City of Cotati
City Council Policy No. 2016-01

City Council Rules

I. Policy

City Council Rules (see attached Resolution No. 2016-5)

RESOLUTION NO. 2016 - 5

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI ADOPTING CITY COUNCIL RULES.

WHEREAS, the California Government Code Section 36813 establishes the prerogative for City Councils to establish rules for the conduct of its proceedings; and

WHEREAS, Cotati Municipal Code Section 2.04.040 further establishes that the City Council may, by resolution, provide for rules and regulations governing the procedures to be followed in any regular or special meeting of the council; and

WHEREAS, it is common in local government to establish rules to govern public proceedings; and

WHEREAS, the Ethics Policy (Policy 2009-01, adopted pursuant to Resolution 2009-08) is incorporated into the proposed City Council Rules; and

WHEREAS, the Policy Regarding Requests from the League of California Cities (LOCC) or Other Agencies for Immediate City Action (Policy 1998-01, adopted pursuant to Resolution 2014-85) is incorporated into the proposed City Council Rules; and

WHEREAS, Resolution 2013-62 regarding the time and day of City Council meetings is superseded by the City Council Rules; and

WHEREAS, the City Council hereby desires to establish City Council Rules; and

WHEREAS, the action of adopting City Council Rules does not constitute a project as defined by California Environmental Quality Act Guidelines Section 15378; therefore, no further environmental review is required.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Cotati does hereby adopt the City Council Rules attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED THAT the previously adopted Ethics Policy is incorporated into the City Council Rules, and therefore Resolution 2009-08 is hereby rescinded; and

BE IT FURTHER RESOLVED THAT the previously adopted Policy Regarding Requests from the League of California Cities (LOCC) or Other Agencies for Immediate City Action is incorporated into the City Council Rules, and therefore Resolution 2014-85 is hereby rescinded; and

BE IT FURTHER RESOLVED THAT Resolution 2013-62 regarding the time and day of City Council meetings is hereby rescinded; and

BE IT FURTHER RESOLVED THAT that all of the aforementioned actions shall become effective upon the effective date of Ordinance 860, amending the City's Parliamentary Procedure.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly adopted at a regular joint meeting of the City Council of the City of Cotati and the Successor Agency to the Former Cotati

Community Redevelopment Agency held on the 9th day of February, 2016 by the following vote, to wit:

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**

MOVER: Wendy Skillman, Councilmember

SECONDER: Mark Landman, Council Member

AYES: Wendy Skillman, John C. Moore, Susan Harvey, Mark Landman

ABSENT: John A. Dell'Osso

Approved: _____
Mayor/Chair

Attest: _____
Tami Taylor, City Clerk

Aproved as to form:

_____
City Attorney

CITY COUNCIL RULES OF CONDUCT

These rules are established under the authority provided for in Cotati Municipal Code Section 2.04.040 and Government Code Section 36813.

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I. City Council Meetings

A. Schedule and Location

1. Regular Meetings

   Regular Meetings of the Council will be held the second and fourth Tuesday of each month commencing at 7:00 p.m. in the City Council Chamber, Cotati City Hall, 201 W. Sierra Avenue, Cotati, California, unless an alternate date, time and location within the City is stated in the published Agenda in accordance with Section 2.04.020 of the Cotati Municipal Code (CMC) and the applicable Government Code.

2. Adjourned Meetings

   The Council may adjourn any regular, or special meeting, to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Brown Act.

3. Cancellation of Regular Meetings

   Any meeting of the Council may be canceled in advance by a majority vote of the Council.

4. Special Meetings and Emergency Meetings

   Special meetings and emergency meetings of the Council may be called and held from time to time pursuant to the procedures set forth in Section 2.040.030 of the CMC and the Ralph M. Brown Act (Government Code sections 54950, et seq.) (the "Brown Act"). A special meeting is any meeting that is held outside the regular time or location.

5. Closed Sessions

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

   a. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions.

   b. The topic for consideration will be stated in an open meeting before such session is held in accordance with the Brown Act. The public may comment on the closed session item prior to adjournment to closed session.

c. Minutes of closed sessions shall be recorded and shall be confidential in accordance with Chapter 2.04 of the CMC. Councilmembers may not reveal the nature of discussion or the decision from a closed session unless required by law or unless a majority of the Council agrees in closed session to disclose confidential closed session information, except that the Council must unanimously agree to divulge any confidential closed session information that is attorney/client privileged communications.

6. Location during Local Emergency

If, by reason of fire, flood, or other emergency, it will be unsafe to meet in the 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 Vice Mayor or City Manager.

7. Holidays

When any regular meeting falls on a day designated as a holiday by the City, the regularly scheduled meeting for that day will be deemed canceled unless otherwise provided by the Council.

B. Remote Attendance of Councilmembers Meetings

Any Councilmember who participates remotely will take all necessary steps to comply with the provisions of the Brown Act related to remote City Council meeting participation.

C. Quorum

A majority of the Council will constitute a quorum, but a lesser number may adjourn a meeting.

D. Attendance by the Public

Except as specifically provided by law for closed sessions, all meetings of the Council will be open and public in accordance with the terms, provisions, and exceptions consistent with the Brown Act.

E. Agenda Packets

The City Council agenda packet, including all reports, communications, ordinances, resolutions, contracts, documents that are available, or other matters to be considered by the City Council at the regular meeting, will be delivered to members of the City Council no later than 72 hours preceding the Tuesday Council meeting to which the agenda packet pertains. Agenda packets for special meetings will be delivered to members of the City Council no later than 24 hours preceding the date and time set for the special meeting. The agenda packet will be made available for public inspection upon its distribution to the City Council.

