



AGENDA
RIO DELL CITY COUNCIL
STUDY SESSION – 5:30 P.M.
REGULAR MEETING – 6:30 P.M.
TUESDAY, MARCH 3, 2015
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

E. STUDY SESSION MATTERS

2015/0303.01 - Review of City Council Protocols and Rules of Order

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2015/0303.02- Approve Minutes of the February 17, 2015 Regular Meeting (**ACTION**)
- 2) 2015/0303.03 -
- 3) 2015/0303.04 - Submittal of Coast Central Credit Union Grant Application (**RECEIVE & FILE**)

G. SPECIAL PRESENTATIONS

- 1) 2015/0303.05 - Project Status Report – City Engineer Jesse Willor, GHD
 - 1) Metropolitan Wells Project
 - 2) Active Transportation Plan (ATP)

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2015/0303.06 - Discussion and Possible Action on the formation of an Ad Hoc Committee Related to Planning and Implementation of Events and/or Programs Related to the 50th Anniversary Year of the Incorporation of the City of Rio Dell (**ACTION**)
- 3) 2015/0303.07 - Authorization for Travel Expense for Councilmember Garnes to Attend the League of California Cities Redwood Empire Division Meeting in Cloverdale (**ACTION**)
- 3) 2015/0303.08 - Provide Staff Direction on how to Proceed with Update of City Council Protocols and/or Parliamentary Rules of Order (**ACTION**)
- 4) 2015/0303.09 -

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2015/0303.10 - Approve Resolution No. 1256-2015 Amending the 2014-2015 Police Department Budget and Authorizing Expenditure of those Funds for Police Equipment (**ACTION**)

J. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

L. ADJOURNMENT

*The next regular meeting will be on March 17, 2015
at 6:30 p.m. in City Hall Council Chambers*



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*

March 3, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Discussion and Possible Action Regarding City Council Meeting Protocol and Possible Adoption of New Rules of Order.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

At this point in time, there is no recommended action.

BACKGROUND AND DISCUSSION

The Council has previously requested that a review of the Council's rules of order and protocols be reviewed.

The attached documents include:

- 1.) A proposed single page draft council meeting protocol summary.
- 2.) The City Council Protocols from August 16, 2011.
- 3.) Rosenberg's Rules of Order.
- 4.) A "Cheat Sheet" from Rosenberg's Rules of Order.
- 5.) Various materials describing Robert's Rules of Order.

Staff suggests that the Council reflect on past experiences with public meetings and review the above material. The draft council meeting protocol sheet proposes an overall mission statement for the council's meeting process and contains a list of eleven high priority protocol subjects.

Staff recommends that the council review the eleven high priority subject areas. Also, council members should be prepared to discuss Rosenberg's Rules of Order vs. Robert's Rules of Order.

The purpose of this item is to have the Council discuss any changes it desires and move forward. Based upon council input, staff will then rework the 2011 protocols and bring the item back to the Council on either March 17th or April 7th for action.

Council Meeting Protocol



“In the conduct of the public’s business, the Rio Dell City Council strives to operate with integrity, responsibility and respect for all. The meetings of the Rio Dell City Council will be operated openly and for the purpose of protecting the rights of the minority while carrying out the will of the majority.”

1. Only one person at a time speaks.
2. A speaker must be recognized by the Mayor before speaking.
3. A speaker can only speak in front of a microphone located at the podium, staff table or dais – not the audience.
4. All comments are made through the Mayor.
5. Comments are confined to the current issue before the Council.
6. Discussion should alternate between Pro and Con.
7. No cross conversations or interruptions.
8. No personal verbal attacks of other Councilmembers, public or staff.
9. Decisions are null and void if there is no quorum or proper posting.
10. Decisions are binding on all, even those who voted against.
11. Parliamentary procedure shall be governed by Rosenberg’s Rules of Order (RRO), and should an issue develop that is outside of RRO’s scope, the mayor shall have discretion in the conduct of the proceedings within these protocols.

CITY OF RIO DELL



CITY COUNCIL PROTOCOLS

2011

Prepared by:

Office of the City Clerk

Adopted: August 16, 2011

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1. PURPOSE

The purpose of establishing and updating the City Council Protocols is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the City Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

2. STATUTORY REQUIREMENTS/REGULATIONS

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. These protocols are not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Councilmembers are responsible for becoming familiar with these statutes and regulations.

2.1 The Brown Act

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations

regarding conflicts of interests and campaign receipts and expenditures.

2.3 Rio Dell Municipal Code (RDMC)

The Rio Dell Municipal Code (RDMC) consists of those codified ordinances of general municipal regulations and laws of the City of Rio Dell.

2.4 RDMC Chapter 2.05 Relating to Council Meetings

RDMC Chapter 2.05, "City Council Meetings," sets forth the time and place of regular meetings, and further establishes such things as the rules for the cancellation of meetings, change of location, special and emergency meetings, and continuation of meetings. (Attached as Exhibit A)

2.5 Code of Ethics

RDMC Chapter 1.10 "Code of Ethics," sets forth the code of ethics and values for Councilmembers. The proper operation of democratic government requires that decision makers be independent, impartial, and accountable to the people they serve. The City of Rio Dell has adopted this code of ethics to promote and maintain the highest standards of personal and professional conduct in the City's government. (Attached as Exhibit B)

3. **COUNCIL ORGANIZATION**

3.1 Newly-Elected Councilmembers

Newly-elected Councilmembers are generally sworn into office at the first regular meeting following receipt of the Certification of Votes from the County Elections Department following the November General Election. Immediately upon election (even before being sworn into office), newly-elected Councilmembers are subject to the provisions of the Brown Act.

3.2 Selection of Mayor and Mayor Pro Tem

Resolution No. 700 establishes the procedures for seating new members of the City Council. Section 36801 of the California Government Code and Resolution No. 822.1 also establishes the procedures for choosing the Mayor and Mayor Pro Tem. The Mayor and Mayor Pro Tem will be elected by a majority vote of a quorum of the City Council. In years when members of the City Council are to be elected, the City Council shall consider the election of a Mayor and Mayor Pro Tem for two (2) year terms at the first regular meeting after certification of the general election results has been received.

3.3 Duties of Mayor and Mayor Pro Tem

The Mayor shall preside over all City Council meetings. If he/she is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act. (Calif. Gov't Code Section 36802)

In the absence of the Mayor and Mayor Pro Tem, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be chosen by members of the Council to preside over the meeting.

3.4 Seating Order

Following the City Council election, the City Clerk shall designate the seating order for the Council dais. The Mayor Pro Tem is generally seated to the right of the Mayor.

3.5 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Councilmember to represent the Council at the function.

Councilmembers shall be reimbursed for meal expenses and mileage to attend ceremonial functions, for which the Councilmember was invited to represent the City, pursuant to the City of Rio Dell Travel and Reimbursement Policy (Resolution No. 809-2002).

4. COUNCIL ADMINISTRATION

4.1 Travel and Expense Reimbursement

Authorization to incur expenses for travel, conferences and training shall be made only for purposes approved in the budget by the City Council pursuant to Resolution 809-2002 (Attached as Exhibit C)

4.2 Mail/Council Correspondence

Mail

All general mail is date stamped and routed to the address unopened. All letters addressed to the Mayor and/or City Council requiring a response from staff are copied to the City Manager. A copy of the responses mailed, along with the original letters will be provided to each Councilmember. Letters addressed to the Mayor and/or City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council. Mail pertaining to specific meetings where an individual Councilmember is the appointed representative of the Council is opened. Copies are not made for the full Council. Cards and other Councilmember mail marked "personal" will not be copied to the full Council.

Council Correspondence

All Councilmember correspondence written with City resources (letterhead, typing staff report, postage, etc.) will reflect the position of the full Council, not individual Councilmembers'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. City Councilmembers will be provided individual stationary and envelopes for use for communications reflecting their personal positions, not the positions of the full Council. These communications will be prepared and sent at the expense of the individual Councilmembers. Councilmembers may utilize the City's outgoing mail service.

4.3 Clerical Support

The City Manager'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 Councilmembers will be on City letterhead and will reflect the position of the full Council, not individual Councilmembers, and will be copied to the full Council.

4.4 Requests for Research or Information

Councilmembers may request information or research from the City Manager on a given topic directly when it is anticipated that staff can complete the request in less than an hour per week. Requests for new information or policy direction will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.

4.5 Council Notification of Significant Incidents

In conjunction with the City's public safety department, the City Manager's Office will coordinate the notification to Council of major crime, or other related incidents. This will be accomplished concurrently through telephone and e-mail messages.

5. MEETING GUIDELINES & PROCEDURES

5.1 Attendance/Quorum

Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Councilmembers shall notify the City Clerk if they will be absent from a meeting. The City Clerk shall then notify the City Manager and all other Councilmembers. If a Councilmember fails to attend three (3) consecutive regular meetings of the Council without being excused, his/her position on the City Council becomes vacant and shall be filled by appointment or election as determined by a majority vote of the City Council. At the start of each

City Council meeting, the Mayor shall call the roll. Any absent Councilmember who has left a message by 5:00 p.m., or reached the Mayor or City Manager's Office directly before the start of the meeting on the day of the meeting to advise of such absence, shall be considered excused only upon majority vote of the Council.

5.2 Meeting Dates and Location

Consistent with RDMC Chapter 2.05, regular meetings of the City Council shall be held every 1st and 3rd Tuesdays of every month, commencing at 6:30 p.m. in the City Hall Council Chambers, 675 Wildwood Avenue, Rio Dell.

5.2a Other Locations

The Council, may from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.

5.2b Location During Local Emergency

If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, or if the Mayor does not so designate, by the Mayor Pro Tem or the City Manager.

5.3 Cancelled Meetings

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall default to the following Thursday. That meeting or any other scheduled Council meeting may be cancelled when deemed appropriate by the Council, providing that the Council meets regularly, however, at least once each month.

5.4 Special Meetings and Emergency Meetings

Special meetings and emergency meetings of the City Council may be called and held from time to time consistent with the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et seq.

5.5 Adjourned Meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et. seq.

5.6 Posting of the Agenda

All City Council agendas and notices shall be made available to the general public pursuant to the California Government Code. The locations designated as the City's official posting locations are as follows:

1. The bulletin board at the entrance of City Hall
2. The bulletin board at the Rio Dell Post Office
3. The bulletin board at Rio Dell/Scotia Chamber of Commerce
4. Any other location as may be specifically selected in addition to the three location heretofore designated. (Resolution No. 511) (the fourth posting location is currently the Downtown City Bulletin Board).

5.7 Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, posted to the City's web site, and distributed through the City Clerk's Office. Agenda packets shall be distributed to Councilmembers no later than the Friday prior to the Council meeting.

5.8 Placing Items on the Agenda

Matters may be placed on the agenda for consideration by request of 1) the Mayor; 2) the City Manager; and 3) the City Attorney. Any reasonable request shall be honored subject to the City Manager's discretion as to the preparation of accompanying staff reports. Each Thursday morning the City Manager meets with Department Heads to go over proposed future agendas, at which time issues that need to be brought forth to the City Council are discussed with the City Manager.

Councilmembers shall have the opportunity to request an item be placed on the agenda during an open council meeting; with concurrence of the Council, the request shall be honored.

Requests from the public to place an item on the agenda are to be directed to the City Clerk and shall be handled in the following manner:

- Proclamations/Certificates – All requests for proclamations and certificates are subject to approval of the Mayor or City Manager and are typically honored only if a local representative from the requesting agency can appear to accept the proclamation or certificate.
- Presentations – Most requests for presentations by civic groups and local organizations shall be honored and placed appropriately under the "Special Presentations" segment of the agenda.
- Item for Discussion/Action by Public
Requests by members of the public to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should attend a City Council meeting and address the Council under the "Public Presentation" segment of the agenda.

The Council shall not take action on the matter other than to either: 1) direct that the matter be placed on a future agenda, or 2) direct staff to research the issue and report back to Council.

5.9 Americans with Disabilities Act (ADA) Statement

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act, making the City Clerk the contact for inquiries by those needing special assistance to participate in the meeting.

6. RULES OF CONDUCT

6.1 General Procedure

It is the policy of the Council not to become involved on the entanglements over “parliamentary procedure.” Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, subject to appeal to the full Council.

6.2 Addressing Members of the Public and Staff

In addressing the public and members of the City’s staff, Councilmembers will generally refer to persons as Mr., Mrs. or Ms. followed by their surname and/or job title.

6.3 Authority of the Chair

Subject to the full Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

6.4 Mayor to Facilitate Council Meetings

The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.

6.5 Council Deliberation and Order of Speakers

The Mayor has been delegated the responsibility to control the debate and the order of speakers.

6.5a Questions Addressed to Another Councilmember

With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

6.6 Limit Deliberations to Item at Hand

Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.

6.7 Length of Council Comments

Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over ten (10) minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for about ten minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers on their efforts to communicate concisely.

6.8 Council Presentations

Councilmember presentations are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, councilmembers must provide the City Clerk advance notice of the intent to make a presentation. To insure a complete record of the meeting, councilmembers will provide a copy of the presentation to the City Clerk at the conclusion of the Council meeting.

6.9 Obtaining the Floor

Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any councilmember who seeks the floor when appropriately entitled to do so.

6.10 Procedure for Motions

Motions may be made by any member of the Council, including the Mayor and/or presiding officer, providing that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion. The following is the general procedure for making motions:

- Before a motion can be considered or debated, it must be seconded.
- A Councilmember wishing to second a motion should do so through a verbal request to the Mayor.
- Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party, and thereafter, to any Councilmember properly recognized by the Mayor.
- The Mayor may ask for public comment on the motion.
- Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Councilmembers may be allowed to explain their vote.

6.10a Motion Amendments

When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to action on the main motion.

6.10b Motion of Intention

A Motion of Intention process is generally limited to matters

legally required to be supported by findings. In proceedings identified as quasi-judicial on the agenda, when the City Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention. A Motion of Intention provides staff direction as to the City Council's action through a formal motion. Based on this motion, staff revises the necessary findings, resolutions and/or implementing documentation for the City Council's action at the next scheduled meeting.

6.11 Ordinances

Motions offering ordinances are deemed to include waiver of full reading of the ordinance and the reading of the ordinance by title only unless otherwise specifically stated.

6.12 Voting

Any councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Mayor shall declare the result. The Council may also vote by roll call, ballot or voting machine. Regardless of the manner of voting, the results reflection of all "ayes" and "noes" must be clearly set forth for the record.

6.13 Abstention

If a Councilmember abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." When a Councilmember abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Councilmember must briefly state on the record the nature of the conflict. Inclusion of this information on the public record is required by law. If a Councilmember abstains because of a conflict other than legal, he/she is counted as present for quorum purposes and is not

deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.”

6.14 Tie Votes

A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is not action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

6.15 Motions for Reconsideration

Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action. A proposed motion for reconsideration at the next meeting must comply with Brown Act noticing requirements. Motions for reconsideration may only be made by a Councilmember that voted with the majority of the City Council on the action proposed to be reconsidered by the Council. In the case of a tie vote, the prevailing side or majority of the Council will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration.

6.16 Serial Meetings

Serial meetings are meetings that at any one time involve only a portion of legislative body, but eventually involve a quorum. Serial meetings yield a process that deprives the public the opportunity for a meaningful contribution to the decision-making process. Serial meetings may be a chain, in which member “A” contacts member “B”, “B” then contacts “C”, “C” contacts “D” and so on, until a quorum is involved. An elected official has the right to confer with a colleague about public business however, if and when a “collective concurrence as to action to be taken” is reached, the Brown Act is violated. Councilmembers are encouraged to consider the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

6.17 Non-Observance of Rule

Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the Council.

7. DECORUM

7.1 Councilmembers

RDMC Chapter 1.05 "Code of Ethics" establishes the code of ethics and values to be followed by City Councilmembers and others. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council at all times. Councilmembers in the minority on an issue shall respect the decision and authority of the majority.

7.2 City Staff

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Councilmembers and members of the public.

7.3 Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

7.4 Noise in the Council Chambers

Noise emanating from the audience within the Council Chambers which disrupts City Council meetings, shall not be permitted.

8. ORDER OF BUSINESS

8.1 General Order

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. CONSENT CALENDAR
- F. SPECIAL PRESENTATIONS
- G. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS
- H. ORDINANCES/SPECIAL RESOLUTIONS
- I. PUBLIC PRESENTATIONS
- J. REPORTS/STAFF COMMUNICATIONS
- K. COUNCIL REPORTS/COMMUNICATIONS
- L. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
- M. PUBLIC COMMENT REGARDING CLOSED SESSION
- N. RECESS INTO CLOSED SESSION
- O. RECONVENE TO OPEN SESSION
- P. ORAL ANNOUNCEMENTS
- Q. ADJOURNMENT

8.2 Action Agenda Items

In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code Section 54954.2 (Agenda Postings; Action on Other Matters).

8.3 Consent Calendar

Agenda items removed from the consent calendar by Councilmembers or staff will be considered individually under "Special Call Items/Community Affairs" section of the agenda and be considered first. Members of the public may comment on consent items prior to the Council's consideration of the consent calendar. A Councilmember may vote "no" on any consent item without comment or discussion. Any abstentions, comments, questions or discussion on an item will require the pulling of the item from the consent calendar.

8.4 Special Presentations

All Special Presentations will be calendared and coordinated through the City Manager and the Mayor and may be limited by the Mayor to a time period not to exceed 15 minutes at each Council meeting.

8.5 Special Call Items/Community Affairs

This section of the agenda is for items requiring discussion and/or action. The Mayor will call for a staff report from the City Manager; he/she may defer to the appropriate department head to present the staff report and answer questions of the Council.

