

**CITY OF PACIFIC GROVE  
CITY COUNCIL POLICY**

<b>Policy Governing</b>	<b>Policy No.</b>	<b>Effective Date</b>	<b>Page</b>
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**I. AGENDA PACKET PREPARATION AND DISTRIBUTION**

1. Agenda packets will be prepared and distributed in accordance with PGMC 2.04.050 and the Ralph M. Brown Act. However, the deadline for agenda submittals may be sooner to account for any scheduled workdays off that are necessary for publishing and distribution. Publishing/distribution of the agenda packet to Council is by email notification (preferred) unless otherwise instructed.
2. The goal is to have a complete agenda packet at the time of its distribution. If, however, staff receives substantiating information, reports, proposed emergency ordinances and other such information to the Council after packet distribution, including at the time of the Council meeting, staff may provide this material, so long as the public is correspondingly informed and is given access in accordance with the Brown Act.
3. Nothing contained in this policy shall prevent the normal flow of legally permissible information from staff to the Council needed to keep the Council informed.

**II. PUBLIC HEARING PROCEDURES**

Each public hearing on the City Council agenda will be called in the order noted on the agenda. Staff will first present a brief report on the public hearing item, including correspondence.

The public hearing will then be opened. For public hearings involving a quasi-judicial determination by the Council (e.g. where a decision modifies vested property rights, or when a matter is raised by appeal pursuant to the Municipal Code), the applicant or proponent of an item shall be allocated a maximum of 10 minutes to speak. If a single designated spokesperson provides the City Clerk, in advance of the meeting, names of persons who request her or him to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated an increased amount of time to speak, not to exceed 10 minutes. Depending on time available and the number of people wishing to speak, all other speakers will be limited in their allocated time to 3 minutes each or less.

In public hearings not involving a quasi-judicial determination by the Council, all speakers will be limited in their allocated time to 3 minutes each or less, whether in support or opposition to the item.

Very brief rebuttal and surrebuttal may be allowed, at the sole discretion of the Council.

Questions by any speaker shall be directed to the Mayor.

Once all persons desiring to address the Council have done so, or the allotted time has expired, the matter will then be returned to the Council. All questions having been directed to the Mayor will then be addressed by staff, in the order and format as directed by the Mayor.

The Mayor has the option of requesting that a motion be made to move the item or first facilitating discussion of the issue at hand, to allow the Council to explore the various views and available options. Once a motion is made and seconded, Council Members will discuss and then vote on the motion. If the motion fails, additional discussion and motions can follow, until the matter is resolved.

### **III. RECOGNITION BY CHAIR**

All persons, including members of the Council, wishing to speak shall first be recognized by the Chair.

### **IV. APPEAL HEARING FROM PLANNING COMMISSION**

In accordance with Municipal Code Section 23.72.130, any person aggrieved by an action or decision of the Planning Commission, may appeal to the City Council, by paying a prescribed fee and submitting a written statement of the grounds for appeal. The Code also requires notice to the Planning Commission of such appeal, and a report submitted by the Planning Commission to the City Council, setting forth the reasons for action taken, or the Planning Commission shall be represented at the Council meeting. The City Council shall render its decision within 45 days after the filing of such appeal.

Further, Section 23.72.130(f) reserves the Council's authority to review any action or decision of the Planning Commission, and to make its own decision on such action or matter. The Council shall always have until its next regularly scheduled meeting following such action for review.

The Council shall hold a hearing *de novo* on appeals and matters called. A *de novo* hearing on appeal is not dependent on the record of the body from which an appeal is taken. Evidence is taken, witnesses appear and statements are made, all without regard to whether precisely the same evidence, witnesses and statements were recorded at the hearing below. Thus, although the Municipal Code labels it an appeal, it is in fact a second (or third, if it is a hearing on the Planning Commission's decision on appeal from the Architectural Review Board) full, *de novo* consideration of the issue.

The Council may also return an appeal to the Planning Commission because the Council has heard new evidence. From the description above, Council will infer that virtually no hearing *de novo* will result in a duplication of the hearing below—something, some statements, some piece of documentation, will be new.

Failure of the Council to reverse, uphold, or uphold with modifications the action appealed or called up, results in the Planning Commission action standing as decided. (Such failure would occur, for example, in the event of a Council tie vote.)

### **V. APPOINTMENT OF COUNCIL COMMITTEES**

From time to time, the Council may see fit to appoint an *ad hoc* committee. When a Council committee is appointed, the Mayor will assign a maximum of three Council Members.

The Mayor designates the Council Member to serve as Committee Chair. In the event of a change in Council or committee assignments, the senior member of the Council will serve as Committee Chair. If there is a Council-Planning Commission committee, a member of the Council shall serve as Chair for the group.

## **VI. VOTES REQUIRED FOR ACTION**

Article 15 of the Charter provides that four affirmative votes of the Council are necessary to adopt ordinances, resolutions, or claims against the City. Except as specified elsewhere, it is also Council policy that all actions of the Council (except those calling for five votes, such as urgency ordinances) require the affirmative vote of four members, irrespective of the number in attendance when an action is taken.

## **VII. BROWN ACT PROCEDURES**

The City Council operates in accordance with the provisions set forth in the Ralph M. Brown Act (Brown Act). The City Attorney shall provide training and written materials on the Brown Act.

Adopted: March 6, 1991 (Resolution No. 6151)  
Amended: February 17, 1993 (Resolution No. 6329)  
Amended: December 6, 1995 (Resolution No. 6492)  
Amended: February 3, 2010 (Resolution No. 10-014)  
Amended: December 16, 2020 (Resolution 20-039)