F. Meeting Minutes

1. Action Minutes
   Minutes of Council meetings will be action minutes. Action minutes will include final motions with votes. The minutes will also reflect the names of public speakers. The City Clerk will have exclusive responsibility for preparation of the minutes and directions for corrections to the minutes will be made by majority action of the City Council.

2. Reading of the Minutes
   Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, the minutes may be approved without reading if the City Clerk has previously furnished the draft minutes in the City Council meeting packet.

3. Approval of Minutes
   Draft minutes of meetings are generally submitted to the Council for approval with the agenda packet. Any Councilmember who was absent from the prior meeting may participate and vote on the approval of the minutes and need not abstain on the approval of the minutes for that meeting.

4. Recordings of Meetings
   Recordings of proceedings are maintained by the City Clerk for a period of 2 years, or as provided for in the currently adopted record retention schedule.

II. CITY COUNCIL OFFICERS

A. Election of Council Officers

The Mayor and Vice Mayor will be elected by a majority vote of a quorum of the City Council. The City Council shall consider the election of the Mayor and Vice Mayor for one (1) year terms at the first regular meeting in December of each year, following the certification of election results and seating of new City Councilmembers, if applicable. The newly appointed Mayor and Vice Mayor positions will be effective on January 1, each year.

B. Role of Mayor

The Mayor is the Presiding Officer at all meetings of the City Council, except as provided below:

1. Absence of Mayor
   The Vice Mayor will act as Presiding Officer in the absence of the Mayor.

2. Mayor and Vice Mayor Absence
   When the Mayor and the Vice Mayor are absent from any meeting of the Council, the Councilmember most recently Mayor will act as Mayor pro tem,

and that person will, for the duration of the meeting, have the powers of the Mayor.

C. Powers and Duties of the Mayor

1. Authority.
   The Mayor or Presiding Officer has authority and discretion to preserve order at all Council meetings. This includes the authority to remove any person that presents a physical threat to any other person in the Council meeting, or for conduct that disrupts the meeting to prevent the orderly prosecution of the City's business. The Presiding Officer also has the authority and discretion to enforce these rules of the Council and to determine the order of business. The Presiding Officer shall have the authority to prevent the misuse of the legitimate form of motions, the abuse of privilege of renewing certain motions, or the obstruction of the business of the City Council. The Presiding Officer may preserve orderly business by ruling such motions out of order. In so ruling, the Presiding Officer shall be courteous and fair and shall presume that the moving party is making the motion in good faith.

2. Special or Emergency Meetings.
   The Mayor may call special or emergency meetings of the City Council, in accordance with the requirements of the Brown Act, Government Code Section 51950, et seq. (see also *A. Schedule and Location*, page 1, herein).

3. External Communication.
   The Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes and shall perform such other duties consistent with the office.

4. Seating Arrangement for City Council
   The Mayor will, following each Council election of officers and at such other time as the Mayor deems it necessary, establish the seating arrangement of the members of the Council. The Vice Mayor will always be seated immediately next to the Mayor.

5. Signing of Documents
   The Mayor will sign all ordinances, resolutions, and other documents necessitating his/her signature, which were adopted by a quorum of the City Council, unless signature authority has been delegated in the adopting action.

6. Sworn Testimony and Subpoenas
   The City Clerk will administer oaths and affirmations, take affidavits, and certify them under his/her hand. In the absence of the City Clerk, the Mayor may have the same powers pursuant to California Government Code section

40603. In addition and pursuant to Government Code section 37104, the City Council may issue subpoenas to require attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before the Council. The form of oaths administered by the City Clerk will be substantially in the following form:

<Name of affiant.>
"I hereby declare or affirm under penalty of perjury that the testimony I am about to give before the City Council is the truth."

D. Councilmember Appointments and Assignments

The City Council confirms, by a majority vote, Councilmember assignments to outside agencies, committees, taskforces and liaison roles.

E. Council Vacancy

Whenever a vacancy occurs in the office of City Councilmember, the City Council will fill the vacancy by appointment or special election in accordance with the procedures set forth in Government Code section 36512.

II. ORDER OF BUSINESS

A. General Order

The business of the Council at its meeting shall be generally conducted in accordance with the following order of business. Prior to publishing the written Agenda, the Mayor and the City Manager may reorder the draft agenda. At the City Council meeting, the Presiding Officer may, with the concurrence of a majority of the Councilmembers present, reorder items on the agenda to accommodate the public or to address other concerns:

1. CLOSED SESSION
2. REPORT OUT OF CLOSED SESSION
3. CALL TO ORDER
4. ROLL CALL
5. PLEDGE OF ALLEGIANCE
6. APPROVAL OF MINUTES AND NOTICE OF WAIVING READING
7. RECEPTION (AS NEEDED)
8. ANNOUNCEMENTS
9. HONORARY MAYOR (AS NEEDED)
10. PROCLAMATIONS (AS NEEDED)
11. PRESENTATIONS (AS NEEDED)
12. APPROVAL OF FINAL AGENDA
13. CITIZENS' BUSINESS
14. DIRECTION ON FUTURE AGENDA ITEMS
15. CONSENT CALENDAR
16. PUBLIC HEARINGS

17. REGULAR AGENDA
18. CORRESPONDENCE AND PENDING LEGISLATION
19. REORGANIZATION OF THE CITY COUNCIL (AS NEEDED)
20. CITY MANAGER'S REPORT
21. CITY COUNCILMEMBER REPORTS
22. PUBLIC COMMENT ON NON-ACTION AGENDA ITEMS
23. ADJOURNMENT (TO CLOSED SESSION AS NEEDED)

B. Agenda Setting

The City Council Agenda is set by the Mayor in consultation with the City Manager. Individual City Councilmembers can request to have an item placed on the agenda during Direction on Future Agenda Items. Unless there is an objection to the item by a Councilmember, the Mayor and City Manager can mutually agree to place the item on the agenda at a future date, or will refer the item to the full Council for a determination on whether or not to include the item on a future City Council agenda. A vote of a majority of a quorum of the Council will qualify an item to be placed on a future agenda at a date to be set by the Mayor in consultation with the City Manager. To the extent possible, Councilmembers should identify items they would like to see included on City Council agendas through the City's annual Strategic Planning process, as new work may displace other work programmed through Strategic Planning.