8.6 Ordinances/Special Resolutions

Ordinances involve a command or prohibition and have the force of law in the City for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five (5) days of its introduction. Two (2) readings are therefore required; one to introduce; and a second to adopt the ordinance. Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. Continued) Regular meeting; except for urgency ordinances. Ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect thirty (30) days following the date of adoption.

A resolution expresses City Council policy or directs certain types of administrative action and may be changed by a subsequent resolution. Resolutions are effective on the date of adoption.

8.7 Public Presentations

This time is for persons who wish to address the Council on any matter not on the agenda and over which the Council has jurisdiction. Speakers are to come to the podium and state their name for the record. Items requiring Council action, at the discretion of the Council, will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Comments are limited to 5 minutes per speaker.

8.8 Council Reports/Communications

The Council Reports/Communications section of the agenda provides Council the opportunity to briefly comment on Council business, City operations, City projects and other items coming before the Council. It also allows Councilmembers serving on Council subcommittees to present a verbal report to the full Council on the activities of the respective boards, commissions or committees upon which they serve. No action may be taken.

8.9 Closed Session

Closed sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session, unless authorized by a majority of Council. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be a courtesy, respect, and tolerance for all viewpoints and for the right of councilmembers to disagree.

Under the Brown Act, California Government Code Section 54957.1(a): The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon. (See Exhibit "D" for guidance)

8.10 Adjournment

The Council establishes 10:00 p.m. as the hour of adjournment and will not continue beyond 10:00 p.m. without a majority vote of the Council. To assist on making the determination to continue an item under consideration, the Council should find that discussion, deliberation and action on the item could be concluded by 11:00 p.m. The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. A determination should be made by Council that any new item(s) can be discussed, deliberated and action taken before 11:00 p.m. If agenda items remain after the 10:00 p.m. adjournment, a special continued may be scheduled or the items deferred until the next regular meeting.

9. **QUASI-JUDICIAL PROCEEDINGS**

9.1 Defined

Quasi-judicial proceedings are those proceedings in which the City Council is required to make findings based on an evidentiary record as to the entitlement. In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings that may be heard by the City Council include conditional use permits, variances and subdivision map approvals.

9.2 Identification on Agenda

To facilitate the identification of quasi-judicial matters, quasi-judicial proceedings will be identified as such on the Council agenda under the heading of "Quasi-Judicial Proceedings."

9.3 Ex Parte Communications

An ex parte communication is a communication made with a councilmember outside the Council chambers with any person except the City Attorney concerning a quasi-judicial proceeding to be heard by the City Council. When a Councilmember has an ex parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Council, the Councilmember must state for the public record the nature of that communication. Councilmembers must indicate with whom the ex parte communication was made and provide a brief statement as to the substance of the communication. A Councilmember may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.

10. COMMISSIONS/COMMITTEES

10.1 Ad Hoc Committees

Ad Hoc Committees are formed on an as-needed basis with a clearly defined purpose and term. Ad Hoc Committees will consist of two (2) councilmembers recommended by the Mayor and concurred with motion by the full Council.

10.2 Councilmember Appointments to Boards/Committees/Commissions

Pursuant to RDMC Chapter 2.55, the City Council shall establish and by a majority vote appoint individuals for the prescribed terms to serve on such commissions, committees, boards, agencies and task forces as are required by law and by City operational need. The operational identities of such organizations are defined by law, ordinance or resolution. At the completion of an appointee's prescribed term of on such an organization, any interested party may apply to the City Clerk for Council consideration for appointment or reappointment to these support organizations which include, but are not limited to the Planning Commission, Parks and Recreation Commission, Traffic Committee and The Community Development Block Grant Advisory Committee (CDBG-AC).

10.2a City Representation in Other Organizations

Councilmembers are requested to serve on various commissions for outside agencies. Following an election year at which new Councilmembers are elected, the newly seated Council shall review the list of current assignments and make recommendations for appointments. Any Councilmember desiring to serve on a certain commission or board should inform the Mayor. Councilmembers resigning from his/her position on a certain commission should inform the Mayor via the City Clerk's Office in writing. Appointments are made by the Mayor subject to approval by majority vote of the Council.

11. **CONFLICT OF INTEREST/ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS**

11.1 Conflict of Interest

The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. Specifically, it requires City Councilmembers and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Councilmembers must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial effect on any economic interest of the Councilmember or certain family members.

11.2 Statement of Economic Interest

A financial disclosure form (Statement of Economic Interest Form 700) must be filed with the City Clerk no later than April 1st of each year for financial interests pertaining to the preceding calendar year. Newly-elected councilmembers must file a statement within 30 days of officially assuming office. Planning Commissioners and certain city officials are also subject to this disclosure requirement.

12. PROTOCOL ADMINISTRATION

12.1 Review of City Council Protocols

The protocols will be reviewed and amended from time to time by the City Council in order to remain current with federal, state, and local law.

12.2 Adherence to Protocols

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

12.3 City Attorney as Protocol Advisor

The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the City Council's adopted protocols.

12.4 Adherence to Administrative Procedure and Process Protocols

The City 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.

12.5 Applicability of Protocols

The City of Rio Dell City Council Protocols shall also apply to the City Council when sitting as other entities or agencies representatives or any other body. The role of the Mayor and Mayor Prop Tem shall be interchangeable with the Chair and Vice Chair, or President and Vice President when sitting as another entity.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”


The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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Simple Parliamentary Procedures Cheat Sheet

(Adapted from *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century*)

Meeting Basics

Establish a quorum

Call meeting to order

Move through agenda

Adjourn meeting

Motions 101

Basic Motions

- Basic motion on agenda item
- Motion to amend
- Substitute motion

Meeting Motions

- Motion to adjourn
- Motion to recess
- Motion to fix the time to adjourn
- Motion to table

Super Majority Motions

- Motion to limit debate
- Motion to close nominations
- Motion to object to the consideration of a question
- Motion to suspend the rules

A motion can be made and seconded by any member.

Agenda Item Discussions

1. **Announce Agenda Item:** Chair clearly states agenda item number and subject.
2. **Reports and Recommendations:** Relevant speaker gives report and provides recommendations.
3. **Questions and Answers:** Technical questions from members are asked and addressed.
4. **Public Comment:** Chair allows public comment and input under the terms of the Board's policy for such comment.
5. **Motions and Action Items:**
 - a. **Motions Introduced:** Chair invites motion from body, and announces name of member introducing motion.
 - b. **Seconds:** If motion is seconded, Chair announces name of seconding member.
 - c. **Motions Clarified:** Seconded motion is clarified by maker of motion, Chair, or secretary/clerk.
 - d. **Amendments and Substitutions:** Other members may propose amended or substitute motions.
 - e. **Discussion and Vote:** Members discuss motion. Chair announces that vote will occur. Members vote on the last motion on the floor (a substitute motion) first, and if that does not pass, vote on the next-to-last motion, and so on.
 - f. **Ayes and Nays:** Chair takes vote by asking for "ayes," "nays," or "abstentions." Unless super majority required, simple majority determines whether motion passes.
 - g. **Results and Actions:** Chair announces result of vote and action the body has taken. Names of dissenters should be announced as well. *Example: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."*
6. **Repeat:** Begin process again with next agenda item.

Robert's Rules of Order

www.robertsrules.org

Introduction to Robert's Rules of Order

1. [What is Parliamentary Procedure?](#)
2. [Why is Parliamentary Procedure Important?](#)
3. [Example of the Order of Business](#)
4. [Motions](#)
5. [Types of Motions](#)
6. [How are Motions Presented?](#)
7. [Voting on a Motion](#)

What Is Parliamentary Procedure?

It is a set of rules for conduct at meetings, that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Roll call of members present.
3. Reading of minutes of last meeting.
4. Officers reports.
5. Committee reports.
6. Special orders --- Important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.

4. Vote on motions.

There are four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. **Obtaining the floor**
 - a. Wait until the last speaker has finished.
 - b. Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
 - c. Wait until the Chairman recognizes you.
2. **Make Your Motion**
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...".
 - c. Avoid personalities and stay on your subject.
3. **Wait for Someone to Second Your Motion**
4. **Another member will second your motion or the Chairman will call for a second.**
5. **If there is no second to your motion it is lost.**
6. **The Chairman States Your Motion**
 - a. The Chairman will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.
7. **Expanding on Your Motion**
 - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chairman.
 - d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.
8. **Putting the Question to the Membership**

- a. The Chairman asks, "Are you ready to vote on the question?"
- b. If there is no more discussion, a vote is taken.
- c. On a motion to move the previous question may be adapted.

Voting on a Motion:

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. By Voice -- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
2. By Roll Call -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
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4. By Division -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
5. By Ballot -- Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. Motion to Table -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. Motion to Postpone Indefinitely -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.

Most importantly, *BE COURTEOUS*.

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THE OFFICIAL *Robert's Rules of Order* Web Site

Short History of *Robert's Rules*

Henry Martyn Robert was an engineering officer in the regular Army. Without warning he was asked to preside over a public meeting being held in a church in his community and realized that he did not know how. He tried anyway and his embarrassment was supreme. This event, which may seem familiar to many readers, left him determined never to attend another meeting until he knew something of parliamentary law.

Ultimately, he discovered and studied the few books then available on the subject. From time to time, due to his military duties, he was transferred to various parts of the United States, where he found virtual parliamentary anarchy, since each member from a different part of the country had differing ideas of correct procedure. To bring order out of chaos, he decided to write *Robert's Rules of Order*, as it came to be called (see chart of editions below).

The eleventh, current, edition has been brought about through a process of keeping the book up to date with the growth of parliamentary procedure. All editions of the work issued after the death of the original author have been prepared by persons who either knew and worked with the original author or are connected to such persons in a direct continuity of professional association.

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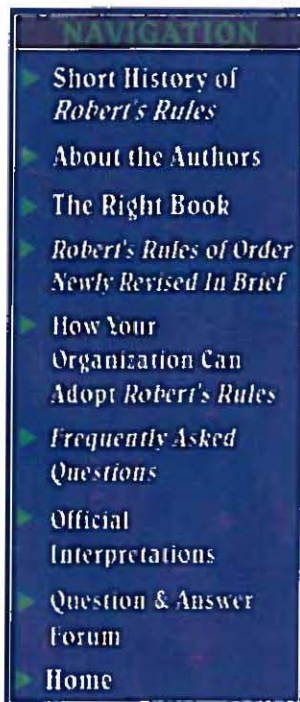
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Changes in the Eleventh Edition

Notable Changes in 11th Edition of *Robert's Rules of Order Newly Revised* (From 10th Edition)



The Preface to the Eleventh Edition lists 17 significant changes [[RONR](#) (11th ed.), pp. xxv-xxvii]. These are reprinted below. Below those, an additional 108 changes (numbered 18 to 125) are briefly described. Both lists include the Eleventh Edition page numbers on which their principal content may be found. Pages for conforming changes, or for essentially stylistic changes, are generally not included.

These brief summary references, like those in the Preface, may not themselves be cited as rules; they serve only to direct readers to the pages in the book where principal treatment of the changed rules may be found.

The 17 items listed in the Preface are as follows:

1. A thorough revision of Chapter XX, Disciplinary Procedures, including more detailed treatment of removal of officers and trials as well as expanded provisions on remedies for abuse of authority by the chair in a meeting and on handling disruptions by members.
2. Revision of the content of modified parliamentary rules in small boards and in committees, together with recognition that a small assembly may wish to employ these less formal procedures [9-10, 16, 487-88, 500-501].
3. Provision that a board may adopt its own special rules of order and standing rules so long as they do not conflict with the society's rules [486].
4. A new subsection on "electronic meetings," with substantially expanded treatment of the topic [97-99].
5. Recognition of "one person, one vote" as a fundamental principle of parliamentary law [407].
6. Addition of a definition of a member "in good standing" [6].
7. Clarification of the rules governing the ways in which business can go over from one session to a later one, including making clear, with the inclusion of unfinished business and unfinished special orders, that there are five such ways (instead of the four explicitly identified as such in earlier editions) [90-91].
8. Clarification of the nature of the notice required for special meetings, and the relation between it and the motions in order at the special meeting [91-93].

9. A new subsection on challenging the announced result of elections [444-46]; a substantial revision of the section on *Motions Relating to Methods of Voting and the Polls* [283-86]; and more precise rules on the retention of tally sheets and ballots [411, 418-19, 422], on the remedy for violation of the right to vote [252-53], and on time limits for recounting, challenging, and changing a vote, as well as for seeking to retake it by another method [408-9].
10. New provisions on precedent [251-52].
11. Recognition of “Is there any debate?” as a less formal alternative to “Are you ready for the question?” and clarification of the proper procedure with regard to the use of these questions, or use of the question, “Are there any amendments?” depending on whether the motion is debatable or amendable [38, 44, 120, 386].
12. Establishment of *Request for Information* as the preferred name for the motion *Point of Information*, in an effort to reduce the common misunderstanding or misuse of this motion to give information rather than request it [294-95].
13. Clarification of the relation between acts of an executive board and its parent assembly [482-83, 577].
14. Revision of the rules concerning the suspending effect of *Reconsider* and addition of a new sub-subsection on reconsideration of a motion that is no longer in order because of intervening action [318, 321-22].
15. More precise delineation of the motions in order in the absence of a quorum [347-48] and in a convention before adoption of the Credentials Committee report, as well as what rules apply before adoption of the Standing Rules of the Convention [615, 618, 641].
16. Clarification of what rights members have to inspect records of the assembly, boards, and committees [460].
17. Provision permitting notice to be sent by electronic communication, such as e-mail or fax, to members who consent [89].

**In addition to the changes above, noted in the Preface, the
Eleventh Edition:**

18. Minimizes references to what is “legal” or “illegal,” in recognition that RONR is a manual of parliamentary procedure, not a lawbook.
19. Eliminates the size requirement from the elements of the description of a deliberative assembly to achieve better congruence with the designation of boards as a form of deliberative assembly [1-2].
20. Refines the definition of a member of an assembly, and the enumeration of a member's basic rights [3].

21. Modifies the text's coverage of the relation of the quorum requirement to the description of majority, two-thirds, and majority-of-the-entire-membership votes [4-5, 400-401].
22. Clarifies that special rules of order do not supersede rules in a parliamentary authority prescribed in the bylaws that the authority states can be altered only by a provision in the bylaws [16n, 580].
23. Refines the subsection on standing rules [18].
24. Moves coverage of custom to its own subsection following that on standing rules [19].
25. Recognizes that a member who is unable to stand is permitted to speak while seated [24n].
26. Clarifies the meaning of "privileges of the floor" [29].
27. Adds sample language for the chair to use in order to let the floor alternate between supporters and opponents [31].
28. Adds guidance for members and the chair in handling a resolution submitted in writing, describes how the procedure varies when copies are pre-distributed to the members, and clarifies when a member may demand that a pending motion or resolution be read [33, 35-36, 38-39, 46].
29. Treats announcement of the business that follows upon the conclusion of a vote as separate from, rather than as a part of, the announcement of the voting result [48-49].
30. Refines the descriptions: of secondary motions as an underlying concept [59-60]; of the characteristics of subsidiary motions as a class [64-65]; of the basis for the classification of motions that bring a question again before the assembly [74-75]; and of the relationship among motions that bring a question again before the assembly [76-79].
31. Clarifies the description of the general rule providing for the freedom of each new session [87].
32. States that the place, as well as the hour, for regular meetings is established by standing rule [89].
33. Refines the definition of "quarterly time interval" [89-90].
34. Recognizes the use of a special meeting to dedicate an entire session to one or more matters [91-92].
35. States that the intervention of a special meeting does not affect the rules governing business going over from one regular meeting to a later one. [92n]
36. Establishes that if business required to be attended to at the annual meeting is taken up at that meeting, it may thereafter be postponed to another meeting [95, 185].
37. Describes more clearly what is required for a meeting to be held in executive session, who is excluded from such a meeting, and that non-members of a body can be excluded even when the body is not meeting in executive session [95-96].
38. Substantially rewrites the list of characteristics or conditions that cause a main motion to be out of order [110-13].
39. Clarifies the cases in which ratification is applicable [124-25].

40. Clarifies that reconsideration of an adopted motion to *Postpone Indefinitely* causes the motion that was postponed indefinitely to become pending (although not immediately pending) [111n, 127n].
41. Adds an explanation of *Amend* [130-31], and clarifies its standard descriptive characteristics, moving detailed treatment of degrees of amendment to a new sub-subsection under “Further Rules and Explanation” [131-33, 135-36].
42. Recognizes, as a form of amendment, a motion to strike out a paragraph from one place and insert it into another place [134n].
43. Explains the application to secondary amendments of the rule requiring germaneness [136].
44. Revises the list of improper amendments [138-39].
45. Expands guidance for the chair in stating and putting the question on amendments [142-44].
46. Concerning the form of amendment to strike out and insert, establishes that its parts must be germane to each other [149-50].
47. Takes note in Standard Descriptive Characteristic 1 of the applicability of *Amend* to *Amend* [131-32], *Commit* [169], *Postpone Definitely* [181], *Limit* or *Extend Limits of Debate* [192], *Recess* [231], and *Fix the Time to Which to Adjourn* [243].
48. Clarification of the rules governing creation and filling of a blank [163-64, 167].
49. Moves the rule preventing introduction of a new subject before the details of an adopted but incomplete motion to *Commit* or *Refer* are completed to the section on that motion (from the section on preference in recognition) [173, 382].
50. Establishes that when a main motion is referred to a committee, motions to reconsider adhering subsidiary or incidental motions are dropped [177, 329].
51. Clarifies the effect of a motion to *Limit Debate* on subsequently made subsidiary motions [193-196].
52. Clarifies that a motion admitted as a question of privilege is amendable and debatable if it is a main motion [226-227].
53. Clarifies the effect of an adjournment on business temporarily but not finally disposed of, when the adjournment closes a session which ends the term of some or all of the meeting body's members, or when there will not be another session within a quarterly time interval [236-37].
54. Rewrites Standard Descriptive Characteristic 1 of *Fix the Time to Which to Adjourn* [243].
55. No longer classifies a rule requiring officers to be elected by ballot as a rule protecting a basic right of the individual member, but provides that a rule in the bylaws requiring that a vote be taken by ballot cannot be suspended, and that the violation of such a rule in the bylaws is a breach of a continuing nature [251, 263].

