



## CITY OF PACIFIC GROVE

### AGENDA REPORT

300 Forest Avenue, Pacific Grove, California 93950

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Mayor Bill Kampe

**MEETING DATE:** January 6, 2016

**SUBJECT:** Update Council Policy 000-17 to match current Order of Agenda practices

**CEQA:** Does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines

#### RECOMMENDATION

Approve updates to Council Policy 000-17 as shown in the attachments.

#### DISCUSSION

Council Policy 000-17 was last updated on February 2, 2011. The actual practice of the council has evolved in some areas. The changes are suggested to align the policy with current practices.

The changes are in 4 primary areas. These include 1) a change for general public comment, 2) an explicit listing of the elements of the consent agenda, 3) a simplified process for handling items pulled from the Consent Agenda, and 4) a simplified protocol for Regular agenda items. Other miscellaneous edits are noted in the Track-Changes version of the policy update. A clear copy of the update policy is also provided for easier reading.

1. At a time in the past, the practice for the council prohibited any comment or response to statements or questions by members of the public during General Public Comment. Often, a member of the public will ask a question that may be easily answered by staff. Or a member of the public may make a comment that inadvertently misrepresents important facts regarding a situation in our city. In either case, it serves the public and the functioning of government to provide readily available facts. The policy update permits these clarifications. It retains the protocol that such information is provided only after public comment is closed and is not for the purpose of debate with an individual at the podium, or among councilmembers.

2. Our Consent Agenda has evolved to an explicit list of topics that are suitable for consent action. Those topics headings are specified in the update to match current practice.

3. The update suggests continuing our current practice for pulled consent items and simply making them regular agenda items. In that way, we ensure that at least some basic context is established in a brief staff report. Further, the process maintains equity in the case where several persons may wish to pull an item. Historically, the first to request an item be pulled gained special privileges to speak on the topic, somewhat to the exclusion of others who may have similar questions.

4. Finally, the update specifies the simplified protocol for regular items. We have long used the protocol of going directly to the public for their comments before starting council dialog. Many other jurisdictions first take clarifying questions. My observation, as was the Pacific Grove experience, is that the clarifying questions quickly become a means to stake out positions and engaging the whole council or board. Sometimes a motion and second are made, because the public has been forgotten. Usually, the members of the public show a wonder if they will ever get a chance to speak. Councilmembers can always ask clarifying questions in advance, which is preferred, and can also ask those questions during council dialog.

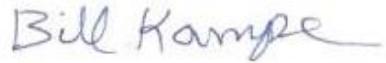
### **FISCAL IMPACT**

None.

### **ATTACHMENTS**

- A. Markup copy of policy with updates
- B. Clear copy of the updated policy

Respectfully submitted:



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Bill Kampe, Mayor

# City of Pacific Grove

## Council Policy

| Subject                                     | Policy Number | Effective Date                              | Page               |
|---|---------------|---|--------------------|
| <b>Order of Agenda for Council Meetings</b> | <b>000-17</b> | <b>February 2, 2011<br/>January 6, 2015</b> | <b>Page 1 of 4</b> |

- A. Council meeting agendas are designed to facilitate the orderly conduct of City business, provides adequate time for the City Council to make informed, deliberative decisions, and provides members of the public an opportunity to present information to the City Council on any matter within the subject matter jurisdiction of the City.
- B. This policy establishes the general practice to be followed with respect to the management of agenda items before the City Council. This policy shall not be construed to limit or impair rights of the public as set forth in the Ralph M. Brown Act, the Public Records Act, or any other provision of law.
- C. In the development of a specific meeting's agenda, the City Manager may adjust this order, when warranted. The Mayor and Council may also adjust the order in which matters are considered at the meeting. Deviation from the order of the agenda set in this policy, by itself, shall not provide a basis to reverse or invalidate any action of the City Council.
- D. The standard order of the City Council agenda shall be as follows:

### Call to Order~~and~~

#### **1. Pledge of Allegiance**

##### **2.1 Approval of the Agenda**

Councilmembers shall have an opportunity to request changes to the order of items, to postpone items to a future meeting, or to add new matters in accord with the emergency or urgency requirements set forth in the Government Code.