C. Matters Not on the Agenda

Pursuant to the Brown Act, no action or discussion shall be undertaken on any item not appearing on the posted agenda, except that Councilmembers or staff may briefly respond to statements made or questions posed by persons exercising their public comment rights under Government Code Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. In accordance with Government Code Section 54954.2(b), the City Council may take action on items of business not appearing on the posted agenda under any one of the conditions below:

1. Upon determination of a majority vote of the Councilmembers present that an emergency situation exists, as defined by Section 54965.5 of the Government Code, or
2. Upon determination by a two thirds vote of the City Councilmembers present, or if less than two-thirds of the Councilmembers are present, a unanimous vote of the members present, that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted; or
3. The item was posted on an agenda for a prior City Council meeting occurring not more than five calendar days prior to the date action is taken

on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

D. Action Agenda Items

In accordance with the Brown Act, at a regular meeting 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.

E. Presentations

All presentations will be calendared through the City Clerk in coordination with the City Manager. Presentations shall be provided to the City Clerk in their final form no later than 5 business days prior to the City Council meeting. The length of presentations will be managed through the agenda setting process by the Mayor and the City Manager, and by the Mayor during the meeting.

F. Citizens Business

In compliance with Government Code Section 54954.3, Public Comments is that portion of City Council meetings set aside for members of the public to address the City Council on items within the subject matter jurisdiction of the City of Cotati that are on the Consent Calendar or any item or items not listed on the Council agenda. The Council cannot take action on any item not appearing on the agenda unless action is authorized as described herein.

G. Consent Calendar

Only a member of the Council can pull an item off of the consent calendar. With the concurrence of a majority of the Council, agenda items removed from the consent calendar by Councilmembers will be considered on the Regular Agenda. Members of the public shall comment on any consent items as an additional comment period during the Citizens Business portion of the meeting. Any City Council discussion of an item will require the pulling of the item from the consent calendar, and will include an opportunity for the public to comment on that item.

H. City Councilmember Reports

This time is set aside to allow members of the Council serving on Council subcommittees and regional boards, commissions or committees to present a brief verbal report to the full Council on the activities of the respective boards, commissions or committees upon which they serve, as well as other activities and events of interest to the Community. This is also when Councilmembers may fulfill their obligation to report on activities conducted at City expense. No extended discussion or action may be taken on these reports.

I. Time Management and Adjournment

The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. In considering whether to hear an item after 10:00

p.m., a determination should be made by Council that the new item(s) can be discussed, deliberated and acted upon before 12:00 a.m. If agenda items remain after the 12:00 a.m. adjournment, a special meeting may be scheduled or the items may be deferred until the next regular meeting.

With concurrence of a majority of the Council, the Presiding Officer may set a time certain for specific agenda items.

III. RULES OF CONDUCT

A. Rosenberg's Rules

Except as provided herein, other rules adopted by the City Council and applicable provisions of state law, the procedures of the City Council will be generally guided by the latest revised edition of *Rosenberg's Rules of Order*. Pursuant to law, failure to follow parliamentary rules will not in and of itself invalidate action taken by the Council.

B. Rules of Decorum

1. Authority. Through these Rules, Councilmembers may preserve order and decorum while the Council is in session. To avoid distraction, the following meeting etiquette shall be enforced.
    - Silence electronic devices, including cell phones.
    - Audience members are advised to keep conversations to a minimum or conduct them outside the building.
    - Photographs or video recordings using tri-pods or other means that would be distracting are to be taken only from the designated media area.
    - The Presiding Officer shall request that the audience withhold expressions of support or opposition for speakers in the interest of time and to encourage the full expression of differing views.

C. General Agenda Item Process

The following process is the normal order of business for an agenda item, except public hearings, which are discussed in more detail herein (see V. PUBLIC HEARINGS, page 17):

1. Presiding Officer announces the current agenda item.
2. Staff presents its report (as needed).
2. Councilmembers may ask questions of staff if they so desire.
3. The Presiding Officer opens for public comment.
8. The Council asks any follow up questions of staff
10. The Council deliberates and takes action through a valid motion as described herein.
11. After any further deliberation, the motion is seconded and a vote of the Council carries the motion, as described herein.

D. Obtaining the Floor

Every Councilmember desiring to speak will first address the Presiding Officer and gain recognition by the Presiding Officer. All Councilmembers will have an opportunity to speak. The Presiding Officer will determine the speaking order of the Councilmembers.

E. Introducing a Motion

At the Presiding Officer's discretion, items on the agenda may be discussed before asking for a motion and second. The Presiding Officer or any Councilmember can bring or second a motion. Before the matter can be considered or debated, it must be seconded. Once a motion has been properly made and seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Councilmember properly recognized by the Presiding Officer. It is a courtesy, but not required, to allow other Councilmembers to move and second motions, and for the Presiding Officer to be the last to debate a motion. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, provided however, any Councilmember may be allowed to explain his/her vote prior to the vote being cast.