56. Identifies when a violation of a member's right to vote causes an adopted motion to be null and void [252-253].
57. Establishes that an *Appeal* is undebatable when an undebatable question is involved in the appeal, even when the undebatable question is not immediately pending when the appeal is taken [257].
58. Clarifies what part of the chair's announcement of the result of a vote is, and is not, subject to appeal [259].
59. Adds to the provisions describing rules that cannot be suspended by expanding and refining the list of rules protecting absentees, and by clarifying that rules applicable outside a meeting may not be suspended [263-265].
60. Clarifies Standard Descriptive Characteristic 1 of *Objection to the Consideration of the Question* and adds a new explanation of reconsideration of a vote that has sustained the objection [267, 269].
61. Adds rules concerning indivisible conforming amendments [273-74].
62. Establishes that a series of amendments to a main motion, or to a primary amendment, may be offered in one motion, but any member may demand a separate vote on any of them [275].
63. Distinguishes between incidental main motions and incidental motions relating to methods of voting and the polls [283].
64. Clarifies that an order that the vote on a main motion be taken by ballot also applies to a vote on whether to postpone the main motion indefinitely [285].
65. Clarifies when *Close Nominations* is out of order [287, 288].
66. Provides for the manner of submitting a resignation [291].
67. Clarifies that when a member's request to withdraw a motion is objected to, that member, as well as any other member, may offer a motion to permit it [297].
68. Clarifies the vote required to *Rescind* or *Amend Something Previously Adopted*, including cases in which the motion would change an action taken by a subordinate body [306].
69. Describes how to substitute a motion to *Amend Something Previously Adopted* for one to *Rescind*, and the converse [306, 309-10].
70. Adds to the circumstances in which a motion to *Reconsider* is out of order [318].
71. Clarifies when it is in order to call up a previously made motion to *Reconsider* [323].
72. Provides that the rule requiring unanimous consent to renew a defeated motion to *Reconsider* does not apply in committees [329].
73. Establishes that the rule restricting renewal of a motion in the same session does not apply to a motion that dies for lack of a second [337].
74. Eliminates the confusing provision barring renewal of a motion so long as the vote on it can be reconsidered, while retaining

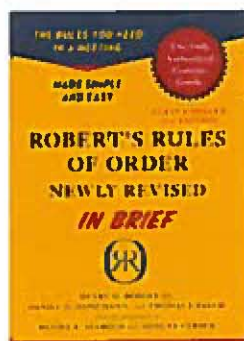
- the rule barring reconsideration of a motion if it can be renewed [318, 338].
75. Clarifies that when the chair's decision has been sustained on appeal, no point of order or appeal contrary to it can be made during the same session [339].
 76. Revises the subsection on dilatory motions [342-43].
 77. Clarifies when the standard order of business applies [353].
 78. Rewrites the provisions relating to reading and approval of minutes [354-55].
 79. Establishes the vote required for adoption of an agenda at a session having a prescribed order of business, as well as that required for amendment of an agenda [372, 373].
 80. Distinguishes the procedures employed when the time for a recess or adjournment in an agenda arrives while business is pending from the procedure employed when the time for any other special order in an agenda arrives while business is pending [374].
 81. In the section on rules governing assignment of the floor, takes notice of the preference in recognition to which a member is entitled, after the chair has reported a vote, to move that the vote be taken again by another method [378], and also takes notice of the chair's rights to preference in recognition in the case of an *Appeal* or of a *Point of Order* the chair has submitted to the assembly [380].
 82. Establishes that in large assemblies, pending the adoption of convention standing rules or special rules of order, the chair may direct adaptation of the rules governing assignment of the floor [383].
 83. Recognizes that the chair may appoint timekeepers [388].
 84. Establishes that a motion to create a proviso is debatable only when the motion to which it applies is debatable [398].
 85. Describes when a vote ordering a ballot vote may be reconsidered [412].
 86. Restates the rules on recording the votes in a ballot vote [415-17].
 87. Describes the procedure for recapitulation of a roll-call vote [422].
 88. Eliminates the requirement that detailed rules for the procedure for conducting preferential voting must be in the bylaws [428].
 89. Clarifies the rationale for nominations in an election [430-31].
 90. Provides that if a nominating committee fails to report in a timely fashion, the assembly may proceed to nominations from the floor [435].
 91. Clarifies the procedure when, on a single ballot for multiple offices, a person receives a majority for more than one office [440].
 92. Clarifies the circumstances under which a nominee may be dropped from a succeeding ballot, and the effect of so doing [441].

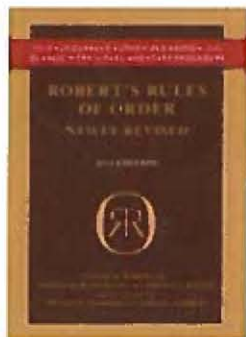
93. Establishes that acclamation is the required procedure when there is only one nominee and the bylaws do not require a ballot vote [443, 494].
94. Notes that cumulative voting violates the fundamental principle of “one person, one vote” [444].
95. Includes revised and expanded rules concerning an invited temporary presiding officer, such as a professional presiding officer [453-54].
96. Adds a subsection on filling vacancies [467-68].
97. Clarifies how corrections to the minutes are recorded [469].
98. Establishes that the minutes include the names of the makers of main motions (as opposed to those of the movers of “all important motions”) [470].
99. Adds reference in the section on minutes to items that other provisions in RONR state are to be included in them [470, 471].
100. Clarifies the meaning of and rules governing a motion to “dispense with the reading of the minutes”[474].
101. Replaces a sub-subsection previously entitled “Minutes to Be Published” with a rewritten one with the title “Publication of an Assembly's Proceedings”[475-76].
102. Clarifies the definition of ex-officio board members who are under the authority of the Society [483].
103. Establishes that the officers of an ordinary society serve as the officers of the board unless the bylaws provide otherwise [484, 577].
104. Clarifies that executive committees operate under the rules related to boards, not committees [485].
105. Establishes that boards and committees may employ procedures to protect themselves against breaches of order [486, 500n, 501].
106. Clarifies that only in a meeting may a board properly transact business [486-87].
107. Recognizes circumstances under which a standing committee may be constituted by a vote of the majority of the entire membership [491].
108. Allows special rules of order to authorize appointment of nonmembers to committees [492].
109. Clarifies the procedure under which, when there are no more nominations for members of a committee than there are places to fill, the nominees are declared elected by unanimous consent [494].
110. States that reasonable notice of committee meetings is to be sent to every committee member [499, 501].
111. States more definitively the applicability to committees of modified, more informal rules of parliamentary procedure unless otherwise instructed by their parent assembly, and clarifies the nature of the rules under which committees operate [500-501].

112. Clarifies the rules governing scheduling and adjournment of committee meetings [501-2].
113. Clarifies when a special committee ceases to exist [502-3].
114. Noting the possibility of electronic meetings, eliminates the previous rule that the majority of a committee whose members are appointed from different sections of the country may adopt a report without a committee meeting [503].
115. Clarifies the procedure for putting the question on all of a committee's recommended amendments together [522-23].
116. Eliminates references to a ranking order for motions to go into committee of the whole or quasi-committee of the whole and to consider informally [532, 538, 540].
117. Advises preceding lengthy bylaws with a table of contents [570].
118. Clarifies that if the bylaws specify when officers' terms begin, the terms of outgoing officers then end [573].
119. Provides clearer suggested bylaws wording for setting term limits and establishing by what procedure officers are subject to removal [574, 585].
120. Refines the explanation of the meaning of alternative bylaws wordings for the authority given to executive boards [577-78].
121. Advises that investigating committees in disciplinary proceedings should be excluded from any bylaws provision authorizing the president to appoint members of special committees [579-80].
122. Alters the model bylaws language for the time required for notice of a special meeting [586].
123. Alters the model bylaws language for the establishment of committees and appointment of their members [587].
124. Eliminates the requirement that written notice of a bylaw amendment be signed by two members [596].
125. Adds a table summarizing the rules for counting ballots [tinted page 48].

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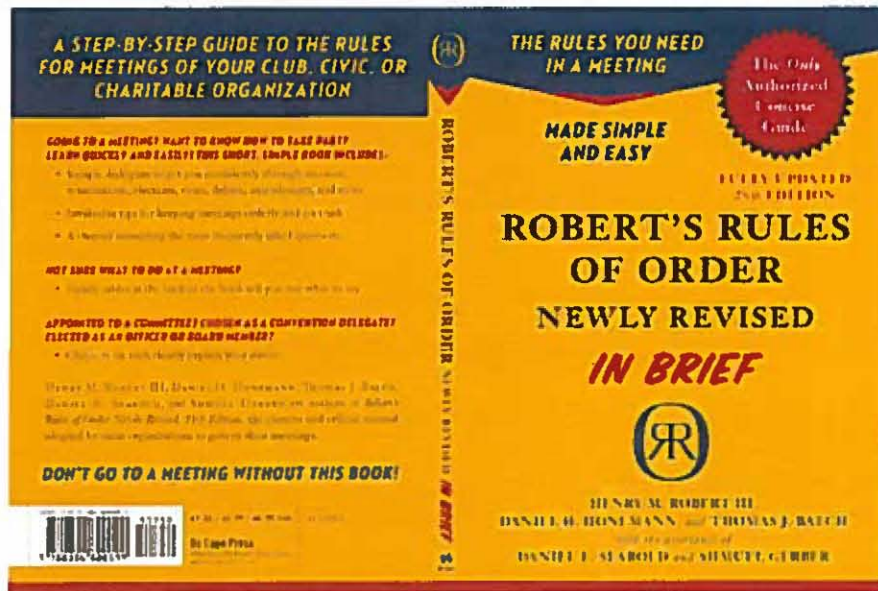
NOTE: While there are many books available with “Robert's Rules” in the title, be aware that only the 2011 editions of *Robert's Rules of Order Newly Revised*, published by Da Capo Press, are the current, official versions.

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Chapter 16: Secretary

Chapter 17: Treasurer

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Chapter 20: Convention Delegate or Alternate

From Chapter I ...

As Henry Robert first conceived his book, he wanted it to be brief and simple enough to serve as a guide in the hands of every meeting-goer. He thought it might run to about 50 pages. By the time the first edition was published, he found he needed 176. Following its publication, letters asking questions about parliamentary situations not clearly answered in the book began to pour in -- by the hundreds through the years.

Consequently, over time, he was obliged to add more and more pages to answer the most common of these questions. Robert himself repeatedly revised his 1876 book. In accordance with his expressed wishes, his son, his widow, and his daughter-in-law all carried on the work after his death. And now his grandson, Henry M. Robert III, is among the team of parliamentarians (as experts in these rules are called in this country) chosen by his descendants to continue the updating and revision of the book. The manual is now in its eleventh edition under the title of *Robert's Rules of Order Newly Revised* -- commonly abbreviated [RONR](#).

RONR, the complete rule book, now contains 669 pages of text, plus tables and index. All of its content has to be there because it may be needed, and has at some time come up as a question of procedure somewhere. RONR is designed as a reference book providing, as nearly as possible, an answer to any question of parliamentary procedure that may be met with.

But the average person doesn't have to know all this to be able to function effectively in most ordinary meetings, or even to chair one. At least 80 percent of the content of RONR will be needed less than 20 percent of the time.

For one who will brave it, RONR is written to serve as a self-explanatory text that can be read through, with topics presented in an order that will best convey an overall understanding of the entire subject matter. You need not apologize, however, if you find that to be a bigger project than you would like to take on at this point.

If you are such a person, and want to know how to get by in a meeting or as a club president, this brief book is for you.

[Click here to read a talk by Henry M. Robert III that describes the purpose and features of *In Brief*.](#)

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Frequently Asked Questions

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CAUTION:

The answers given here to the questions presented are based upon the rules contained in *Robert's Rules of Order Newly Revised*. These rules are, in effect, *default* rules; that is to say, they govern only if there are no contrary provisions in any federal, state, or other law applicable to the society, or in the society's bylaws, or in any special rules of order that the society has adopted. This fact must always be kept in mind when reading any of the answers given.

These questions are based on queries repeatedly received on the [Question and Answer Forum](#). The material here is derived from Chapter 13 of [Robert's Rules of Order Newly Revised In Brief](#).

1. [Is it true that the president can vote only to break a tie?](#)
2. [Can ex-officio members vote, and are they counted in determining whether a quorum is present?](#)
3. [Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?](#)
4. [In determining the result of a vote, what constitutes a majority?](#)
5. [Can we round to the nearest number in computing the result of a vote?](#)
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Question 1:

Is it true that the president can vote only to break a tie?

Answer:

No, it is not true that the president can vote only to break a tie. If the president is a member of the voting body, he or she has exactly the same rights and privileges as all other members have, including the right to make motions, to speak in debate, and to vote on all questions. So, in meetings of a small board (where there are not more than about a dozen board members present), and in meetings of a committee, the presiding officer may exercise these rights and privileges as fully as any other member. However, the impartiality required of the presiding officer of any other type of assembly (especially a large one) precludes exercising the rights to make motions or speak in debate while presiding, and also requires refraining from voting except (i) when the vote is by ballot, or (ii) whenever his or her vote will affect the result.

When will the chair's vote affect the result? On a vote that is not by ballot, if a majority vote is required and there is a tie, he or she may vote in the affirmative to cause the motion to prevail. If there is one more in the affirmative than in the negative, the chair can create a tie by voting in the negative to cause the motion to fail. Similarly, if a two-thirds vote is required, he or she may vote either to cause, or to block, attainment of the necessary two thirds. [[RONR](#) (11th ed.), pp. 405-6; see also Table A, p. 190 of [RONRIB](#).]

Question 2:

Can ex-officio members vote, and are they counted in determining whether a quorum is present?

Answer:

“Ex officio” is a Latin term meaning “by virtue of office or position.” Ex-officio members of boards and committees, therefore, are persons who are members by virtue of some other office or position that they hold. For example, if the bylaws of an organization provide for a Committee on Finance consisting of the treasurer and three other members appointed by the president, the treasurer is said to be an ex-officio member of the finance committee, since he or she is automatically a member of that committee by virtue of the fact that he or she holds the office of treasurer.

Without exception, ex-officio members of boards and committees have exactly the same rights and privileges as do all other members,

including, of course, the right to vote. There are, however, two instances in which ex-officio members are not counted in determining the number required for a quorum or in determining whether or not a quorum is present. These two instances are:

1. In the case of the president, whenever the bylaws provide that the president shall be an ex-officio member of all committees (or of all committees with certain stated exceptions); and
2. When the ex-officio member of the board or committee is neither an ex-officio *officer* of the board or committee nor a member, employee, or elected or appointed officer of the society (for example, when the governor of a state is made ex officio a member of a private college board).

Again, however, it should be emphasized that in these instances the ex-officio member still has all of the rights and privileges of membership, including the right to vote. [[RONR](#) (11th ed.), pp. 483-84; p. 497, ll. 20-29.]

Question 3:

Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

Answer:

No. Once a quorum at a meeting has been established, the continued presence of a quorum is presumed to exist only until the chair or any other member notices that a quorum is no longer present. If the chair notices the absence of a quorum, he or she should declare this fact, at least before taking any vote or stating the question on any new motion. Any member noticing the apparent absence of a quorum can and should make a *Point of Order* to that effect whenever another person is not speaking. It is dangerous to allow the transaction of substantive business to continue in the absence of a quorum. Although a *Point of Order* relating to the absence of a quorum is generally not permitted to affect prior action, if there is clear and convincing proof no quorum was present when business was transacted, the presiding officer can rule that business invalid (subject to appeal). [[RONR](#) (11th ed.), pp. 348-49; see also pp. 12-13 of [RONRIB](#).]

Question 4:

In determining the result of a vote, what constitutes a majority?

Answer:

The word "majority" in this context means, simply, *more than half*. The use of any other definition, such as 50 percent plus one, is apt to cause problems. Suppose in voting on a motion 17 votes are cast, 9 in favor and 8 opposed. Fifty percent of the votes cast is 8 1/2, so that

50 percent plus one would be 9 1/2. Under such an erroneous definition of a majority, one might say that the motion was not adopted because it did not receive 50 percent plus one of the votes cast, although it was, quite clearly, passed by a majority vote. [[RONR](#) (11th ed.), p. 400; see also p. 66 of [RONRIB](#).]

Question 5:

Can we round to the nearest number in computing the result of a vote? For example, since two thirds of 101 is 67.33..., will 67 affirmative votes out of 101 votes cast meet the requirement of a two-thirds vote?

Answer:

No. The requirement of a two-thirds vote means *at least two thirds*. As a consequence, nothing less will do. If 101 votes are cast, 67 affirmative votes are not at least two thirds. They are less than two thirds, and will not suffice. [[RONR](#) (11th ed.), p. 401.]

Question 6:

Do abstention votes count?

Answer:

The phrase “abstention votes” is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an “abstention vote.”