##### **3.2 Brief Presentations**

Presentations shall be made on behalf of the City to persons or organizations, and/or brief presentations (not to exceed 5 minutes, each) made to the Council by others upon approval of the City Manager. Presentations shall neither receive Council action nor provide a reason for Council debate. Council may ask brief questions or refer matters to staff for consideration on a future agenda.

Report out of any closed session held prior to the Regular meeting will be provided as the first presentation.

#### **4.3. Council and Staff Announcements**

Announcements shall be limited to City-related items and shall neither receive Council action nor provide a reason for Council debate. Council may ask brief questions or refer matters to staff for consideration on a future agenda.

#### **5.4. Oral Communications**

These are communications from the public on matters not on the agenda, but within the subject matter jurisdiction of the City, and may also address matters on the Consent Agenda.

Persons who wish to address the Council shall use the microphone and are asked to state their name. It is helpful if speakers also indicate the subject matter of their comments. (Note: Even if a speaker refuses to state his or her name or the subject matter of the comment, the speaker shall not be denied the right to speak.) Accommodations will be made for persons with disabilities.

The Mayor shall stop any speaker if he/she deviates from the appropriate subject matter. Under no circumstances shall the Mayor permit a speaker to personally attack any individual.

Communication to the Council under Oral Communications will be received without comment while the public comment period is open. When public comment is closed, questions from the public or action, and may be referred to staff for answers or for later comment or action, if appropriate.

#### **Consent Agenda**

The Consent Agenda deals with routine and noncontroversial matters, and may include action on resolutions and second readings of ordinances, provided no public comment is anticipated on those items. The purpose of the Consent Agenda is to make efficient use of available time by considering all routine and non-controversial items under one motion. The Consent Agenda is structured so that any Councilmember, staff, or the public may pull an item for discussion or questions.

A single vote on the Consent Agenda shall apply to each item that has not been removed.

Councilmembers may notify the City Clerk if they want a specific vote or abstention recorded as to any individual item.

The standard elements of the Consent Agenda are:

#### **5. Approval of City Council Meeting Minutes**

#### **6. Resolutions**

#### **7. Ordinances**

## **8. Reports – Information Only**

## **9. Reports – Requiring Action**

## **10. Meeting Minutes of Commissions, Boards, and Committees**

When a Councilmember wishes to remove an item:

- a. ~~The Councilmember will discuss his/her question(s) with staff prior to the meeting in order for them-staff to research the answer(s), which shall be provided ahead of time to all members (e.g., in the blue folders).~~
- b. ~~At the Council meeting, the Councilmember will pull the item, if still desired.~~
- c. ~~When the item is up for consideration, the Councilmember will ask staff the question(s).~~
- d. ~~Staff will answer the questions.~~
- e. ~~Any Councilmember may ask follow up questions.~~
- f. ~~The Mayor will open the item for public comment.~~
- g. ~~At the end of public comment, the Mayor will entertain a motion to accept the report, approve the recommendation, etc.~~

When a member of the public wishes to remove an item:

- h. ~~After the Councilmembers are provided an opportunity to pull an item, the Mayor will ask if any member of the public wishing to pull an item to approach the podium and state why they wish to pull the item (i.e., the question or questions they would like answered).~~
- i. ~~When the item is up for consideration, staff will respond by answering the questions raised or by indicating that they do not have enough information to respond. If staff cannot answer the question then, staff will follow up with the member of the public within 24 hours.~~
- j. ~~Council can comment and ask questions.~~
- k. ~~The Mayor will open the item for public comment.~~
- l. ~~At the end of public comment, if the Council feels the matter should be continued until any unanswered questions are addressed, the matter will be continued.~~
- m. ~~Otherwise, the Mayor will entertain a motion to accept the report, approve the recommendation, etc.~~

~~At a minimum, approval of minutes of previous meetings and all reports of commissions, boards, and standing committees shall be listed under the Consent Agenda. There are four categories of Consent Agenda items: 1) City Council meeting minutes; 2) resolutions; 3) staff reports; and 4) meeting minutes of commissions, boards, and committees. Matters deserving special attention, such as ordinances and budget changes, shall not be included in the Consent Agenda.~~

The Mayor will first ask the members of the Council, then members of the public if anyone wants to pull an item from consent. The person pulling the item will simply state the item number and subject.