The Presiding Officer, Councilmember, or such member of the City staff as the Presiding Officer may designate, may verbally restate each motion immediately prior to calling for the vote. The Presiding Officer in his/her discretion may publicly explain the effect of a vote for the audience, or he/she may direct a member of the City staff to do so before proceeding to the next item of business. The vote will be announced by the Presiding Officer or City staff.

F. Multiple Motions Before the Council

There can be up to three complete motions (seconded) on the floor at the same time. The Presiding Officer can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. The Presiding Officer must call a vote on last motion first, and if it fails, call a vote on the second motion, and if that fails, call a vote on the original motion.

G. Types of Motions

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Presiding Officer or any Councilmember at any appropriate time during the discussion of the main motion. They are listed in order of precedence. There are exceptions to the general rule of free and open debate on motions, in accordance with Rosenberg's Rules of Order. The exceptions all apply when there is a desire of the body to move on.

When the following motions are made and seconded, the Presiding Officer must immediately call for a vote of the body without debate on the motion. Motions carry with the designated vote requirement.

1. Motion to adjourn [Simple Majority Vote]. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting.
2. Motion to recess [Presiding Officer or Simple Majority Vote]. This motion, if passed, requires the body to immediately take a recess. In the event of a meeting disruption, the Presiding Officer can unilaterally call a recess. Normally, the Presiding Officer determines the length of the recess.
3. Motion to set the time to adjourn [Simple Majority Vote]. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion.
4. Motion to table [Simple Majority Vote]. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion to table should contain an exact or approximate date in which the item will come back to the Council. If no timeframe is given in the motion, the item tabled dies, although it can be raised later as a new motion.
5. Motion to limit debate [Two-Thirds Vote]. This is a motion to end debate or set a time limit on the debate for a given agenda item. When such a motion is made, the Presiding Officer should ask for a second, stop debate, and vote on the motion to limit debate.
6. Motion to close nominations [Two-Thirds Vote]. When choosing officers of the Council (such as the Mayor and Vice-Mayor), nominations are received from one of the Councilmembers. Nominations can be closed by a vote of the Council.
7. Motion to object to the consideration of an agenda item [Two-Thirds Vote]. Rather than tabling, when the Council believes it is premature for an item on the agenda to be considered, then such a motion can be made during the Approval of Final Agenda item.

Other types of motions that are debatable:

8. Basic motion. The basic motion is the one that puts forward a decision for the City Council's consideration.
9. Motion to reconsider [Simple Majority Vote]. A motion to reconsider may be made only by a member who voted in the majority on the original motion. Such a motion may only be made at the same meeting as the original item, and only to correct inadvertent errors or to consider new information not available at the time of the vote. If the motion to reconsider passes, then the original matter is back before the Council, and the matter may be discussed and debated as if it were on the floor for the first time. After the reconsideration of the item has been acted upon, no other motion for reconsideration thereof will be made without the unanimous consent of the Councilmembers present. Matters which are quasi-judicial in nature or matters which require a noticed public hearing cannot be reconsidered.
10. Motion to Commit or Refer [Simple Majority Vote]. Any Councilmember may move that the matter being discussed should be referred to a committee or

commission for further study. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, the Councilmember may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a two-thirds vote if the item is to be immediately discussed by the Council at the time the motion to return is made.

11. Motion to Amend [Simple Majority Vote]. Any Councilmember may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order, and may be so declared by the Presiding Officer.
12. Motion to Substitute [Simple Majority Vote]. If a Councilmember wants to completely replace the basic motion that is before the Council, then the Councilmember would move a substitute motion.
13. Division of Motion [Simple Majority Vote]. Any Councilmember may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part, particularly with complex ordinances or resolutions.

H. Council Privilege, Order and Convenience.

The following actions by the Council are to ensure orderly conduct of meetings are for the convenience of the Presiding Officer and Council. These motions take precedence over any pending main or subsidiary motion and may or may not be debated, as noted:

a. Point of Privilege. Any Councilmember can raise a Point of Privilege. Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. If raised, the Presiding Officer would then ask the interrupter to "state your point."
b. Point of Order. Any Councilmember may require the Presiding Officer to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Presiding Officer. Only a Councilmember may raise a point of order or a point of personal privilege.
c. Appeal. If the Presiding Officer makes a ruling that a Councilmember of disagrees with, that Councilmember may appeal the ruling of the Presiding Officer. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the Presiding Officer. The motion is debatable, and the Presiding Officer may participate in the debate.
d. Call for orders of the day. If a Councilmember believes that the City Council is not on the agreed-upon agenda, such a call may be made. It does not require a vote, and if the Presiding Officer finds that the agenda has not been followed, the Presiding Officer simply reminds the City

Council to return to the agenda item properly before them. If the Presiding Officer fails to do so, the Presiding Officer's determination may be appealed.

e. 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/her motion from the floor. The motion is immediately deemed withdrawn, although the Presiding Officer may ask the person who seconded the motion if he/she wishes to make the motion, and any other Councilmember may make the motion if properly recognized.

f. Suspend the Rules [Two-Thirds Vote]. Any Councilmember may move to suspend the rules if necessary to accomplish a matter that would otherwise violate these rules. The motion requires a second and a two-thirds vote is required for passage.

I. Rescind, Repeal, or Annul.

The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all of the rules applicable to the initial adoption, including any special voting or notice requirements, or unless otherwise specified by law.

J. Reading of Ordinances and Resolutions

Motions offering ordinances or resolutions are deemed to include waiver of full reading and title of the ordinance or resolution unless otherwise specifically stated. Ordinances that have been introduced by unanimous vote of the Council may be placed on the consent calendar.