In the usual situation, where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is either a majority or two thirds of the votes cast. On the other hand, if the vote required is a majority or two thirds of the members *present*, or a majority or two thirds of the entire membership, an abstention will have the same effect as a “no” vote. Even in such a case, however, an abstention is not a vote and is not counted as a vote. [[RONR](#) (11th ed.), p. 400, ll. 7-12; p. 401, ll. 8-11; p. 403, ll. 13-24; see also p. 66 of [RONRIB](#).]

Question 7:

What is a vote of no confidence?

Answer:

The term “vote of no confidence” is not used or defined anywhere in [RONR](#), and there is no mention of any motion for such a vote. However, this does not mean that an assembly cannot adopt a motion, if it wishes, expressing either its confidence or lack of confidence in any of its officers or subordinate boards or committees. Any such motion would simply be a main motion, and would have no effect other than to express the assembly's views concerning the matter. A vote of “no confidence” does not -- as it would in the British Parliament -- remove an officer from office.

Question 8:**How do you deal with a “friendly amendment”?****Answer:**

On occasion, while a motion is being debated, someone will get up and offer what he or she terms a “friendly amendment” to the motion, the maker of the original motion will “accept” the amendment, and the chair will treat the motion as amended. This is wrong. Once a motion has been stated by the chair, it is no longer the property of the mover, but of the assembly. Any amendment, “friendly” or otherwise, must be adopted by the full body, either by a vote or by unanimous consent.

If it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is “any objection” to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member objects, however, the amendment is subject to debate and vote like any other, regardless of whether its proposer calls it “friendly” and regardless of whether the maker of the original motion endorses its adoption. [[RONR](#) (11th ed.), p. 162.]

Question 9:**Isn't it true that a member who has a conflict of interest with respect to a motion cannot vote on the motion?****Answer:**

Under the rules in [RONR](#), no member can be compelled to refrain from voting simply because it is perceived that he or she may have some “conflict of interest” with respect to the motion under consideration. If a member has a direct personal or pecuniary (monetary) interest in a motion under consideration not common to other members, the rule in [RONR](#) is that he *should not* vote on such a motion, but even then he or she cannot be *compelled* to refrain from voting. [[RONR](#) (11th ed.), p. 407, ll. 21-31.]

Question 10:**Should proxy votes be counted?****Answer:**

A “proxy” is a means by which a member who expects to be absent from a meeting authorizes someone else to act in his or her place at the meeting. Proxy voting is not permitted in ordinary deliberative assemblies unless federal, state, or other laws applicable to the society require it, or the bylaws of the organization authorize it, since proxy voting is incompatible with the essential characteristics of a deliberative assembly. As a consequence, the answers to any questions concerning the correct use of proxies, the extent of the power conferred by a proxy, the duration, revocability, or transferability of proxies, and so forth, must be found in the

provisions of the law or bylaws which require or authorize their use. [[RONR](#) (11th ed.), pp. 428-29.]

Question 11:

Must debate on a motion stop immediately as soon as any member calls the question?

Answer:

It is a fairly common misconception that, after debate has continued for some time, if any member shouts out “Question!” or “I call the question!” debate must immediately cease and the chair must put the pending question to a vote. This is simply not the case. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair, and must then move the *Previous Question*. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent. It is not in order to interrupt a speaker with cries of “Question” or “Call the Question,” and even if no one is speaking, it is still necessary to seek recognition. [[RONR](#) (11th ed.), p. 202; see also pp. 35-37 of [RONRIB](#).]

Question 12:

Isn't it always in order to move to table a motion to the next meeting?

Answer:

This question confuses the motion to *Lay on the Table* with the motion to *Postpone to a Certain Time*. The purpose of the motion to *Lay on the Table* is to enable an assembly, by majority vote and without debate, to lay a pending question aside temporarily when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question is resumed. In ordinary societies it is rarely needed, and hence seldom in order. [[RONR](#) (11th ed.), pp. 209-18; see also p. 127 of [RONRIB](#).]

Question 13:

Can something be defeated by adopting a motion to table it?

Answer:

This is a common violation of fair procedure. Such a motion is not in order, because it would permit debate to be suppressed by a majority vote, and only a two-thirds vote can do that. The proper use of the motion to *Lay on the Table* is stated in the answer to Question 12, immediately above. [[RONR](#) (11th ed.), pp. 215-17.]

How *can* something be defeated without a direct vote on it?

Before debate on an original (ordinary substantive) main motion has begun, you may raise an *Objection to Consideration of [the] Question*, which is undebatable and can suppress the main question

by a two-thirds vote against consideration. [[RONR](#) (11th ed.), p. 216, l. 34 to p. 217, l. 2; pp. 267-70; see also p. 129 of [RONRIB](#).]

If debate on the main motion has begun and you want to get rid of that motion without a direct vote on it, use the motion to *Postpone Indefinitely*. That motion requires only a majority vote, but until it is adopted, it leaves the main question open to debate. [[RONR](#) (11th ed.), pp. 126-30; see also p. 126 of [RONRIB](#).]

If you feel that it is undesirable that debate take place, move the *Previous Question* immediately after moving to *Postpone Indefinitely*. If adopted by a two-thirds vote, this motion will cause an immediate vote on the motion to *Postpone Indefinitely* without further debate. [[RONR](#) (11th ed.), pp. 197-209.]

Question 14:

How can I get an item on the agenda for a meeting?

Answer:

For a proposed agenda to become the official agenda for a meeting, it must be adopted by the assembly at the outset of the meeting. At the time that an agenda is presented for adoption, it is in order for any member to move to amend the proposed agenda by adding any item that the member desires to add, or by proposing any other change.

It is wrong to assume, as many do, that the president “sets the agenda.” It is common for the president to prepare a proposed agenda, but that becomes binding only if it is adopted by the full assembly, perhaps after amendments as just described. [[RONR](#) (11th ed.), p. 372, ll. 24-35; see also p. 16 of [RONRIB](#).]

Question 15:

Isn't it necessary to summarize matters discussed at a meeting in the minutes of that meeting in order for the minutes to be complete?

Answer:

Not only is it not necessary to summarize matters discussed at a meeting in the minutes of that meeting, it is improper to do so. Minutes are a record of what was done at a meeting, not a record of what was said. [[RONR](#) (11th ed.), p. 468, ll. 16-18; see also p. 146 of [RONRIB](#).]

Question 16:

If minutes of a previous meeting are corrected, are the corrections entered in the minutes of the meeting at which the corrections were made?

Answer:

If corrections to minutes are made at the time when those minutes are originally submitted for approval, such corrections are made in the

text of the minutes being approved. The minutes of the meeting at which the corrections are made should merely indicate that the minutes were approved “as corrected,” without specifying what the correction was.

If it becomes necessary to correct minutes after they have initially been approved, such correction can be made by means of the motion to *Amend Something Previously Adopted*. In this event, since the motion to *Amend Something Previously Adopted* is a main motion, the exact wording of that motion, whether adopted or rejected, should be entered in the minutes of the meeting at which it was considered. [[RONR](#) (11th ed.), p. 469, ll. 4-8; p. 475, ll. 18-24; see also p. 151 of [RONRIB](#).]

Question 17:

Can votes be taken in an executive session?

Answer:

Yes, votes can be taken in executive session. Proceedings in an executive session are secret, but are not restricted in any other way. [[RONR](#) (11th ed.), pp. 95-96.]

Question 18:

Is it possible to withdraw a resignation after it has been submitted?

Answer:

A resignation is a *Request to Be Excused from a Duty*. It may be withdrawn in the same manner as any motion may be withdrawn -- that is to say, before the proposed resignation has been placed before the assembly by the chair stating the question on its acceptance, it may be withdrawn without the consent of the assembly, but it may not be withdrawn without permission of the assembly once it has been placed before the assembly for its approval. [[RONR](#) (11th ed.), pp. 289-92; 295-97.]

Question 19:

Can we hold our board meetings by conference telephone call?

Answer:

You may hold board meetings by conference telephone call only if your bylaws specifically authorize you to do so. If they do, such meetings must be conducted in such a way that all members participating can hear each other at the same time, and rules should be adopted to specify the equipment required to participate, as well as methods for seeking recognition, obtaining the floor, submitting motions in writing, determining the presence of a quorum, and taking and verifying votes. [[RONR](#) (11th ed.), pp. 97-99; see also p. 159 of [RONRIB](#).]

It should be noted in this connection that the personal approval of a proposed action obtained from a majority of, or even all, board members separately is not valid board approval, since no meeting was held during which the proposed action could be properly debated. If action is taken by the board on the basis of individual approval, such action must be ratified by the board at a regular or properly called meeting of the board in order to become an official act. [RONR (11th ed.), p. 486, l. 33 to p. 487, l. 12.]

Question 20:

How can we get rid of officers we don't like before their term is up?

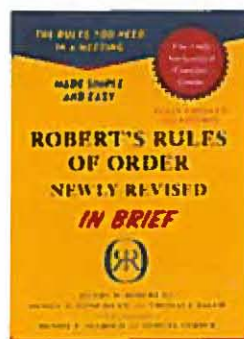
Answer:

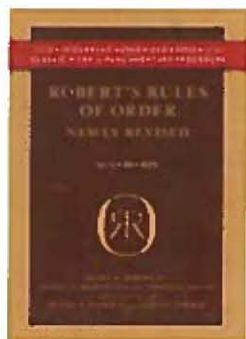
It depends. If the bylaws just state a fixed term for the officer, such as "two years," or if they say the officer serves for a specified term "and until [the officer's] successor is elected" (or words to that effect), then the group must use formal disciplinary proceedings, which involve the appointment of an investigating committee, preferral of charges, and the conduct of a formal trial. The procedure is complex and should be undertaken only after a careful review of Chapter XX of RONR.

On the other hand, if the bylaws state a term for the office but add "or until [the officer's] successor is elected," or contain other wording explicitly indicating that the officer may be removed before the term expires, then the officer can be removed from office by a two-thirds vote, by a majority vote when previous notice has been given, or by a vote of the majority of the entire membership -- any one of which will suffice. A successor may thereafter be elected for the remainder of the term.

Of course, if the bylaws themselves establish a procedure for removal from office, that procedure must be followed. [RONR (11th ed.), pp. 653-54.]

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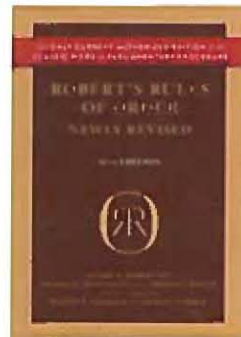
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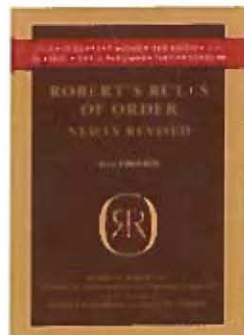
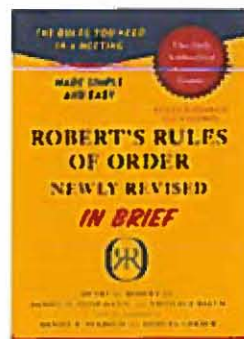
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"Rosenberg's Rules of Order, Revised"

(Simple Rules of Parliamentary Procedure for the 21st Century)
By Judge Dave Rosenberg
(First Revision dated July 2011)

Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules – "Robert's Rules of Order" – which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time, and for another purpose. If one is chairing or running a Parliament, then "Robert's Rules of Order" is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of, say, a 5-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of "Rosenberg's Rules of Order."

What follows is my version of the rules of parliamentary procedure, based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, Rosenberg's Rules has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted Rosenberg's Rules in lieu of Robert's Rules because they have found them practical, logical, simple, easy to learn, and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars: (1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings. (2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate. (3) Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process. (4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. So, for example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais), and when that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body which establishes a quorum. So, for example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body

must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the Chair of the body who is charged with applying the rules in the conduct of the meeting. The Chair should be well versed in those rules. The Chair, for all intents and purposes, makes the final ruling on the rules every time the Chair states an action. In fact, all decisions by the Chair are final unless overruled by the body itself.

Since the Chair runs the conduct of the meeting, it is usual courtesy for the Chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the Chair should not participate in the debate or discussion. To the contrary, the Chair as a member of the body has the full right to participate in the debate, discussion and decision-making of the body. What the Chair should do, however, is strive to be the last to speak at the discussion and debate stage, and the Chair should not make or second a motion unless the Chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. And each agenda item can be handled by the Chair in the following basic format:

First, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The Chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the Chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed).

Fifth, the Chair should invite a motion. The Chair should announce the name of the member of the body who makes the motion.

Sixth, the Chair should determine if any member of the body wishes to second the motion. The Chair should announce the name of the member of the body who seconds the motion. (It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the Chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Chair.)

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the Chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Chair takes a vote. Simply asking for the "ayes", and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain". Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated later in these rules) then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the Chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the Chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a

vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision-making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the Chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move" So, a typical motion might be: "I move that we give 10-day's notice in the future for all our meetings."

The Chair usually initiates the motion by either (1) Inviting the members of the body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the body. "A motion would be in order that we give 10-day's notice in the future for all our meetings." (3) Making the motion. As noted, the Chair has every right as a member of the body to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them. As a practical matter, more than three motions on the floor at one time tends to be too confusing and unwieldy for most everyone – so keep the maximum at three at three for the sake of clarity.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a 5-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a 5-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee by 5 members or 10 members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (5-member committee), or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question" or simply "question." (As a practical matter, when a member calls for the "question" the chair can expedite things by simply asking the body if anyone wishes to continue discussing the underlying matter. If no one wishes to discuss it further, the chair can proceed to a vote on the underlying matter – without having to vote on the "question". On the other hand, if even one member of the body wishes further discussion and debate on the underlying matter, then the chair has to treat the call for the "question" as a motion and proceed accordingly.) When a member of the body makes such a motion for the "question", the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a 2/3 vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a 2/3 vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a 2/3 vote.

Majority and Super-Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a 7-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

Motion to limit debate. Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

Motion to close nominations. When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up.

However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a 2/3 vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50% of the body is required. So, for example, in a five-member body, if the vote is 3 in favor and 2 opposed, the motion passes. If it is 2 in favor and 3 opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. So, for example, in a seven-member body, if 2 members vote "no" then the "yes" vote of at least 4 members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie vote, the motion always fails since an affirmative vote is required to pass any motion. So, for example, in a five member body, if the vote 2 in favor and 2 opposed, with 1 member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. California Government Code Section 25005. Typically, this means 3 of the 5 members of the board must vote affirmatively in favor of the action. A vote of 2 to 1 would not be sufficient. A vote of 3 to 0 with two abstentions would, be sufficient. In general law cities in California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. California Government Code Section 36936. Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting" then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting". Accordingly, under the "present and voting" system you would NOT count abstain votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you DO count abstain votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice? Let's look at a few examples.

Let's assume that we have a five-member city council voting on a motion that requires a simple majority vote to pass, and let's assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting". If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with 1 abstention, the motion fails.

Let's assume we have a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and let's further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of 3 "yes", 1 "no" and 1 "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed – so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, let's change the scenario slightly. Let's assume the same five-members city council voting on a motion that requires a two-thirds majority vote to pass, but let's

now assume that the body DOES have a specific rule requiring a two-thirds vote of members "present". Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the vote were 3 "yes", 1 "no" and 1 "abstain", then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

And, how, exactly, does a member cast an "abstention" vote? Any time a member votes "abstain" or says "I abstain", that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is, essentially, saying, "count me for purposes of a quorum, but my vote on the issue is abstain"). In fact, any manifestation of intention to vote neither "yes" nor "no" on the pending motion may be treated by the chair as an abstention. And if written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent"? Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent". That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body - including a member who voted in the minority on the original motion - may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the

Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the body to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

About the Author

Dave Rosenberg is a Superior Court Judge. He has served as Presiding Judge of his Superior Court for two terms, as well as Presiding Judge of the Superior Court Appellate Division. He has also served as Chairman of the Trial Court Presiding Judges Advisory Committee (composed of all 58 California Superior Court Presiding Judges) and as an advisory member of the California Judicial Council. Judge Rosenberg was first appointed to the bench by the Governor of California in 2003, and has been subsequently elected to office. Prior to his appointment to the Bench, Rosenberg served as an elected County Supervisor representing the 4th district in Yolo County, and also served as Director of Community and Intergovernmental Relations, Director of Operations, and Senior Advisor to the Governor of California. He has served as a member and chair of numerous state, regional, and local boards, both appointed and elected. He has served as a member of the Davis City Council member for 12 years, including two terms as Mayor of Davis. He served two terms as Chairman of the Board of Supervisors. He also chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. He has served as Chairman of the California Law Revision Commission and as Chairman of the District Securities Advisory Commission, the Yolo-Solano Air Quality Management District, and as a member of the California Council on Criminal Justice Planning and the California Commission on State Mandates. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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**RIO DELL CITY COUNCIL
CLOSED SESSION
REGULAR MEETING
FEBRUARY 17, 2015
MINUTES**

The closed session/regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Wilson

ROLL CALL: Present: Mayor Wilson, Councilmembers Johnson, Marks and Thompson

Absent: Councilmember Garnes (excused)

Others Present: (closed session) City Manager Knopp and City Attorney Gans

(regular meeting) City Manager Knopp, Community Development Director Caldwell, Water/Roadways Superintendent Jensen and City Clerk Dunham

Absent: Finance Director Woodcox, Chief of Police Hill, and Wastewater Superintendent Chicora (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Public Employee Performance Evaluation

Title: City Manager

PUBLIC COMMENT REGARDING CLOSED SESSION

There were no members of the public in attendance to comment.

The Council recessed into closed session at 5:30 p.m. to discuss the above matter.

The Council reconvened into open session at 6:40 p.m.

