible, executed by the entire City Council.

2. Contracts for Supplies, Public Buildings, and Work

All contracts for supplies, public buildings and work shall be approved as to form by the city attorney, shall be signed by the mayor or in his absence the vice mayor, and attested to by the city clerk.

3. Agreements, Contracts, Addendums, Change Orders, Memorandums of Understanding for Administrative, Managerial or Professional Services or Programs over \$50,000

Pursuant to the City's Purchasing Policy, all agreements, contracts, or memorandums of understanding for administrative, managerial or professional services or programs over \$50,000 shall be, upon approval of Council, approved as to form by the city attorney, shall be signed by the city manager, or his/her designee, and attested to by the city clerk.

4. Acting City Manager Designation

In that the city manager is required or permitted to be away from the City from time to time, due to conferences, training, business trips, vacations, etc., the city manager has the authority to use discretion in selecting and designating an acting city manager to carry out the ministerial duties for the duration of their absence as set forth in the Acting City Manager Designation Form. Such designee shall be an employee of the City.

D. Council Administrative Support

1. Mail

All general mail is opened, date stamped, and routed to the addressee.

2. Letters Addressed to Mayor and/or City Councilmembers

All letters addressed to the mayor and/or councilmembers requiring a response from staff are copied to the city manager. If so directed by Council, a copy of the responses mailed, along with the original letters, will be provided to each councilmember.

Letters addressed to the mayor and/or councilmembers that do not require a response, but provide information on Council agenda items or like matters, will be copied to the full Council.

Mail pertaining to specific meetings where an individual councilmember is the appointed representative of the Council is opened, said mail will be distributed to that councilmember and not copied to the full Council.

3. Council Correspondence

All councilmembers correspondence written with City resources (letterhead, typing, staff report, postage, etc.) will reflect the position of the full Council, not individual councilmember's positions. All councilmember correspondence using City resources will be copied to the full Council. For example, responses to citizen letters will be copied to the full Council along with the original citizen correspondence.

4. Clerical Support

The City Clerk's Office will coordinate the typing of correspondence requested by individual councilmembers for communications reflecting the position of the full Council. All correspondence typed for councilmember will be on City letterhead and will reflect the position of the full Council, not individual councilmember and will be copied to the full Council.

5. Council Notification of Significant Incidents

In conjunction with the City public safety departments, the City Manager's Office will report on significant incidents immediately once known, but any means able to provide notice as soon as possible.

E. Rules and Procedures Administration

1. Review of City Council Rules and Procedures

The Council will review and revise the Handbook of Rules and Procedures as needed.

2. Adherence to Rules and Procedures

During City Council discussions, deliberations and proceedings, the mayor has been delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council's adopted protocol.

3. City Attorney as Rules and Procedures Advisor

At the behest of the full Council, the city manager may be directed to confer with the city attorney in interpreting the City Council's adopted Rules and Procedures and proposed changes.

4. Adherences to Administrative Procedure and Process of Rules and Procedures

The Council has delegated the city manager responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a councilmember. The city manager will discuss with the councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the city manager will report the concern to the full Council.

5. Applicability of Rules and Procedures

The City of Tulare City Council Handbook of Rules and Procedures shall also apply to all boards, commissions and committees as established by the City Council.

F. Conflict with City Charter, Municipal Code, Procurement Policies, Administrative Policies, and State or Federal Law

If there is any conflict contained hereinabove with the City Charter, Municipal Code, Procurement Policies, Administrative Policies, and State or Federal Law, such laws shall prevail over the provisions contained within this Handbook.