K. Voting

All 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. The Presiding Officer will call for the vote. The vote may be taken by voice affirmation or roll call at the Presiding Officer's discretion. Except for specific matters specified by State law, a motion carries with affirmative vote by a quorum of the City Council.

1. Tie Votes

Tie votes will be lost motions and may be reconsidered at a subsequent meeting upon a motion passed by the Council to reconsider the item at a subsequent meeting. 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.

2. Changing Vote

A Councilmember may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the Presiding Officer and prior to the time that the next item in the order of business is taken

up. A Councilmember who publicly announces that he/she is abstaining from voting on a particular matter may not subsequently withdraw his/her abstention.

L. Conflict of Interest

Any Councilmember who has a conflict of interest regarding any matter being considered by the Council shall declare the conflict, state the reason for the conflict, and leave the room during the discussion of that particular agenda item, unless it is a Consent Calendar item. A Councilmember stating disqualification will not be counted as a part of a quorum and will be considered absent for the purpose of determining the outcome of a vote on the matter.

M. Serial Meetings

A majority of the members of the City Council shall not, outside a meeting authorized by the Brown Act, use a series of communications of any kind, directly or through intermediaries, to discus, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the City Council. Serial meetings yield a process which deprives the public the opportunity for a meaningful contribution to the decision-making process. However, an elected official may confer with a colleague about public business and engage in other conduct that does not constitute a "meeting" under the Brown Act.

IV. ADDRESSING THE CITY COUNCIL

While public comment is encouraged, under the law the Council has the right reasonably to regulate the time, place and manner of such comment. Any person desiring to address the Council at a meeting shall first be recognized by the Presiding Officer to do so.

A. Written Communications.

Interested persons or their authorized representative may address the Council by written communication on any matters concerning the City's business, or any matters over which the Council has control.

1. To be considered for inclusion in the agenda packet, such written communication shall be delivered to the City Clerk no later than 11:00 a.m. of the Wednesday the week preceding the regular Council meeting for which such written communication is intended.
2. If received after the above date and time, but no later than noon the day before the meeting, written communications received by the City Clerk shall be posted on the website by the end of that day and notification provided to the electronic Agenda mailing list by the end of the day. All written communications received by the City Clerk by 5 pm on the City Council meeting day shall be made available to the City Council and public at the City Council meeting.
3. If provided during the City Council meeting, written communications shall be delivered to the City Clerk.

4. Any writings or documents subject to disclosure that are provided to all, or a majority of, the members of the City Council regarding any item on the agenda after the time and date above, but before City Council meeting, will be made available to the City Council and the public at the City Council meeting no later than the start of the public meeting.
5. Although all written communications will become part of the written meeting record, they will not be read into the record at the City Council meeting.

B. Closed Session

Public comment is only received at the start of closed session at the designated portion of the agenda. Closed sessions that are continued after the regular meeting do not have an additional public comment period. Public comment can only address the subject of the closed session.

C. Disability Accommodation

Any person with a disability who requires a modification or accommodation in order to participate in the meeting should contact the City Clerk at least 48 hours in advance of the meeting to ensure the requested accommodations can be made.

D. Councilmembers' Comments.

Councilmembers who are not able to attend a particular Council meeting may submit written comments on the agenda items. Councilmembers cannot give another member his/her proxy to vote, as the absent Councilmember is not present to consider reports and comments provided during the agenda item(s). The Councilmembers' written comments shall be submitted to the City Manager and/or City Clerk and distributed as soon as possible to the other Councilmembers, but no later than the start of the meeting. Councilmember comments will not be read into the record.

E. Speaker Cards

Persons wishing to speak are encouraged, but not required, to submit a speaker card to the City Clerk for any item(s). Speakers will be called by the Presiding Officer. Although not required, when called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented. Speaker cards may also be used as comment cards by members of the public who do not wish to or cannot verbally address the Council during a meeting. A person may indicate his/her comments and opposition or support for an agenda item on a speaker/comment card. During the public testimony of the item, the Presiding Officer will indicate that the Council has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue. The minutes will reflect the Council's receipt of comment cards in opposition and support of the project or issue.

Persons who do not wish to use speaker cards are required to provide comments at the start of public comment, prior to those who submitted comment cards. Persons who have not submitted comment cards must indicate an intention to provide public comment by raising their hands to obtain recognition from the Presiding Officer at the start of public comment.

F. Council Interaction with Public

All remarks shall be addressed to the Council as a body and not to any member thereof or to the audience. No person, other than the Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No questions shall be asked of a Councilmember or staff except through the Presiding Officer. The Presiding Officer will determine whether, or in what manner, an answer will be provided. If a Councilmember believes that a material misstatement of fact has been made by a person, the Councilmember may ask the City Manager or City Attorney to correct or otherwise clarify the matter or the Councilmember may provide a direct response at that time without interrupting the speaker. The Mayor may also direct the questions to the City Manager to be handled either at the Council meeting or outside of the meeting. After a motion is made by the Council, no person shall address the Council without first securing the permission of the Presiding Officer to do so.