City Attorney Gans announced there was no reportable action taken in closed session and at the request of the City Council, they will be recessing back into closed session at the end of the meeting to continue discussion of the City Manager Performance Evaluation.

CEREMONIAL MATTERS

Proclamation in Recognition of Engineer's Week

Mayor Wilson read the proclamation in recognition of Engineer's Week February 22-28, 2015. Jesse Willor, GHD Engineering was present to receive the proclamation on behalf of the North Coast Branch ASCE.

PUBLIC PRESENTATIONS

Patricia Villalobos from the Rio Dell Community Resource Center provided a brief update of the services the Resource Center currently provides to the community. She announced they recently relocated from 95 Center St. to 99 Wildwood Ave. (thanks to Tim and Melissa Marks) and extended an open invitation for their upcoming Grand Opening on March 4th from 11-2 p.m. She noted that some of the current services and programs they offer include Food for People; Backpack and Snack Program; the Rio Dell-Scotia Food Pantry; the On-Site Pantry; Play Groups such as the First Five Program; Rio Dell-Scotia Newsletter; Bus Tickets Assistance; Resume' Assistance; and a Jobs Board. She explained that they basically help people navigate through the system. She said they also work closely with the Police Department and County Welfare Department and announced they will be offering a Tax Assistance Program on March 12, 2015 free of charge for those with a household annual income of \$53,000 or less. She said other upcoming events include the Annual Easter Egg Hunt on April 4th; Kids Bicycle Rodeo where they will be providing bike helmets to kids and a Car Seat Inspection Safety Program in coordination with the California Highway Patrol.

Mayor Wilson thanked Ms. Villalobos for the update and said the City will try to become more involved in the future with regard to the Community Resource Center.

Nick Angeloff presented signs for directions to the Visitor's Center and said at the next meeting he will be providing a "show and tell" on the proposed placement of the signs.

He also commented on a program through Elks Foundation; *Everybody Loves Children*, where they provide a tour with celebrities who donate \$10,000 to a major charity and said the Chamber will have the opportunity to talk to them and will be asking for donations for Little League activities and Save the Scotia Gym project.

He also announced some upcoming events and said February 26th marks the 50th Anniversary of the incorporation of the City.

CONSENT CALENDAR

Motion was made by Johnson/Thompson to approve the consent calendar including the minutes of the February 3, 2015 regular meeting; approval of Resolution No. 1253-2015 Restating Existing Wastewater Rates, Charges and Fees, rescinding Resolution No. 1222-2015; authorizing staff to submit Request for Proposals for Auditing Services for three years beginning with FY 2015-2016; and to receive and file the Employee Medical Insurance Benefits Update. Motion carried 4-0.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Project Status Report – City Engineer Jesse Willor, GHD on City’s Active Transportation Plan and Other Projects

City Manager Knopp said the purpose of the presentation is to give the City Engineer the opportunity to provide the City Council with a full update on current projects and zero in on the Active Transportation Plan which needs some direction from the Council.

Engineer Willor provided a power point presentation beginning with a general update on active projects followed by potential projects under the City’s Active Transportation Plan. Active projects included:

Davis St. Bus Shelter: It was reported that there is potential funding through HTA and HCAOG.

Councilmember Johnson commented that he thought it would make the most sense to locate the bus shelter within the Davis St. right-of-way rather than the 101 southbound onramp.

Community Development Director Caldwell added that a shelter for the northbound route might be a good idea because when he comes to work in the morning he sees people standing there waiting for the bus.

Engineer Willor commented that it is actually a drop off site only but he will take the comments into consideration.

Old Ranch Road Waterline Easement: It was noted that it is unclear if an easement exists over the existing water line. The idea is to create an easement to accommodate the water line on Old Ranch Road.

Wildwood Ave. Streetscape Improvement Project: The project was constructed during the summer/fall of 2013. Cal-Trans inspected the project and issued a dispute resolution letter to the City stating that the a median island was constructed outside of NEPA as the original environmental study showed the median stopping at Side St. and not extending in front of City Hall. Cal-Trans have indicated it will result in a corrective action letter to the City. Federal Funds cannot be used to pay for that portion of the project so GHD looked at total project costs and the cost of removing the median. He said there were cost overruns so all funds will be utilized. He reviewed the action plan including one day of training for the City Manager and five days of training for himself on Federal Aid Series Training.

Councilmember Thompson stated that the relocation of the median was approved by the former City Engineer, Merritt Perry so he didn’t understand why the City Manager should have to attend training. He commented that the City pays good money for engineering services and this type of situation should not have happened. He asked for reassurance that there will be no additional cost to the City.

Councilmember Johnson commented that a mistake was made and unfortunately the City can't expect to get perfect work on every project. He said if the plans were a little more liberal there would not be a problem.

City Manager Knopp said he wanted make it clear that this was an issue that occurred under someone else's watch and that Engineer Willor was not to blame. He said City staff does play a role in overseeing these projects but do have to follow Cal-Trans rules. He said the more eyes on a project the better so it's not a burden on staff to go through the training and noted that he might have additional staff attend as well.

Mayor Wilson stated that it was a very long process and there were a lot of changes made to the design. He suggested looking at it as a learning process and go forward. He said it is fortunate that it will not result in any additional costs to the City.

Water System Capital Improvement Plan (CIP) 5-Year Update: Engineer Willor reported in the spring of 2014 GHD did an update to the City's CIP and Asset Management Plan. In July, 2014 he presented the update to the City Council but at that time there were a number of priority projects that surfaced as well as the arrival of the new City Manager so it was temporarily set aside. He said that he will be meeting with him this week to continue discussions. He said during the presentation in July there were also some City Council comments that will be incorporated into the CIP.

Water System Infiltration Gallery Permitting: Engineer Willor reported that all of the required permits were acquired except for the 404 permit from the Army Corp of Engineers to go into the river. He said they have been very slow in getting their comments back and is in the process of working with them to obtain the permit prior to August, 2015.

Councilmember Johnson pointed out that the Army Corp of Engineers has a reputation for the speed in which they turn out projects but at some point there is going to be a drop-dead date in which the City has to get into the river; probably late summer or early fall. He said before it gets to that drop-dead date the City may need to get local Congressmen involved so everyone needs to know when that date is so pressure can be put on them to hustle the permit along.

Engineer Willor stated that this is certainly one of the priority projects in the City and he will keep that in mind during upcoming meetings.

Metropolitan Wells Project: Engineer Willor provided the background leading up to the project and reported that in the spring of 2014 the City applied for a Prop 84 Drought Grant and was selected as one of the region's top projects. He said at that time, the project was an intertie with Scotia to provide emergency water during droughts and other emergencies. During late summer it was determined that the intertie project was not able to move forward so the City looked at another potential project that would provide the same potential benefit to the City and potentially

be used to hold onto those grant funds. He further reported that on December 16th he provided a presentation to the City Council and since that time word was received from the Department of Water Resources (DWR) that the Metropolitan Wells Project was accepted to replace the Scotia Intertie Project. He said from that point forward, it is a little unclear as to the exact time frame but Humboldt County who is administering the grant for the region has put out some time frames and believes that by the middle of April they will receive the agreement between DWR and the County which the City can enter into so funds can be secured.

He continued with review of the project timeline and indicated that the preliminary design and environmental documents need to begin in March for completion in April or May; the project would go out to bid in May or June and construction would begin sometime between June and September for completion of the project in October or November.

He noted that this represents a very aggressive schedule but it can be achieved barring any unforeseen circumstances. He said Prop 84 grant funding was secured in the amount of \$784,000 which covers approximately 80% of the project costs however; a second source of funding is needed to cover the gap. He said there is grant funding available through the Safe Drinking Water State Revolving Fund but the preliminary design and environmental documents need to be completed before the funding can be provided.

Potential action items included the Council directing staff to engage the services of the engineer to begin the preparation of environmental documents and preliminary design of the Metropolitan Wells Project and direct staff to develop the Safe Drinking Water funding application.

City Manager Knopp pointed out that in order to complete the project within the timeline, the Council will need to authorize the City Engineer to proceed with the preliminary design and environmental documents with a risk because the City doesn't necessarily have a signed contract with the County or the State for those grant funds. He said there is always the possibility that for whatever reasons the State may not sign off on the project. He said staff feels the likelihood of that happening is slim based on the City's past experiences this summer and also past working relationships with all parties involved. He noted that there is no indication there are any problems that the City will encounter down the road. He said the estimated costs are \$89,000 and that staff is not necessarily asked Council to take action tonight but to provide a general consensus. He added that staff is prepared to bring it back to the Council at the March 3, 2015 regular meeting with a more detailed discussion of the issues.

Councilmember Johnson asked if the preparation of the preliminary design and environmental documents is included under the general scope of work under GHD's contract with the City for engineering services. His concern was that the City may need to go back out for RFP's which takes time if it is not included in the scope.

Engineer Willor said he would have to do some research and report back to the Council although his general knowledge of the City's procurement policy he believes requires going out through a

competitive process but with the footnote that unless it is a continuation of a project that is already under contract. He said he knows there has been at least one Scope of Services agreement for the application process but is unsure if the next phase would be a continuation of that contract.

Councilmember Johnson requested the matter be placed on the next agenda to define costs and legal issues.

City Manager Knopp commented that there are some questions that do need to be answered regarding the legality of proceeding down this path but wanted to point out that if it is determined that is not possible; it puts in jeopardy the City's ability to get the project moving forward this summer.

After further discussion regarding the grant funding time limit, the consensus was to bring the matter back on the next agenda for possible action.

Active Transportation Plan (ATP): Engineer Willor provided an overview of the ATP and said it is a program through Cal-Trans and what they did was that they basically brought together a number of funding programs that they had and put them together under one Active Transportation Program (including Safe Routes to School), geared toward active transportation methods in term of pedestrian and bicycle safety that are now caught under this umbrella. He said the goal of the Active Transportation Plan is to increase safety and mobility for non-motorized users, advance active transportation efforts; help regional agencies to achieve greenhouse emission goals; to enhance public health to ensure disadvantaged communities share in the benefits of the program and to provide a broad spectrum of active transportation users.

He provided a brief timeline of the current funding cycle which is Cycle 2 and the draft engineer's guidelines. He stated on March 27, 2015 the California Transportation Commission will approve the guidelines and once they are approved there will be a call for projects. Applications are due by June 1, 2015 and that sometime in the fall; Cal-Trans will announce the list of funded projects.

He then reviewed the project submitted by the City during the last funding cycle which was not selected. He said it comprised of bicycle and pedestrian improvement projects that were listed on HCAOG's Regional Complete Streets project list that were combined into a single Safe Routes to School Project. He said GHD was directed by the City to develop conceptual designs and cost estimates for pedestrian and bicycle transportation safety improvements on Belleview Ave., Wildwood Ave., Davis St., and the intersection of Scenic Way and Eeloa Ave. He noted that last year's project was caught under part of the ATP and Safe Routes to School and the reason it fit really well with some of the needs of Rio Dell is because there are no school buses and kids have to either walk, ride bikes or be dropped off by parents or others. A map was presented showing the primary transportation routes to and from school.

Engineer Willor further reported that for Cycle 2, potential infrastructure projects include those similar to last years including bike lanes on Belleview Ave. and Wildwood Ave., improvements to sidewalks, bike lanes and crosswalks on Davis St., Scenic Way and Eeloa intersection improvements, and potential improvements at the Highway 101 and Wildwood Ave. intersection.

He explained another thing with this year's program is to have a non-infrastructure component that includes education and community outreach related to pedestrian and bicycle safety. He stated that the City reached out to the school regarding the non-infrastructure aspect of the project part that ties into safety for kids going to and from school and they are very willing to participate. He said there are funds to help the school educate kids and staff on safety.

He reviewed the concept design to gain input from the City Council.

Councilmember Johnson asked if the Safe Routes to School project was done in coordination with the school.

Leslie Yale, the new Rio Dell School Superintendent was present and stated that the school was involved through the process and was very happy with the results of the project.

Councilmember Johnson also asked if there is any indication of how many dollars HCAOG will have to distribute throughout the County.

Engineer Willor explained the funding is competitive and it goes through Cal-Trans; not HCAOG.

Councilmember Thompson asked if they had looked at the intersection of Belleview Ave. and Wildwood Ave. and said there is a ditch that flows into the street at that location which is washing out the pavement. He said when the road is icy, kids slip and fall.

Engineer Willor stated that last year's application did not address that area because it was difficult to tie it into the ATP goals however; it does seem to make more sense now. He noted that the Chief of Police had indicated that intersection and the intersection at Scenic Way and Eeloa are the two most dangerous intersections in the City which is why they are incorporated into this year's proposal.

Melissa Marks commented that one of the things that the Community Development Director had pointed out related to applying for grants is that the more you spread out and ask for, the less chance you have of getting what you really want or getting any of the funds.

Engineer Willor commented that when putting together a proposal you need to make sure you have a strong project that meets the goals of the program. He said Cal-Trans looks at the cost to benefit ratio and determines whether it meets the needs of the community as well as the goals of the grant.

Leslie Yale said that she talked to the School Principal and they agree with all of the projects as discussed. She said the intersections are dangerous and pointed out that there is probably a 50% chance that the students that live within one-half mile from the school walk to school and those students that live further than one-half mile, a much less chance.

Engineer Willor said as the Chief of Police indicated, the intersection at Scenic Way and Eeloa Ave. is unsafe. He said redesign of that intersection is fairly significant but with all traffic coming to a stop it will make the intersection much safer and make it easier to determine where it's safe to walk.

He said related to the Wildwood Avenue concept, rather than have a right off the onramp onto Wildwood Ave. to Belleview Ave. it would create a stop that is more perpendicular to Wildwood Ave. so vehicles couldn't run the stop sign which make it safer.

He said the call for projects is March 27, 2015 with the deadline for submittal of applications slated for June 1, 2015.

City Manager Knopp stated that the City Council already voted to approve this project and the two main modifications are the inclusion of the non-infrastructure public education at the school and the other is the intersection changes. He said the other components were submitted in last year's application. He said staff is prepared to bring it back at the next meeting.

Mayor Wilson said he would like it brought back at the next meeting with more detail on this item including the benefit and costs as well as a response to Melissa Mark's comment regarding whether it is better to ask for more or less. Council concurred.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Appointment of Councilmember to Serve as Alternate on the Nuisance Hearing Committee and a Public Member on the Committee

Community Development Director Caldwell stated for clarification that there is only one committee related to nuisances and that is the Nuisance Hearing Committee. He said as indicated in the Staff Report for the February 3, 2015 meeting, Councilmembers Johnson and Marks were appointed to the Nuisance Hearing at the January 6, 2015 meeting however; there was no alternate member appointed. In addition, the Committee membership was amended to allow for two public members to serve on the Committee. He said staff posted Public Notices soliciting applications with a deadline of February 10, 2015 but subsequently only received one application; which was from Julie Woodall. He said staff is recommending the Council approve the appointment of one Councilmember to serve as an Alternate Member to the Nuisance Hearing Committee; approve the appointment of Julie Woodall to serve as one of the public members; and direct staff to repost the Public Notice to solicit for the other public member.

Mayor Wilson asked for clarification that staff determines what constitutes a nuisance and if there is an appeal it comes back to the Nuisance Hearing Committee.

Community Development Director explained the Committee meets, goes over the case log with the goal of obtaining voluntary compliance if possible.

Councilmember Thompson volunteered to serve as the Alternate Member on the Nuisance Hearing Committee.

Motion was made by Johnson/Marks to approve the appointment of Councilmember Thompson as the Alternate Member to the Nuisance Hearing Committee; approve appointment of Julie Woodall to serve as one of the public members; and direct staff to repost the Notice to solicit a second public member to serve on the Committee. Motion carried 4-0.

Councilmember Johnson commented that he had the good fortune of working with Julie Woodall worked with Julie Woodall when she served on the Committee as a Councilmember and that she is very strong advocate of cleaning up the City and making it a better place to live.

Approve Community Development Block Grant (CDBG) Housing Rehabilitation Guidelines
Community Development Director Caldwell provided a staff report and said as mandated by the State Department of Housing and Community Development (HCD), staff recently prepared and the Council approved Community Development Block Grant (CDBG) Homebuyer Guidelines. He said the Guidelines were submitted to HCD for their review and approval. Upon completion of the review, they notified the City that some minor revisions needed to be made which include: eliminating acquisition rehabilitation provisions; eliminating relocation assistance provisions; amending the loan to value ratio from 105% to 100%; and requiring HCD's written approval to any exception to the Guideline provisions. He reported that the revisions were made and tentatively approved by HCD staff.

Community Development Director Caldwell then provided a brief overview of the Homebuyer Program. He said basically what the Program does is increases a borrower's buying ability and reduces initial out of pocket expenses and monthly housing costs by providing additional funds with no monthly payment as down payment assistance. He noted that the loan is not due and payable until the time of transfer or sale.

He reviewed the staff recommendation and asked for Council questions or comments.

Councilmember Johnson asked if there was any current interest from the community regarding the Program.

Community Development Director Caldwell said there have been some interested borrowers for owner-occupied loans but they have either been upside down on their mortgage or they have been unable to meet the debt to ratio threshold.

Staff commented that the Homebuyer Program provides a good opportunity for homebuyers to get into a home with a low down payment and at the same time, keeping the monthly payment affordable. He said as soon as HCD gets the approved guidelines staff will get the message out to the community.

A public hearing was opened to receive public input on the CDBG Homebuyer and Housing Rehabilitation Program Guidelines.

Nick Angeloff stated that he is assuming the program is part of the existing CDBG grant and the process will be moving forward with incorporating economic development into it.

Community Development Director Caldwell explained that each jurisdiction is required to adopt Economic Development Guidelines in order to qualify for Economic Development grants which is the next step.