Unless a specific item is pulled for discussion, the Council shall ordinarily approve all action items or recommendations on the entire Consent Agenda under a single motion.

Council's vote to approve the Consent Agenda is a direction to staff to proceed with each action as recommended.

#### **6. Items Removed from the Consent Agenda**

The Council shall separately consider and act on each item removed from the Consent Agenda. Such items shall be heard in order of their appearance on the Consent Agenda in their normal place on the Regular Agenda. That placement will be noted on each consent item. The discussion format for those items will follow the protocol for the Regular Agenda.

#### **Regular Agenda**

The protocol for deliberation on regular agenda items is:

- 1) The agenda report is presented by staff or other person who prepared the report. The report can be concise yet sufficient to establish context and key facts for the item.
- 2) Public comment is received, then closed.
- 3) Council deliberates and takes action as appropriate for the item

This protocol explicitly omits the practice of clarifying questions from council prior to opening for public comment. Councilmembers can ask for clarification prior to the Council meeting and can also ask questions during the council deliberation phase.

#### **7.11. Public Hearings**

The Public Hearing agenda includes matters for which a public hearing notice was posted or published and for which public comment is anticipated.

#### **8.12. Unfinished and Ongoing Business**

The Unfinished Business agenda shall consist of matters that return to the Council for action, the same matter having been considered at or continued from a prior meeting or are updates or actions for long term and ongoing topics.

#### **9.13. New Business**

The New Business agenda shall consist of matters not previously considered by the Council.

#### **10.14. Full Presentations**

Presentations under this item are those that may exceed five minutes and are made to the Council upon invitation of the Mayor or City Manager. Presentations shall neither receive Council action nor provide a reason for Council debate. Council may ask brief questions or refer matters to staff for consideration on a future agenda.

#### **11.15. Reports of Council**

Reports under this item may include statements of Councilmembers, summaries of meetings s attended, and reports of trips or conferences. Such reports are to be provided to the City Clerk, in writing, to be included in the packet or blue folder. These reports generally will not be discussed by the Council.

**12.16. Closed Sessions (if required)**

Closed Sessions are held in compliance with the Brown Act. The specific time for any Closed Session may be set at other times at the convenience of Council. The Council may adjourn to Closed Session on any other agenda item if authorized by law, upon advice of the City Attorney.

**13.17. Public Announcement of Action Taken in Closed Session**

This announcement shall immediately follow any Closed Session.

**14. Adjournment**

- E. In some instances, one or more closed session items are best addressed at the beginning of a Council meeting. In such instances, the earlier consideration will be clearly agendized and noticed (~~see the attached sample~~), the open session will be initiated, the Mayor will announce and the Council will take public comment on those agendized items to be addressed in that closed session agenda, the Mayor will indicate the expected time the Council will return to open session, and the Council will then adjourn to closed session. Upon its return, the Council will ~~immediately~~ announce any reportable actions taken in closed session, in accord with the Brown Act. As a convenience to the public, such early closed sessions shall generally be scheduled to occur before the normal starting time of the regular meeting.

**Attachment:**

~~Sample Agenda Format for Use When the Closed Session Occurs at the Beginning of a Meeting~~

Adopted May 2, 2001—Resolution No.1-025  
Amended June 3, 2009—Resolution No. 9-021  
Amended February 3, 2010—Resolution No.10-014  
Amended September 1, 2010—Resolution No.10-068  
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Amended January 6, 2016 – by motion of Council

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