G. Time Allocation for Public Comment and Presentations

1. Public Comment (Action Items): To ensure full access for any public wishing to speak, and to maintain a timely and efficient meeting, public comment on any one agenda item where the City Council will be taking some action is limited to no more than three (3) minutes per person. To avoid requiring the public to make multiple trips to the speakers podium, public comment on the Consent Calendar shall be received during Citizen's Business, and shall be an additional three (3) minute comment period per person in total for any and all items on the Consent Calendar. The following agenda items are action items:
    i. APPROVAL OF MINUTES AND NOTICE OF WAIVING READING
    ii. APPROVAL OF FINAL AGENDA
    iii. CONSENT CALENDAR
    iv. PUBLIC HEARINGS
    v. REGULAR AGENDA
    vi. REORGANIZATION OF THE CITY COUNCIL (AS NEEDED)

2. Public Comment (Non-Action Items): Public comment on other non-action agenda items shall be received during the designated portion of the agenda. Comments shall be limited to no more than three (3) minutes for all non-action agenda items.

3. Presentations: Presentations, appropriately calendared in accordance with the procedures herein, will be limited to a time period not to exceed 15 minutes (including questions) for all presentations at each Council meeting, unless agreed upon in advance with the City Manager. The Presiding Officer may allow presentations by an applicant or appellant in a Public Hearing to be longer if needed to present necessary evidence or relevant project information.

4. Disability Accommodation: If a person requests a time extension as a disability accommodation, the Presiding Officer will state that the speakers' time is being modified for a requested disability accommodation, and shall extend the time as is reasonable for the speaker to convey the information.

5. Time Allocation if Many Commenters: If there are more than ten (10) speakers with the potential to extend public comment beyond 30 minutes, the Presiding Officer is authorized to establish a different time limit for public comments in order to allow equal access for all those wishing to address the City Council.

6. Yielding Time: Speakers may not "yield" a portion of their allotted time to others.

H. Speakers Location

Speakers shall address the Council from the podium provided for that purpose, and may not enter the "well" in front of the Council dais or other area during their comment. Any written materials or items to be submitted or shown to the Council shall be given to the City Clerk, who will distribute them to Council.

I. Repetitious or Dilatory Comments Discouraged.

In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of persons wishes to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. With the consent of the City Council, the Presiding Officer may extend the time allocation for a designated spokesperson.

In accordance with the Brown Act, unduly long or repetitious comments may be ruled out of order by the Presiding Officer. Disruptive speech will also be limited in accordance with law.

V. PUBLIC HEARINGS

A. General Procedure

The Council procedure for the conduct of public hearings follows that of a normal agenda item (see *C. General Agenda Item Process*, page 8), except as described below:

1. After the staff report and any Council questions, the Presiding Officer opens the public hearing.
2. The applicant or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony. The Presiding Officer shall provide the applicant/appellant with a reasonable amount of time to present all information relevant to the item being considered to preserve due process.
3. Members of the public are provided with the opportunity to present their comments, testimony or argument, within the normal time frame for comments (3 minutes).
4. The applicant or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.
5. The public hearing is closed.
6. The Council deliberates on the issue.
7. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
8. The Council then deliberates and takes action on a valid motion, as described herein.

B. Continuance of Hearings

Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.

C. Public Discussion at Hearings

When a matter for public hearing comes before the Council, the Presiding Officer will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Presiding Officer will open public comments.

1. <u>Public Member Request to Speak</u>
   Persons wishing to speak or present evidence during Public Hearings should submit a speaker card to the City Clerk in a timely fashion. Speakers will be called by the Presiding Officer, and shall be limited to the normal time limit in accordance with Time Allocation for Public Comment and Presentations

herein if they do not have a direct property interest in the decision. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented. A member of the public may only address the Council upon recognition by the Presiding Officer.

2. Council Questions of Speakers
   Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Presiding Officer. Interaction with the speaker will be limited to a question or questions for clarification, rather than an ongoing dialogue, generally after the speaker has concluded the initial comments. Councilmembers should avoid raising questions as a method to extend the allocated time for a speaker.

3. Due Process
   The Presiding Officer will conduct the meeting in such a manner as to afford due process.

4. Public Oral Presentations
   All Council rules pertaining to oral presentation apply during public hearings, as described in *E. Presentations*, on page 7.

5. Materials for Public Record
   All persons with an interest in the matter being heard by the Council will be entitled to submit written evidence, correspondence, or remarks, as well as other graphic evidence. All such materials shall be handled in accordance with these Rules and will be retained by the City Clerk as part of the Clerk's record of the hearing, unless otherwise directed.

6. Germane Comments
   No person will be permitted during the public hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance will be made by the Presiding Officer.

D. Communications and Petitions

Written communications and petitions concerning the subject matter of the hearing may be noted, read aloud, or summarized by the Presiding Officer at his/her discretion.

E. Admissible Evidence

Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

VI. NON-MEETING ACTIVITIES

A. Study/Work Session

The Council may meet in a study/work session at such times or at such places as may be determined by the Council for the purpose of hearing reports from the staff and reviewing, discussing and debating matters of interest to the City. These sessions will be noticed as provided by law and open to the public and the press. No official action may be taken at a study session. However, Council may refer the item to staff with specific requests for information or provide specific direction to staff. During study/work sessions, Councilmembers may ask questions of staff. For those questions that staff cannot immediately answer, responses will be provided for the Council in writing or at a future Council meeting.

VII. COUNCILMEMBER COMMITTEES AND SUBCOMMITTEES

A. Purpose

The City Council from time to time forms committees and subcommittees. These committees and subcommittees are formed to study, investigate, and make recommendations to the full Council regarding specific topics. In some instances there are standing committees and in other instances there are ad hoc committees.

B. Appointment

Councilmember committees and subcommittees will be appointed by the Mayor. Mayoral appointments shall be ratified by a majority of the City Council. Committee members will be promptly notified of their selection and the scope of the committee assignment. The Mayor will designate the term of the committee and identify whether it is a standing appointment (on-going) or a short-term (ad hoc) assignment.