There being no further public comment, the public hearing closed.

Motion was made by Johnson/Marks to approve Resolution No. 1255-2015 *Approving Community Development Block Grant (CDBG) Homebuyer and Housing Rehabilitation Program Guidelines*. Motion carried 4-0.

Review and Approval of Agenda for February 24, 2015 Economic Development Workshop

City Manager Knopp stated at the last meeting, the City Council discussed the desire to have an Economic Development Workshop and scheduled a Study Session for February 24th. He said in facilitating the meeting, no precise directive was given on the general format of the meeting. As such staff prepared a basic agenda and is requesting that Council provide input on any deletions or additions to the draft agenda.

The agenda included a staff presentation (power point) on Economic Development with 1) History; 2) Present Circumstance; and 3) Options for the Future, followed by public comment and a brainstorming session.

Motion was made by Johnson/Thompson to accept the agenda for the February 24, 2015 Economic Development Workshop as presented. Motion carried 4-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Second Reading (by title only) and Adoption of Ordinance No. 333-2015 Amending Chapter 2.55, Commissions, Committees, Boards, Agencies and Task Forces, and Section 10.05.100, Traffic Committee of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell provided a supplemental staff report to clarify a couple of errors presented in the original staff report and Ordinance. He explained that staff

inadvertently left out the public member provisions which were adopted in December with Ordinance No. 330-2014 and included an error in the definition of the composition of the Nuisance Hearing Committee. He said the Community Development Director and the Chief of Police are not members of the Committee but are staff support to the Committee. He noted that the errors were corrected and the Ordinance is ready for adoption.

He explained that this amendment adds the Nuisance Hearing Committee and the Wildwood Avenue Sculpture Committee in Chapter 2.55; amends Section 2.55.010 to include existing additional committees and correctly reference the Community Development Block Grant Loan Committee; amends references to the Community Development Block Grant Committee to be consistent with the City's adopted and the Department of Housing and Community Development CDBG Guidelines; amends the "City" representation in other organizations' provisions to accurately reflect those organizations; and eliminates "future committees" provisions which include a reference to Redevelopment Agencies since Redevelopment Agencies have been eliminated in the State of California.

Community Development Director Caldwell also stated that staff discovered inconsistencies in the provisions contained in two separate chapters of the RDMC regarding the composition of the Traffic Committee. As such, staff amended the language to make the two sections consistent. He said the other change makes the two definitions of the Traffic Committee consistent.

He then reviewed the staff recommendation.

A public hearing was opened to receive public comment on the proposed ordinance.

There being no public comment, the public hearing closed.

Motion was made by Thompson/Johnson to approve staff's recommendation and adopt Ordinance No. 333-2015 *Amending Chapter 2.55, Commissions, Committees, Boards, Agencies and Task Forces, and Section 10.05.100, Traffic Committee of the Rio Dell Municipal Code (RDMC)*. Motion carried 4-0.

Second Reading (by title only) and Adoption of Ordinance No. 334-2015 Amending Section 17.30.050, Parcel size for the keeping of Small Domestic Animals, establish a Young Domestic Animal Substitution Schedule, establish Animal Shelter Setbacks and establish Maintenance and Operation Standards in Residential Zones

Community Development Director Caldwell provided a staff report and stated the ordinance was introduced at the February 3, 2015 regular meeting and is back before the Council at this time for adoption. He stated that during introduction of the ordinance, there was some discussion regarding potential setback requirements from fences for dogs and for clarification that this only applies to barnyard animals and provisions for dogs is contained in a different section of the RDMC. He noted that staff has been contacted on a number of occasions regarding animal shelter/enclosure setbacks from property lines and residences and typically the inquiries are

related to complaints. Section 17.30.050 of the RDMC entitled *Animals and Animal Shelters* doesn't contain any provisions regarding animal shelters.

He said in reviewing Ordinance No. 252-2004, staff discovered an error in the required parcel size for small animals, including rabbits and poultry. He noted that the required minimum parcel size is actually 10,000 square feet and not 15,000 square feet as identified in the RDMC.

He further reported that the proposed amendment was presented to the Planning Commission at their meeting on January 22, 2015 and after a fairly lengthy discussion, the Planning Commission recommended the minimum parcel size for small animals be reduced from 10,000 square feet to 5,000 square feet. Also recommended was that the maximum number of small animals on parcels less than 10,000 square feet as five (5), and the existing language for parcels larger than 10,000 square feet remain unchanged at 10 small animals and one additional animal for each additional 500 square feet.

Staff also discovered that the City does not have provisions related to the substitution of younger animals, maintenance of animal shelters or enclosures and the killing and dressing of large or medium domestic animals. As such, staff recommended to the Planning Commission that these provisions be established along with animal shelter/enclosure setbacks from property lines and residences.

Community Development Director Caldwell then reviewed staff recommendations.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment the public hearing closed.

Motion was made by Marks/Johnson to conduct second reading (by title only) and adopt *Ordinance No. 334-2015 Amending Section 1730.050, Animals and Animal Shelters of the Rio Dell Municipal Code to reduce the minimum parcel size for the keeping of Small Domestic Animals, establish a Young Domestic Animal Substitution Schedule, establish Animal Shelter Setbacks and establish Maintenance and Operations Standards in Residential Zones.* Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp reported on recent activities and events and said last week presented a major storm event and thanked Public Works for setting up sand bag stations to assist residents with storm related issues. He reported on a pump failure at the sewer lift station and extended thanks to the City of Arcata for lending the City equipment although it didn't need to be used. He also said that he attended three trainings last including one in Oakland and one in West Sacramento. He said they were all very informative in terms of moving forward with economic development efforts.

Councilmember Johnson said he assumed the City had a pump for de-watering of the lift station.

City Manager Knopp stated the City did not have one and as a result, had to hire someone to perform the service. He indicated that staff let the County Office of Emergency Services know about the additional storm related events with the chance that some of it might be covered although, not likely.

Community Development Director Caldwell reported on recent activities and events and said he and the City Clerk attended a Building Permit Tech workshop in Folsom on February 3rd and was surprised to learn that it was the first permit workshop she has ever attended. He said it was a fantastic workshop and very dynamic. He added that the instructor was very knowledgeable and said the best part of going to these types of workshops is to build a network. He said it was great to identify that they actually have a list-serve network where staff can go if there is an issue which neither he or the City Clerk was aware of. He noted that for the most part, staff is doing everything right but there are a couple of little things that we will be implementing in the building department. He said at the workshop you actually broke open the code books and went through exercises which was extremely beneficial.

Related to Code Enforcement he said staff was fortunate in obtaining good results with three separate properties this week, and announced the next Planning Commission meeting was scheduled for February 26, 2015 and noted that he received a call from James Cortazar expressing his desire to move forward with development of the Dinsmore Plateau.

Councilmember Johnson asked about the status of the proposed Danco Senior Housing project.

Community Development Director Caldwell stated that they were not successful in receiving funding again this year but is still hoping to move forward with the project at a later date.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Johnson reported on the HCAOG he will be attending later in the week and said one of the items to be discussed is the TDA funding and said TDA funds for the 2015-2016 fiscal year for Rio Dell will be approximately \$109,000. He said they also will be approving a minor JPA amendment dealing with County's representative on the HCAOG who in the past has been the Chairman of the Board. He said the amendment will allow for any member on the Board to serve as Chair. He expressed the importance of continuity on HCAOG and said the amendment is a good thing.

Councilmember Marks reported he attended the Rio Dell-Scotia Chamber meeting today and that they elected two new board members; Tracy O'Connell and Harry Pulver, still leaving the Board short by two members.

Mayor Wilson commented that February 26th is the City's 50th anniversary of incorporation as well as a Wildwood Days planning meeting and asked for a consensus on a possible celebration to commemorate Rio Dell's 50th Anniversary whether it be in conjunction with another organization or independently.

Staff was directed to bring the matter back at the next meeting for further discussion.

CLOSED SESSION

At 8:30 p.m. the Council recessed back into closed session to continue the performance evaluation on the City Manager.

The Council reconvened into open session at 9:40 p.m.

Mayor Wilson reported that no action was taken in closed session.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:41 p.m. to the February 24, 2015 Study Session on Economic Development.

Frank Wilson, Mayor

Attest:


Karen Dunham, City Clerk


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: March 3, 2015

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: February 27, 2015

Subject: Submittal of Coast Central Credit Union Grant Application

Recommendation:

That the City Council:

1. Receive and file a copy of the Grant Application for \$25,000 for the Avenue of the Sculptures concept for Coast Central Community Credit Union's Community Investment Program.

Background/Discussion

Staff submitted a Grant Application for \$25,000 for the Avenue of the Sculptures concept for Coast Central Community Credit Union's Community Investment Program. The Coast Central Community Investment Program commits \$100,000 each year to assist community organizations throughout Humboldt, Del Norte and Trinity counties. This \$100,000 is divided into two separate "rounds" of \$50,000 each. Individual awards range from a minimum of \$5,000 to a maximum of \$25,000 and are granted to approximately three to six organizations during each round. A copy of the application is included as Attachment 1.

Attachments:

1. Coast Central Credit Union Grant Application.



Community Investment Program

Spring 2015 Grant Awards

On behalf of our members, our volunteer Board of Directors, management and staff, we thank you for your interest in our Community Investment Program.

The Coast Central Community Investment Program commits \$100,000 each year to assist community organizations throughout Humboldt, Del Norte and Trinity counties. This \$100,000 is divided into two separate "rounds" of \$50,000 each. Individual awards range from a minimum of \$5,000 to a maximum of \$25,000 and are granted to approximately three to six organizations during each round.

Our Community Investment Program committee represents nearly 60,000 members in Humboldt, Del Norte and Trinity counties. Therefore, on their behalf, when considering individual grants, we are looking to provide the greatest impact for the dollars invested.

Since we have such a diverse membership, any grant requests that might be political, highly controversial or religious in nature will not be considered. Our awards committee looks at project-specific requests rather than those that bolster operating budgets or staff positions.

Please complete the attached application and send it to the Humboldt Area Foundation, 373 Indianola Road, Bayside, CA 95524. The deadline for consideration for our Spring 2015 grant award process is Friday, February 27, 2015.

If you have any further questions, please call Coast Central Credit Union at (707) 445-8801, Ext. 309.



COMMUNITY INVESTMENT PROGRAM APPLICATION

Date of Application: February 27, 2015 Amount Requested: \$ 25,000

Project Information

Program/Project Name: Ave of the Sculptures Total Cost of Project: \$ 179,928

This grant would provide the following for the project (*please be brief and clear*):

The pedestals/slabs to mount and display the sculptures and 24 informational interpretative panels/kiosks displaying the art and artist information. This is the first step in developing the "Avenue of the Sculptures" concept.

Project Address: City of Rio Dell

Contact Person: Kevin Caldwell Title: Community Development Director

Organization: City of Rio Dell

Phone: (707) 764-3532 Email: kcaldwell@riodellcity.com

LEGAL APPLICANT INFORMATION

Legal Name of Tax Exempt Organization: City of Rio Dell

Executive Officer: Kyle Knopp Title: City Manager

Mailing Address: 675 Wildwood Avenue, Rio Dell, CA. 95562

Phone: (707) 764-3532 Fax: (707) 764-5480 Tax ID #: 94-1603860

Email: kknopp@riodellcity.com Website: riodellcity.com

ATTACHMENTS – Please submit the following with your application:

Project Narrative (one page maximum) Program Budget – 1 page max. (see attached)

Letter of Tax Exemption (501(C)(3) letter)

Please do not submit any additional pages ● Staple only – do not place in binder or cover

Mail or deliver to:

Humboldt Area Foundation

373 Indianola Road ● Bayside, CA 95524

Rio Dell's Avenue of the Sculptures

The purpose of the "Avenue of the Sculptures" concept is to attract some of the 1.6 million annual visitors to the world famous Avenue of the Giants, increase local business and make Rio Dell a destination location. Humboldt County has a large diverse community of artists and the intent is to provide a showcase for the artists while at the same time making Rio Dell a must see community. The City envisions the sculptures to reflect the local culture, history (i.e. Native Americans, logging, fishing, agriculture, etc.), natural resources and creativity of the region.

The "Avenue of the Sculptures" concept is to place at least one pedestal in each of the City's recently completed twelve (12) landscaped medians. In addition, we hope to place sculptures in the pre-existing four (4) northerly landscaped medians, Davis Street Park and Triangle Park, on the grounds at City Hall and hopefully at the two Highway 101 off-ramps. In all, we hope to have around forty (40) pedestals/sculptures. About half would be on an annual rotating schedule to accommodate new pieces. In addition, the City intends on providing lighting, kiosk interpretive panels displaying the artist and artwork information, decorative light standards and benches throughout the City.

Many Cities throughout the nation have successfully developed "art parks" as a way of increasing tourism while providing economic benefits to their local communities. The City of Redding has recently developed "The Sculpture Park at City Hall" which has not only beautified the area, it has also increased tourism and economic activity and provided a show case for local, regional and national recognized artists. The larger-than-life-sized bronze sculpture *Catch and Release on the Sacramento River* was installed at The Sculpture Park at City Hall on July 1, 2006. Affectionately known as the Fly Fisherman, this work represents the area's connection to nature and the integral part the Sacramento River plays in our community. This beautifully-detailed piece stands approximately 18 feet high from the base of the fisherman to the uppermost part of his raised casting rod.



The "Avenue of the Sculptures" concept is supported by the City Council, the Rio Dell-Scotia Chamber of Commerce and the Eagle Prairie Arts District. The City recognizes this will be a pay as you go project, possibly taking a number of years to complete based on funding availability.

Avenue of the Sculptures

Total Project Budget

Anticipated budget for the Project (include how grant funds will be spent).

Expense	Amount requested from Coast Central Credit Union	In-kind donations	Other Funding Sources		Total Budget
			Amount	Source	
Pedestals					
12 Large (6' x 6') \$500 each = \$6,000	\$6,000	Labor: 40 hours @ \$62.00/hr. = \$2,480		Grants & Contributions	\$8,480
28 Small (3' x 3') \$250 each = \$7,000	\$7,000	Labor: 60 hours @ \$62.00/hr. = \$3,720		Grants & Contributions	\$10,720
Sculptures					
12 @ \$5,000 each = \$60,000		Labor: 24 hours @ \$62.00/hr. = \$1,488	\$60,000	Grants & Contributions	\$61,488
Lighting					
Direct lighting for the 12 permanent sculptures. \$1,000 each = \$12,000		Labor: 40 hours @ \$62.00/hr. = \$2,480	\$12,000	Grants & Contributions	\$14,480
Benches					
24 Hilfiker pre-cast concrete benches. \$325 each = \$7,800		Labor: 40 hours @ \$62.00/hr. = \$2,480	\$7,800	Grants & Contributions	\$10,280
Interpretative Panels/Kiosks					
24 panels/kiosks displaying the art and artist information. \$1,000 each = \$24,000	\$12,000	Labor: 40 hours @ \$62.00/hr. = \$2,480	\$24,000	Grants & Contributions	\$26,480
Decorative Light Standards					
12 light standards \$4,000 each = \$48,000			\$48,000	Grants & Contributions	\$48,000
				Total:	\$179,928

Pedestals: The estimated expense is for materials only. The City plans on providing most of the labor required for the installation of the pedestals, including excavations, form and rebar installation, pouring and finishing the concrete. Costs also include anchoring/mounting hardware. **Priority # 1.**

Sculptures: The City intends on purchasing and installing 12 permanent sculptures reflecting the local culture, history (i.e. Native Americans, logging, fishing, agriculture, etc.), natural resources and creativity of the region ideally from local artists. **Priority # 5.**

Lighting: Includes installation of service to the pedestals, wiring and light fixtures. **Priority # 2.**

Benches: The purchase of Hilfiker pre-cast concrete benches. The City will place and mount the benches throughout the City. **Priority # 4.**

Interpretative Panels/Kiosks: The estimated expense is for materials only. The City will provide the labor for installation. **Priority # 3.**

Decorative Light Standards: The estimated expense includes the purchase and the installation of the light standards. **Priority # 6.**

*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



March 3, 2015

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action to Assign Scope of Work for the Metropolitan Well Site Project to City Engineer (GHD Engineering) for Well Improvement Design and Grant Proposal Preparation

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Assign the scope of work for the Metropolitan Well Site project to City Engineer (GHD Engineering) for well improvement design and grant proposal preparation.

BACKGROUND AND DISCUSSION

GHD Engineering currently serves as the City Engineer pursuant to an existing professional services agreement obtained after completing a qualification based selection process. GHD has provided an estimate and proposal for the cost of providing engineering and grant writing services related to the water well project. A copy of the proposal submitted by GHD for this scope of work is attached. Staff seeks approval to authorize GHD to perform this scope of work, and authorize incurring this cost. The selection of engineers, land surveyors and other "professional services" is governed by California Government Code § 4525, et seq. and is exempt from the competitive bidding requirements. The selection of professionals is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the service required rather than price. With the Council's approval, Staff seeks to add this item to GHD's scope of work under the existing professional services agreement.

The City of Rio Dell has been approved for a Proposition 84 grant from the North Coast Resource Partnership (NCRP) for the Metropolitan Groundwater Well Project. The grant is expected to cover a majority of the project costs, however additional funds will be needed to complete the project. There are options for additional funds including Safe Drinking Water State Revolving Funds (SDWSRF). The SDWSRF funds are available for planning & design or separately for construction. It is likely if planning funds are applied for they would be available at the same time or after the NCRP Prop 84 funds (estimated to be available by April).

It is recommended that the City initiate the design phase, to be later reimbursed through the NCRP Prop 84 grant funds. Initiation of the design phase would for a reasonable chance to

construct the project during 2015 and to allow for the completion of the SDWSRF construction funding application.

If the City chooses to use City funds to be reimbursed later, there is a minor risk that the NCRP Prop 84 funds could not materialize. However, in the experience of the City's engineering firm it is very unlikely that anything could disrupt the process of the City obtaining the grant agreement and requesting reimbursement for project costs.

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Agreement Between

**The City of Rio Dell
And
GHD Inc.
For**

Preliminary Design, Monitoring Wells, Environmental Documentation, and Cost Estimate for the Metropolitan Wells Project

This agreement is between the City of Rio Dell and GHD Inc. to complete a preliminary design, monitoring well installation, environmental documentation, and a cost estimate for the Metropolitan Wells Project. This agreement is based on a prime agreement between the City of Rio Dell and GHD Inc. dated June 3, 2013. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

Understanding

The City of Rio Dell is pursuing a project to enhance the reliability of the City Water System through development of an active groundwater well system at the City's property in Metropolitan near the old Eel River Saw Mill. This system is intended to augment, but not replace, the existing surface water intake system. This is a critically important project for the City for several reasons. First, the active well system could provide an additional source of supply if it were difficult to get water into the infiltration gallery during lower river flows and also to provide an additional source of supply during periods of river turbidity that requires significant operator overtime to monitor treatment. In addition, it may be possible to make the case that a new well should not be subject to State Board water right licensing requirements which may provide an additional source of water if the State Board mandates reduction in licensed extractions during very low river flows.

The Metropolitan Wells project consists of the installation of monitoring wells, rehabilitation of existing wells and enclosures, installation of a new well and well enclosure, installation of an iron and manganese removal treatment system as well as an upgraded chlorination system.

The overall strategy is to fund the project through a grant from the Department of Water Resources Proposition 84 through the North Coast Resource Partnership (NCRP) coupled with Safe Drinking Water State Revolving Fund (SDWSRF) construction financing. The work under this scope is needed to complete preliminary design, installation of monitoring wells, rehabilitate existing wells, complete a California Environmental Quality Act (CEQA) categorical exemption, and complete Federal Environmental Cross Cutter Environmental requirements.

The City has been approved for a \$783,000 grant from the Department of Water Resources Proposition 84 through the North Coast Resource Partnership (NCRP) to be administered by Humboldt County. A final executed grant agreement between the City and Humboldt County is anticipated in July or August of 2015.

The preliminary design needs to be initiated in the near term to allow for the project to be constructed by early fall 2015. In addition, the preliminary design and environmental work is needed to support a Safe Drinking Water State Revolving Fund (SDWSRF) construction financing application. This additional funding application is needed because the funds received from DWR/ NCRP will not cover the full construction cost. Thus, it will be important to prepare and submit the funding application in soon to have the construction funds available when needed.



Scope of Services

Based on the above understanding of the project intent, we propose to provide the following professional engineering and environmental services. The work performed will be divided into tasks as described below:

Task 1 – Preliminary Design

This task is based on the preparation of a preliminary design report and a preliminary plan set consisting of design plans and draft technical specifications. The Draft preliminary design report plans and specifications will be delivered to the City for review. City comments will be incorporated into a Final preliminary design report, plans and specifications.

Deliverables:

- 1 electronic copy, Draft Preliminary Design Report, Plans, and Specifications.
- 1 electronic copy, Final Preliminary Design Report and Plans, and Specifications

Task 2 – Survey

This task is to complete needed topographic survey work to develop the preliminary plans. The survey work is collecting additional topographic and surface feature data at the City's existing well site property in Metropolitan. The topographic survey will include surface indications of utilities, drainage structures and inverts, vegetation, structures, signs, and other features within 25 feet of the City's Metropolitan Well Site and Monitoring Well Sites. Evidence of existing recorded monuments and easements will be searched for and field located if found. These information will be incorporated into a survey base map that will be used for design purposes.

The data will be used to augment existing information for the design process. This task does not include any survey, boundary work, legal descriptions, or legal documents or processes for easements or other property related work. At this time, no such additional work is anticipated, but if upon further investigation it becomes necessary, then a separate scope and budget will be prepared.

Preliminary title reports will be provided by the City of Rio Dell.

Deliverables:

- A topographic base map will be prepared with topography, observed surface features, and relevant information from title reports at a horizontal scale of 1"=20', one foot contours, and spot elevations, prepared using AutoCAD Civil 3D 2014 software. The survey will be based on the North American Datum of 1983 (NAD 83) for the horizontal datum, and the North American Vertical Datum of 1988 (NAVD 88) for the vertical datum. A "Survey Control Data Sheet" will be prepared showing all ties to existing and set monumentation used during the survey. Semi-permanent control points will be set throughout to serve as project control during construction of the project, and/or subsequent survey activities.

Task 3 – Cleaning, Testing, and Evaluation of Existing Wells

The existing wells may be usable as part of a future groundwater supply system to augment the existing surface water system. The condition and capacity of these wells needs to be evaluated to determine their potential usefulness to the City. The cleaning and testing work will be completed by a drilling contractor and GHD will prepare Well Cleaning & Testing Plans, Specifications, and Bid Package so the City can obtain bids from drilling contractors to complete the work. The concept of cleaning and testing is to use techniques such as bailing, surging, sparging, and other methods to flush sediment and debris out of the well screen, the surrounding formation, and from the well pipe. Testing would entail the contractor conducting drawdown tests to provide data on the potential capacity of the existing wells. GHD will



prepare the overall plan as a bid package so the City may obtain costs from contractors. This task also includes GHD managing the bidding process, evaluating bids, and assisting the City in the execution of a contract. The City shall contract directly with a well contractor for the services and shall make associated payments directly to the contractor. GHD will periodically be on site to observe the results of the cleaning and testing operations. The results of the cleaning and testing will be used by GHD to prepare a summary memo regarding the condition and capacity of the existing wells and future recommendations.

Deliverables will first be developed in draft format and reviewed with the City. Any City comments will be incorporated into a final deliverable

Deliverables:

- *1 electronic copy, Draft Well Cleaning and Testing Bid Package*
- *1 electronic copy, Final Well Cleaning and Testing Bid Package*
- *1 electronic copy, Draft Well Evaluation Memo*
- *1 electronic copy, Draft Well Evaluation Memo*

Task 4 – Design and Installation of Monitoring Wells

Both the Regional Water Quality Control Board and the Division of Drinking water have requested three monitoring wells be installed to the north and west of the well site to monitor for possible contaminant related to the nearby brownfield site. Existing data shows that groundwater under the brownfield site is not flowing towards the City's well site, however this monitoring system was requested by both agencies as a means of monitoring groundwater in the vicinity of the City's drinking water wells. These monitoring wells would provide the opportunity to foresee a precaution.

It is anticipated that the monitoring wells will be installed on property adjacent to the City's property and it is envisioned that a simple access agreement will be developed for the installation and periodic monitoring of the wells. GHD will prepare the access agreement and the City, including Legal Counsel, will review and approve the draft agreement. It is anticipated that the property owner will be agreeable to the monitoring wells and the access agreement. This task does not include formal legal descriptions, easements, or payments to the owner for access. If required, these additional items would be addressed under a separate scope and budget.

GHD will prepare the overall monitoring well plan a bid package so the City may obtain costs from contractors. This task also includes GHD managing the bidding process, evaluating bids, and assisting the City in the execution of a contract. The City shall contract directly with a well contractor for the services and shall make associated payments directly to the contractor. GHD will periodically be on site to observe the installation of the monitoring wells.

The bid package under this task may be combined with the bid package for Task 3.

Deliverables will first be developed in draft format and reviewed with the City. Any City comments will be incorporated into a final deliverable

Deliverables:

- *1 electronic copy, Draft Access Agreement*
- *1 electronic copy, Final Access Agreement*
- *1 electronic copy, Draft Monitoring Well Bid Package*
- *1 electronic copy, Final Monitoring Well Bid Package*



Task 5 – Engineering Opinion of Probable Cost

The development of the overall project funding and implementation strategy depends upon the estimated overall cost to implement the project. This Engineering Opinion of Probable Cost will be prepared based on the results of the predesign related tasks and the overall configuration of the system upgrades. The estimate will include costs for final design, any final permitting required, anticipated legal and administrative costs, City, construction and startup of the improvements, and a contingency allowance. The opinion of probable cost will be used to craft the overall project funding package from Proposition 84 and the Safe Drinking Water State Revolving Fund.

The Engineers Opinion of Probable Cost will be developed in draft form and reviewed with the City and then updated into final form.

Deliverables:

- *1 electronic copy, Draft Engineers Opinion of Probable Cost*
- *1 electronic copy, Final Engineers Opinion of Probable Cost*

Task 6 – CEQA Categorical Exemption Assistance

Based on our current understanding of the project, it is assumed to be categorically exempt from CEQA. Based on this understanding a Notice of Exemption will be prepared for the City to adopt. Once adopted, GHD will cause the Notice of Exemption to be recorded at the County Clerk's office for a 35 day public noticing period whereby it can be legally challenged.

It is assumed that the Notice of Exemption is an appropriate CEQA document and that no challenges will be filed. If the Notice of Exemption is challenged or if it is determined that a Negative Declaration or Environmental Impact Report are needed, then a separate scope and budget will be prepared.

The Notice of Exemption will be developed in draft form and reviewed with the City and then updated into final form.

Deliverables:

- *1 electronic copy, Draft Notice of Exemption*
- *1 electronic copy, Final Notice of Exemption*

Task 7 – Federal Cross Cutter Environmental Documentation

This task includes work related to the evaluation of Federal environmental statutes that are not required for CEQA, but are required to obtain federal funds. The following Federal Regulations will be evaluated:

- **Federal Clean Air Act:** Includes an evaluation of estimated project construction and operational air emissions (in tons per year) and supporting calculations
- **Coastal Zone Management Act:** No data necessary project is outside the Coastal Zone
- **Federal Endangered Species Act (ESA):** Includes a project-level biological report/assessment by a qualified professional, surveys and evaluations analyzing the project's direct and indirect effects on special-status species, and an up-to-date species list (less than one year old from the United States Fish and Wildlife Service, the California Natural Diversity Database and the California Native Plant Society) for the project area.



- Surveying is for topographic and surface feature purposes. Boundary, easements, or other surveying services could be provided under separate scope and budget if needed.
- CEQA based on Notice of Exemption
- Assumes additional Federal permitting is not required
- Additional services beyond what is included in this scope can be provided at the City's required under a separate scope and budget.

Compensation

The services outlined in this scope will be provided on a time and materials not to exceed \$59,500. The initial budget by task is shown below (actual distribution of charges between task may vary):

Task 1:	Preliminary Design	\$29,900
Task 2:	Survey	\$6,900
Task 3:	Monitoring Well Design & Installation	\$4,700
Task 4:	Clean and Test Wells	\$3,600
Task 5:	Cost Estimate	\$4,000
Task 6:	CEQA Catagorical Exemption Assistance	\$1,700
Task 7:	Federal Cross Cutters Environmental Doc	\$8,700
	Total	\$59,500

Estimated Project Schedule

The scope of services presented above can be completed within 3 months of receiving a signed contract.

AGREED

City of Rio Dell

GHD Inc.

 Kyle Knopp, City Manager,

Date

 Steve McHaney, Manager,

Date

 Rio Dell Accounting Tracking Number



Agreement Between

**The City of Rio Dell
And
GHD Inc.
For**

Safe Drinking Water State Revolving Fund Construction Application

This agreement is between the City of Rio Dell and GHD Inc. to develop a Safe Drinking Water State Revolving Fund (SDWSRF) application for construction funding for the Metropolitan Wells Project. This agreement is based on a prime agreement between the City of Rio Dell and GHD Inc. dated June 3, 2013. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

INTRODUCTION

The City of Rio Dell with the assistance of GHD submitted a project application through the NCRP's 2014 Integrated Regional Water Management (IRWM) Drought Solicitation funded by the Department of Water Resources (DWR) via Proposition 84. The proposed Metropolitan Wells Project has been approved for funding, and final contacting for the project award is anticipated in summer of 2015. The Metropolitan Wells project consists of the installation of monitoring wells, rehabilitation of existing wells and enclosures, and/or installation of a new wells and well enclosures, installation of an iron and manganese removal treatment system as well as, and an upgraded chlorination system.

The City's Proposition 84 IRWM grant is for \$783,000. However, project costs are anticipated to exceed this grant funding amount. The City has been in discussions with the State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) regarding supplemental funding options. The SWRCB DDW administers the SDWSRF funding program. This program provides loans and principal forgiveness (or grants) up to 80% of project costs depending on a set of loan affordability criteria.

The City will be able to use the Proposition 84 IRWM funds to cover planning and design work, however additional funds will be needed for construction. The scope of services below is for completing a construction financing SDWSRF application.

SCOPE OF SERVICES

This scope of service is to work with the City of Rio Dell and the SWRCB DDW to develop a complete funding application for the SDWSRF program for the Metropolitan Wells Project. The preparation of the application will be a joint effort with GHD leading the development of the application sections, development of draft resolutions and assurances, and responding to questions from the SWRCB DDW, and with Rio Dell coordinating required resolutions, obtaining legal opinions from the City's counsel, providing project details and reports in coordination with the City's wastewater consultant, and providing financial records.

The SDWSRF application consists of multiple sections. The effort to complete the application has been broken out into four sections discussed below. While Rio Dell assistance is needed on many items, GHD will be responsible for the overall compilation of the application sections, submittal to SWRCB DDW and follow up with SWRCB DDW on additional items requested. In addition to the four sections outlined below, the City will be required to engage legal counsel on



several issues related to validity of financing agreements and resolutions, existence of pending or ongoing litigations, and project property rights.

General Information Package

This section includes basic information about the City and the Project, including the overall project budget and schedule and sustainability components that have been incorporated into the project. Table 1 details this section of the application and proposed responsibilities.

Technical Package

This section includes the project technical details as well as documentation of the City's compliance with Urban Water Management and Water Conservation Plans, Water Rights, and other certifications. Table 2 details this section of the application and proposed responsibilities.

Environmental Package

This section includes the required project California Environmental Quality Act (CEQA) documents and Federal Cross-Cutters for the National Environmental Policy Act (NEPA) as the SDWSRF is funded in part through the Federal Safe Drinking Water Act. Completion of this section assumes that the CEQA and federal cross cutter information will be developed under a separate scope and fee. Table 3 details the environmental section components and items Rio Dell will need to assist with and the items GHD will be responsible for.

Financial Security Package

This section includes details on the funding request, population/ rate payers served, required resolutions, tax and debt information, and other Capital Improvements. Table 4 details the financial security package and the items Rio Dell will need to assist with and the items GHD will be responsible for.

Table 1: SDWSRF Construction Application General Information Packet

No.	Application Section	Rio Dell Items	GHD Items
I	Type of Assistance Requested	Rio Dell to assist with project details	GHD to complete with the assistance of Rio Dell
II	Applicant Information	Rio Dell to assist with project details	GHD to complete with the assistance of Rio Dell
III	Project Information and Proposed Schedules	Rio Dell to assist with project details	GHD to complete with the assistance of Rio Dell
IV	Estimated Project Capital Costs	To be reviewed by Rio Dell	To be provided by GHD
V	Managerial Information	Rio Dell to assist with project details	GHD to complete with the assistance of Rio Dell
VI	Attachments	Rio Dell to provide the following documents <ul style="list-style-type: none"> • Ownership Documentation • Organization Chart • Pending Litigation 	GHD to compile into the application



Table 2: SDWSRF Construction Application Technical Package

Item No.	Application Section	Rio Dell Items	GHD Items
I	Technical Information	Rio Dell to assist with project details including items I.1, I.2, I.3, I.5	GHD to complete with the assistance of Rio Dell
	I.3 Engineering Report	Rio Dell to assist with project details	To be completed by GHD under a separate contract for project design
	I.4 Compliance with Water Metering Requirements	Rio Dell to complete Certificate of Compliance	GHD to assist with form
	I.6 Technical Managerial, and Financial Assessment (TMF)	Rio Dell to assist with back up documentation	GHD to complete with the assistance of Rio Dell
II	Water Rights, Water Conservation and Urban Water Management	Rio Dell to verify compliance with State Water Board's emergency drought regulations at Section 863-865 of title 23 and provide copy of water conservation plan	GHD to complete with the assistance of Rio Dell



Table 3: SDWSRF Construction Application Environmental Package

Item	Environmental Section	Rio Dell Items	GHD Items
I	CEQA Status	No Action	GHD to complete
II	CEQA Documents	No Action	No Action
III	CEQA Exemption Information		GHD to complete CEQA Exemption under a separate scope and attach to application
IV.1	Federal Clean Air Act		GHD to compile information under separate Scope and incorporate into the Application
IV.2	Coastal Zone Management Act		
IV.3	Federal Endangered Species Act (ESA)		
IV.4	Environmental Justice		
IV.5	Farmland Protection Policy Act		
IV.6	Flood Plain Management		
IV.7	National Historic Preservation Act		
IV.8	Magnuson-Stevens Fishery Conservation and Management Act		
IV.9	Migratory Bird Treaty Act		
IV.10	Protection of Wetlands		
IV.11	Safe Drinking Water Act, Sole Source Aquifer Protection		
IV.12	Wild and Scenic Rivers Act		
IV.13	National Forest Lands		
IV.14	Clean Water Act (Section 404) and Rivers and Harbors Act (Section 10)		



Table 4: SDWSRF Construction Application Financial Security Package

Item No.	Credit Review Section	Rio Dell Items	GHD Items
1	Amount of Assistance Requested	Rio Dell to review	GHD to complete
2	Term Requested	Rio Dell to review	GHD to complete
3	Other Project Funding Sources	Rio Dell to provide data	GHD to complete
4	Current Year Median Household	Rio Dell to review	GHD to complete
5	Current Year Estimate Population Served	Rio Dell to provide data	GHD to incorporate into Application
6	Average current monthly residential water bill	Rio Dell to provide data	GHD to incorporate into Application
7	Average monthly residential water bill for the prior three years	To be provided by Rio Dell	GHD to incorporate into Application
8	Average projected increase to the monthly residential water bill as a result of funding request	To be provided by Rio Dell	GHD to incorporate into Application
9	Discussion of Material Events, Material Obligation Conditions, and Any Debt Limit	To be provided by Rio Dell	GHD to incorporate into Application
10	Water Rate Study	To be provided by Rio Dell	GHD to incorporate into Application
11	Projected monthly residential water bill for the next 3 years	To be provided by Rio Dell	GHD to incorporate into Application
12	5-Year revenue/expenditure projection	To be provided by Rio Dell	GHD to incorporate into Application
13	Identify and describe the dedicated revenue source	To be provided by Rio Dell	GHD to incorporate into Application
14	Security	To be provided by Rio Dell	GHD to incorporate into Application
	Attachments	Rio Dell to Provide/ Complete <ul style="list-style-type: none"> • Water Rate Structure (last 3 years) • Tax Questionnaire • Reimbursement Resolution • Financial Statements • Authorizing Resolution • Rate Adoption Resolution • Pledged Revenues and Fund(s) Resolution • Related Debt: • New Special Tax, Assessment District, or service charge projections • Future Capital Needs 	GHD to provide forms as needed and incorporate documents into the application



GENERAL EXCLUSIONS AND ASSUMPTIONS

This scope and fee are based on the assumptions and exclusions listed below. If changes are made to any of these assumptions/exclusions, the scope and fee would need to be adjusted accordingly.