C. Conflict of Interest

Should an appointee to a committee or subcommittee discover a conflict of interest with their appointment to the committee, that discovery will be communicated to the Mayor immediately.

D. Councilmember Committee and Subcommittee Meetings

Council committee and subcommittee meetings will be scheduled at times which allow for each member to attend. Each member should make an effort to accommodate the committee or subcommittee meeting schedule. The schedule of committee and subcommittee meetings will be uniformly communicated to each committee or subcommittee member. Individual committee or subcommittee members will disclose any related conversations or correspondence associated with the scope of the committee's or subcommittee duties at the following committee or subcommittee meeting.

E. Committee Recommendations

Generally, committee members should reach agreement on findings and recommendations to present to the City Council. When the opinions of committee members are divergent, a majority and minority finding and recommendation may be submitted to the City Council. Although written minutes of each committee meeting are not required, committee findings and recommendations should be presented to the City Council in a written document.

F. Staffing

Councilmembers assigned to committees will observe the City Council Rules regarding staff assignment of duties. Only the City Manager will assign staff to committees for the purposes of administrative services, to attend committee meetings, and to assist with committee presentations to the City Council.

VIII. CITY BOARDS, COMMISSIONS, AND COMMITTEES

A. Appointments to City Boards, Commissions, and Committees

1. Planning Commission: Appointments to the Planning Commission shall be guided by the latest revised Cotati Municipal Code Section 2.16.010:

2. Design Review Committee: Appointments to the Design Review Committee shall be guided by the latest revised Cotati Municipal Code Section 2.19.010

3. Measure G Oversight Committee: Appointments shall be in accordance with that for Planning Commissioners as outlined in Cotati Municipal Code Sections 2.16.015 (Appointment process) and 2.16.020 (Terms), and as further defined by Resolution 2015-64.

4. Community and Environment Commission: INACTIVE

B. Policy for Service on City Boards, Commissions, and Committees

1. <u>Role</u>

   Boards, commissions and committees established by the City Council are advisory to the City Council. The role of all such boards, commissions, and committees is to make recommendations to the City Council on matters affecting the City of Cotati. Except as otherwise provided in state or local law, commissions and committees have no independent role separate and apart from their role as advisory to the City Council. Boards, commissions, and committees have no authority to appropriate funds except as otherwise approved by the City Council.

2. Conflict of Interest

All members of boards, commissions, and committees shall abide by the provisions of the Political Reform Act of the State of California and provisions of the common law relating to conflicts of interest and the latest revised Cotati Conflict of Interest Code.

IX. COUNCILMEMBER ADMINISTRATIVE SUPPORT

A. Council Mail

When incoming mail is received addressed to a Councilmember, it is opened by City Manager office staff as directed by the City Manager.

All correspondence, including E-mail, addressed to the City Council or to individual Councilmembers relating to the conduct of the City's business is a public record as defined in Government Code section 6252 and will be retained by the City in accordance with its Records Retention Policy.

B. Council Correspondence

All Councilmember correspondence shall be subject to the latest revised **Administrative Policy No. 2004-02**. Correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not an individual Councilmember's position, except when applying for regional governmental boards or committees. 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.

C. Councilmember Participation in Community Activities

From time to time, Councilmembers may choose to participate in community activities, committees, events, and task forces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of the City Council. If asked to speak or comment at a public event, Councilmembers should state that they are acting as interested parties rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Councilmember as its representative for the matter.

D. Correspondence Responding to Proposed State or Federal Legislation

In responding to correspondence from the City to State or Federal government representatives regarding proposed State or Federal legislation, the following process will be followed:

1. On longer-term policy issues as time permits:

a. The City Council develops a legislative platform; and/or
b. The proposed legislation, along with a draft letter for the Mayor's signature, will be placed on an upcoming City Council agenda for consideration by the full Council.
c. After Council concurrence, staff will send the letter to the appropriate State or Federal representatives.

2. On matters of urgency, when there is insufficient time for the above process:

   a. If the proposed legislation is considered extremely beneficial or extremely detrimental to the City's interests, and after consultation between the Mayor and City Manager, a letter may be prepared immediately for the Mayor's signature, with copies being provided to the whole Council.

   b. This procedure is particularly appropriate if the City's position is similar or identical to a past City position on this matter and/or is consistent with the position taken by the League of California Cities.

E. Clerical Support

The City Manager's Office will coordinate the typing of correspondence requested by individual Councilmembers. 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.

F. Master Calendar

A master calendar of Council events, functions or meetings will be provided to the full Council. Functions, events or meetings to be attended by individual Councilmembers will only be included on the master calendar at the request of individual Councilmembers.

G. Requests for Research or Information

Councilmembers may request information or research from staff on a given topic directly when it is anticipated that the request can be completed by staff in less than one (1) hour. Councilmember requests for research or information that are anticipated to take more than one (1) hour of staff time shall be directed to the City Manager. Councilmember requests for research or information that exceed 10 hours or would result in a direct expenditure outside of routine maintenance shall be brought before the full Council for consideration. Requests for new information or policy direction will be brought to the full Council for consideration at a regular meeting. All written products will be copied to the full Council.

X. CITY COUNCIL CODE OF ETHICS

A. Preamble

The citizens and businesses of Cotati are entitled to have fair, ethical, and accountable local government which has earned the public's full confidence for integrity. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, this represents our shared values to encourage public confidence in the integrity of local government and its fair and effective operation.

B. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of Cotati, and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

C. Comply with the Law

Councilmembers shall comply with the laws of the nation, the State of California and the City of Cotati in the performance of their duties. These laws include, but are not limited to: the United States and California constitutions, financial disclosures, employer responsibilities and open processes of government; and City ordinances and policies.