- This scope does not include completion of CEQA or research to complete federal environmental regulatory information needed to complete application environmental package.
- The City will be actively provide required application information in a timely manner as requested by GHD.

SCHEDULE

The majority of the SDWSRF application can be completed in 8 weeks from the date this scope is signed.

COMPENSATION

The above scope will be completed on a time and material basis, for a not to exceed budget allowance of \$5,900 without prior approval from the City. The table below presents the break out of costs for the four application sections in the Scope.

Application Section	Fee
General Information Package	\$1,000
Technical Package	\$2,200
Environmental Package	\$1,200
Financial Security Package	\$1,500
TOTAL	\$5,900

Invoices will be prepared approximately monthly and are due and payable by the City within 30 days of the date of the invoice.

AGREED

City of Rio Dell

GHD Inc

Kyle Knopp, City Manager, Date

Steven McHaney, Manager, Date

Rio Dell Accounting Tracking Number



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*

March 3, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action on the City's Active Transportation Plan (ATP) Grant Application

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the submittal of an ATP application prepared by GHD for the City to include the following (5) bicycle and pedestrian projects and one (1) Non-Infrastructure educational component :

1. Scenic Way at Eeloa Avenue Intersection reconfiguration for pedestrian and bicyclist safety, and
2. Belleview Avenue between Wildwood Avenue and River Street bike lane, signage and striping improvements, and
3. Wildwood Avenue between Davis Street and Belleview Avenue bike lane including signage and striping, and
4. Davis Street between Wildwood and Rigby Avenues bike lanes and striping, and
5. Highway 101 southbound Off-ramp at Wildwood, and
6. Non-Infrastructure bicycle education programs.

BACKGROUND AND DISCUSSION

Caltrans is planning to release a call for projects for the Active Transportation Program (ATP) Cycle 2 on March 26, 2015. The ATP program is well suited to fund many of the projects that Rio Dell has listed on HCAOG's Regional Transportation Plan (RTP) Complete Streets projects list. The City of Rio Dell submitted an application for ATP Cycle 1 a year ago, which was very near to being selected for funding. The individual projects listed on the RTP could be combined into single Safe Routes to Schools (SRTS) project to take advantage of the economy of scale and efficiently use the state or federal funding. Safe Routes to Schools is a type of project under the ATP program and fits the types of projects the City has listed as priority street projects. Additionally a Non-Infrastructure (NI) project could be included in the application. A NI project includes community outreach and education regarding safety when going to and from school while walking or biking. The addition of the NI project is expected to help increase the potential for a successful application.

Schedule:

- **March 26, 2015: Call for projects for the Active Transportation Program (ATP) Cycle 2**
- **June 1, 2015: Applications due to Caltrans**
- **September 15, 2015: Caltrans recommends project for funding**

On May 6th, 2014 the City Council approved an Active Transportation Plan (ATP) grant application submittal for bicycle and pedestrian safety. While the city was ultimately not successful in its pursuit of this funding last year, the proposal was well ranked and staff believes that this new grant cycle has a reasonable chance at resulting in an award. The current proposal is similar to the one the Council approved in 2014 and capitalizes on work already performed. New to this proposal is the inclusion of item #5, the Highway 101 southbound off-ramp at Wildwood. Also new to this grant cycle as proposed is a public outreach component designed to include student education about bicycle and pedestrian safety at area schools. The financial impact is minimal as Safe Routes to School projects do not require a City match and much of the work on this proposal was done in prior years.

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March 3, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Discussion and Possible Action on the Formation of an Ad Hoc Committee Related to Planning and Implementation of Events and/or Programs Related to the 50th Anniversary Year of the Incorporation of the City of Rio Dell.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve of the formation of an ad-hoc committee for the planning and implementation of events and/or programs related to the 50th anniversary year of the incorporation of the City of Rio Dell, further appointing two Councilmembers to serve on the ad hoc committee.

BACKGROUND AND DISCUSSION

The City Council has expressed interest in celebrating the 50th anniversary of the incorporation of the City of Rio Dell. Rio Dell was incorporated on February 26, 1965 and the first City Council was composed of Mayor Guy Maxwell, Angelo Barsanti, Dr. Kurt Munchheimer, William Herndon and Merel Ritter.

Potential areas of contribution for the ad hoc could be events tying the anniversary into the Fire Department's 'Wildwood Days' celebration, the creation of promotional and celebratory materials, or other programs and events.

Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com



March 3, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Authorization for Councilmember Garnes to Travel to Cloverdale for the League of California Cities Redwood Empire Division General Membership Meeting.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize Councilmember Garnes to travel to Cloverdale for League of California Cities Redwood Empire Division General Membership Meeting.

FINANCIAL IMPACT

Estimated cost is \$400.00 from the General Fund.

BACKGROUND AND DISCUSSION

The City of Rio Dell is a member of the California League of Cities, an advocacy and technical assistance organization that represents the broad interests of all California cities. The League is subdivided into divisions, and Rio Dell is part of the Redwood Empire Division which stretches from the Oregon Border to Cloverdale in the South.

The Redwood Empire Division generally meets on a quarterly basis, and the next meeting is scheduled for March 20, 2015. Attendees will include other Redwood Empire Division members in addition to Michael Coleman, Fiscal Advisor to the League of California Cities will present on the sales tax trends that are altering and reducing local sales and use tax revenues. Coleman will also discuss the long range policy alternatives that will need consideration, and discuss the practical aspects of economic development in this new environment. League President Aguilar, Assembly Member Wood and Senator Mcguire are also scheduled to attend.

Attendance at these membership meetings is important. Division meetings serve as a venue to relay the current issues of each city, advocate and also receive feedback. The meeting represents an excellent opportunity to communicate Rio Dell's response to the drought, our need for economic development, and the passage of Measure 'U' among other issues.

Councilmember Garnes would go in place of Vice-Mayor Johnson, who is unable to attend this meeting.

REDWOOD EMPIRE DIVISION GENERAL MEMBERSHIP MEETING

Hosted by the City of Cloverdale
Friday, March 20, 2015



Legislative Committee Meeting

Cloverdale Fire Department
451 S. Cloverdale Blvd.
1:00 p.m. to 2:30 p.m.

Business Meeting

Cloverdale Fire Department
451 S. Cloverdale Blvd.
3:00 p.m. to 5:00 p.m. - Business Meeting

Program: Modernizing Our Tax System and the Latest from Sacramento
Michael Coleman, Fiscal Advisor, League of California Cities

Reception

Cloverdale Historical Society
215 N. Cloverdale Blvd.
5:15 p.m. to 6:45 p.m.

Dinner

Piacere Ristorante Italiano
504 N. Cloverdale Blvd.
7:00 p.m.


**Please RSVP by March 13 for the Meetings and/or
Reception & Dinner to Sara Rounds,
(916) 658-8243 or srounds@cacities.org.**




675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable Mayor and Members of the City Council

Through: Kyle Knopp, City Manager 

From: Graham Hill, Chief of Police 

Date: March 3, 2015

Subject: Budget amendment for purchase of video and safety equipment

Action

Approve budget amendment of \$14,817.00 for the Police Department budget for fiscal year 2014-2015 and authorize the purchase of recommended police equipment at a total cost of \$14,870.00.

Summary

The municipal police agencies in Humboldt County received funding via the state to assist local law enforcement to help deal with the impacts of Assembly Bill 109. The department's came to an equitable agreement of how to divide the funds amongst the agencies. A portion of that funding was just received by our agency in the amount of \$14,817.00. Those funds were just received and were not a part of the current budget. I am requesting that those funds been encumbered into the current budget for the purchase of equipment. This is not General Fund money and is restricted for law enforcement and is specifically meant for enhancing service.

The equipment we intend to purchase is in-car video system as well as body-worn video. Additionally we intend to purchase a device called a "wrap".

We researched available video systems and have determined a system made by 10-8 video Digital Evidence Solutions, best suits our budget constraints and still provides a quality product. Video is becoming a standard in US law enforcement and while these systems are expensive and have some ongoing costs in terms of storing data and keeping up with technology as it evolves I believe at this point it is money well spent. We will still utilize our audio only system for non-in-progress types of events. In addition to the purchase of the video system we will be purchasing a stand-alone computer for storing data. The system will consist of five body-worn cameras and five in-car cameras as well as a computer for data storage. The total cost for cameras is \$10,970.00. The cost for the stand-alone data storage is approximately \$1,200.00. The cost for installation of the in-car cameras is \$300.00 per patrol vehicle (\$1,500.00).

The "Wrap", made by Safe Restraints, Incorporated, is a device used for securing a combative arrestee safely while providing protection for personnel and equipment. Many years ago the practice of "hog tying" a combative person was standard practice, however this procedure resulted in in-custody deaths caused by positional asphyxia. This practice was abandoned many years ago by our department and simple leg restraints and seat belts have been used in an effort to restrain combative individuals. These devices are easily defeated by a motivated individual and have resulted in numerous broken patrol car windows and attempted assaults on officers. The Fortuna Police Department has utilized the "Wrap" for some time now and have assisted us on several occasions by having an officer respond from their department and secure one of our prisoner's in the device prior to transport. The device safely secures the prisoner in an upright position and prevents the individual from assaulting personnel and damaging equipment. The cost for this device is \$1,200.00.

Financial Impact

- Increase the 2014-2015 fiscal year budget by adding **\$14,817.00** from money received by the state.
- Expenditure of \$10,970.00 to purchase in-car and body-worn video equipment.
- Expenditure of \$1,500 for installation of video equipment into patrol cars.
- Expenditure of \$1,688.21 for data storage
- Expenditure of \$1,239.25 to obtain a restraint device to protect officers and equipment.
- **Total expenditure \$15,397.46** (existing budgeted funds will cover the expenditure that exceeds the budget amendment).

Attachment(s)

1. Quote from 10-8 video
2. Quote from Superior Installs
3. Quote from CDW (data storage)
4. Quote from Safe Restraints

RESOLUTION NO. 1256-2015

A RESOLUTION OF THE CITY OF RIO DELL TO AMEND THE 2014-2015 RIO DELL POLICE DEPARTMENT BUDGET; AND, AUTHORIZE EXPENDITURE OF THOSE FUNDS FOR POLICE EQUIPMENT

WHEREAS, the Rio Dell Police Department has received funding in the amount of \$14,817 from the State of California as determined by an agreement between the Police Chiefs of the incorporated cities in Humboldt County; and

WHEREAS, these funds were not incorporated into the 2014-2015 fiscal year budget;

WHEREAS, the Police Department would like to purchase five in-car video cameras to be installed, five body-worn video cameras, a data storage computer, and a restraint device; and whereas the proposed equipment to be purchased will enhance officer and community safety and provide evidence to more efficiently prosecute crimes, investigate personnel complaints, and reduce liability through review of video footage for training purposes; and

WHEREAS, the Police Department would like the 2014-2015 budget to be amended to include these funds for the purchase of police equipment; and

NOW THEREFORE, BE IT RESOLVED by the City of Rio Dell that the Rio Dell Police Department 2014-2015 budget be amended to include \$14,817.00 from recently received funds provided by the State of California that is intended to enhance our ability to deal with issues resulting from the passage of Assembly Bill AB109; and

Approve the expenditure of those funds to purchase in-car and body worn video systems, installation costs, data storage; and a restraint device to enhance the safety of officer's and the public. The total cost of these items exceeds the requested budget amendment by \$605.00, however the remainder funds will come from AB 109 money received previously.

PASSED AND ADOPTED this 3rd day of March, 2015, by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank Wilson, Mayor
City of Rio Dell

ATTEST: Karen Dunham, Deputy City Clerk
City of Rio Dell



BY SAFE RESTRAINTS, INC.

SAFE RESTRAINTS, INC.
712 Bancroft Road, Suite 782
Walnut Creek, CA 94598

TAX ID# 68-0386687

Estimate

Date Estimate Number

2/17/2015 737

Ship To

Rio Dell Police Department
Attn: Kevin Harralson
675 Wildwood Ave
Rio Dell, CA 95562

Purchase Description	Quantity	Price	Total
The Complete WRAP Restraint System including locking buckles, shoulder harness, and tactical bag		1,095.00	1,095.00T
Shipping & Handling		62.12	62.12
Sales Tax		7.50%	82.13
MADE IN THE USA		Total	\$1239.25

Phone: (800) 972-7911

info@saferestraints.com

www.saferestraints.com



SALES QUOTATION

QUOTE NO.	ACCOUNT NO.	DATE
1BJC6J2	11877227	2/16/2015

BILL TO:
 NYLEX QUOTES
 PO BOX 204

SHIP TO:
 NYLEX.NET
 Attention To: ATTN:ELIZABETH HILER
 722 WEST WASHINGTON

Accounts Payable
 EUREKA , CA 95502-0204

EUREKA , CA 95501
 Contact: ELIZABETH
 HILER 707.443.4944

Customer Phone #707.443.4944

Customer P.O. # RIO DELL PD - CAMERA
 SYSTEM

ACCOUNT MANAGER	SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE
BRANDON THOME 866.424.5140	UPS Ground (2-3 days)		

QTY	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	3394966	LVO TS TS P300 I7-4790 1TB 8GB W8.1 Mfg#: 30AH000SUS	991.33	991.33
2	3281953	WD 2TB HDD SATA 64MB 3.5IN PURPLE Mfg#: WD20PURX	96.02	192.04
1	2205462	ASUS VE248H 24" DVI HDMI LED Mfg#: VE248H	187.21	187.21
1	3151332	WD MY BOOK 4TB USB 3.0 Mfg#: WDBFJK0040HBK-NESN	135.79	135.79
1	2185930	STARTECH 6FT DISPLAYPORT TO DVI M/M Mfg#: DP2DVI2MM6	31.03	31.03
1	654810	RECYCLING FEE 15" TO LESS THAN 35"	4.00	4.00
		Fee Applied to Item: 2205462		
			SUBTOTAL	1,541.40
			FREIGHT	19.99
			TAX	126.82

US Currency
TOTAL 1,688.21

CDW Direct
 200 North Milwaukee Ave.
 Vernon Hills, IL 60061
 Phone: 847.465.6000

Fax: 847.419.8538

Please remit payment to:
 CDW Direct
 P.O. Box 75723
 Chicago, IL 60675-5723

10-8 Video LLC
 PO Box 427
 Fayetteville, TN 37334

(888)788-1048
 sales@10-8video.com
 http://10-8video.com



Quote

Date	Quote No.
02/09/2015	2276
Exp. Date	
	03/27/2015

Address
Kevin Harralson Rio Del City Police Dept

Ship Via	P.O. Number	Sales Rep
UPS	TBD	KR

Item	Activity	Quantity	Rate	Amount
1200-002 SD2+2	• In-Car Camera System w/ 2 Channel DVR, WDR Color Front Camera, Rear CCD Color Camera, 4.5" Mirror/Monitor, GPS, G Sensor and 2.4 ghz Microphone, 8GB SD Card.	5	1,795.00	8,975.00
1200-010 BC1	• Body worn camera with cable and mic adapter.	5	399.00	1,995.00

Thank You for your inquiry. Stay Safe!

Total	\$10,970.00
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Accepted By

Accepted Date

(888)788-1048

10-8 Video LLC

sales@10-8video.com

Superior Installs

1465 Sandy Prairie Crt #D
 Fortuna, CA 95540
 (707)496-1919
 (707)725-1939 fax

Estimate

Date	Estimate #
2/26/2015	209

Name / Address
Rio Dell Police Department A/P Finance Department, City Hall 675 Wildwood Ave Rio Dell, CA 95562

			Project
Description	Qty	Rate	Total
Install in car video system X 5	5	300.00	1,500.00
		Subtotal	\$1,500.00
		Sales Tax (7.5%)	\$0.00
		Total	\$1,500.00