D. Conduct of Members

Councilmembers shall refrain from abusive conduct, and verbal or written attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory remarks about other Councilmembers, their opinions and actions.

E. Respect for Process

Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council governing the deliberation of public

policy issues, the involvement of the public, and the implementation of policy decisions of the City Council by city staff.

F. Conduct of City Meetings

Councilmembers shall inform themselves of public issues, listen courteously and attentively to public discussions before the Council and focus on the business at hand.

The following guidelines should be adhered to:

- Everyone has a right to be heard;
- Focus on the issue, not the person;
- Be careful of how you say, what you say, and be aware of physical clues such as body language;
- Listen carefully without interrupting;
- We oppose all forms of discrimination and harassment.
- We recognize and support the public's right to know the public's business.
- We believe in involving citizens in policy decision-making.
- We strive to exercise compassion, benevolence, fairness, and optimism.
- We strive to respond to the public in ways that are complete, clear, and easy to understand

G. Decisions Based on Merit

Councilmember decisions shall be based upon the merits and substance of the matter at hand, rather than on unrelated considerations. When the City Council has not taken a position on an issue, neither the Mayor nor any member of the Council will speak on behalf of the City Council.

H. Communication

It is the responsibility of the Councilmembers to publicly share substantive information that is relevant to a matter under consideration by the Council that they have received from sources outside of the public decision-making process with all other Councilmembers.

Councilmembers shall adhere to City Policy 2004-02 Signing Correspondence and Use of City Logo. City stationery and the City logo are the property of the City and may only be used in accordance with the City’s adopted policy.

I. Conduct with City Staff

The Council acting as a body will direct the City Manager on all major or new issues. A Councilmember will not initiate any action or have prepared any report that is significant in nature or initiate any project or study without the approval of the City Council.

If administrative policy or administrative performance complaints be made directly to individual Councilmembers, he or she will refer the matter directly to

the City Manager for review and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint.

Neither the Council nor individual members may direct or request the City Manager or his/her subordinates to appoint or remove any individual to or from employment. Neither the Council nor individual members may give any orders to any subordinate of the City Manager, either publicly or privately.

Councilmembers should refrain from expressing concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

As appropriate, City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep the City Manager informed. City Manager shall be notified of such meetings and direct to appropriate City staff.

J. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

K. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Councilmembers shall not use their official positions to influence government decisions in which they have a financial interest. Nothing herein is intended to prohibit a Councilmember from recusing oneself if s/he believes there may be a perception of a conflict of interest or impropriety.

In accordance with the law, members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

L. Gifts and Favors

Councilmembers shall not take advantage of service or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

M. Confidential Information

Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

N. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies or facilities) shall not be used by Councilmembers for private gain or personal purposes.

O. Representation of Private Interests

In keeping with their role as stewards of the public trust, Councilmembers shall not appear on behalf of private interests of a third-party before the City Council or any board, commission or committee or proceeding of the City.

P. Advocacy

Councilmembers shall represent the official policies and positions of the City Council when designated as delegates for their purpose. When representing their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City of Cotati, nor will they allow the inference that they do.

Q. Improper Influence

Councilmembers shall refrain from stating their position to improperly influence the deliberations or decisions of City staff, boards, commissions or committees. Councilmembers shall not provide public comment on items before other City commissions or committees if the item will come before the City Council.

R. Policy Role of Members

Councilmembers shall respect and adhere to the Council-Manager structure of Cotati City government as provided in State Law and the City Code. In this structure, the City Council determines the policies of the City with the advice and information provided by the public and other City bodies, with analysis from City staff.

Councilmembers therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions. Councilmembers shall work through the City Manager and City Attorney.

S. Positive Work Environment

Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses and City employees.

T. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates.

As an expression of conduct for Councilmembers of the City of Cotati, this Code of Ethics is intended to be self-enforcing.

U. Attendance at Meetings and Events

When Councilmembers have confirmed their attendance on behalf of the City at meetings and events, it is expected that they will attend as confirmed or give timely notice to staff if they are unable to attend. Councilmembers are also expected to attend board and committee meetings to which they have been appointed to represent the City. If they are unable to attend, it is the Councilmembers responsibility to inform the alternate attendee.

V. Compliance and Enforcement

Councilmembers themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of City government.

The City Council may impose sanctions on members whose conduct does not comply with the City's ethical standards such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Ethics complaints shall be processed as City Council Correspondence. If a Councilmember would prefer to address a complaint in depth, the Councilmember shall so note during the Direction on Future Agenda Items portion of the meeting. Complaints may then be agendized in accordance with the procedures herein.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council decision.

The City Council Code of Ethics shall be considered to be the definitive document relating to ethical conduct by Cotati City Councilmembers.

XI. FAILURE TO OBSERVE COUNCIL RULES

These rules are adopted to expedite the transaction of the business of the Council in an orderly and effective fashion and do not limit the inherent power and general legal authority of the Council, or of its Presiding Officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances. Failure of the Council to strictly observe such rules does not affect the jurisdiction of the Council or invalidate action taken at a meeting that is otherwise held in conformity with law.

Furthermore, any of the foregoing rules may be waived by majority vote of the Councilmembers present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

XII. INCONSISTENCIES

The Brown Act, the Cotati Municipal Code, or other controlling State law shall prevail over any provisions in these rules and procedures which are inconsistent.

XIII. SEVERABILITY.

If any provision or part of these Rules is held by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the validity, legality and enforceability of the remaining provisions and parts hereof shall not in any way be affected or impaired thereby and shall remain in full force and effect.

2600516.1