

ORIGINAL

ORDINANCE NO. 1486

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 1, ARTICLE 2, OF THE CHULA VISTA CITY CODE BY ADDING THERETO NEW SECTIONS 1.201 THROUGH 1.239 AND REPEALING SECTIONS 1.14 THROUGH 1.41, ALL RELATING TO THE CITY COUNCIL ORGANIZATION AND PROCEDURES

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION 1: That Chapter 1, Article 2, Section 1.14 through 1.41, inclusive, of the Chula Vista City Code be, and the same are hereby repealed.

SECTION 2: That Chapter 1, Article 2, of the Chula Vista City Code be and the same is hereby amended by adding thereto new Sections 1.201 through 1.239, inclusive, to read as follows:

ARTICLE 2. CITY COUNCIL ORGANIZATION AND PROCEDURES.

Sec. 1.201. Purpose and Intent of Article.

It is the purpose of this article to establish rules for the organization of the City Council of the City and procedures for the conduct of meetings of the City Council, as well as Council conferences. It is the intent of the City Council, by the adoption of this article, to establish such rules and procedures to facilitate the conduct of Council meetings and conferences, and to establish a Council policy manual to be adopted by resolution of the City Council. The Council may, from time to time, adopt by resolution necessary or desirable policies to implement the procedures established herein, and such policies shall be maintained in such Council policy manual, a copy of which shall be on file in the Office of the City Clerk. Such manual shall also contain all rules and policies adopted pursuant to other provisions of this Code.

Sec. 1.202. Meetings and Conferences.

1. *Regular Meetings.* Pursuant to the provisions of Section 306 of the Charter of the City, the Council of the City shall hold regular meetings in the Council Chambers of the Civic Center, 276 Fourth Avenue in the City, or in such other place as may be determined by the Council, on the first, second, third and fourth Tuesday of each month at 7:00 p.m. When the day for any regular meeting of the Council falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the next succeeding business day thereafter.

2. *Adjourned Meetings.* Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened. Meetings may be adjourned by the presiding officer by a simple declaration thereof in the absence of a protest by any member of the Council. Meetings may also be adjourned upon the making and seconding of such a motion in accordance with the procedures on motions established by this Article.

3. *Special Meetings.* Special meetings may be called any time by the Mayor, or by three members of the City Council, by delivering personally or by mail written notice to each Council member and to each local newspaper of general circulation, radio or television

station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any Councilmember who at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any Councilmember who is actually present at the meeting at the time it convenes.

4. *Council Conferences.* The City Council may establish, by motion, the time and place for the holding of regular Council conferences. Notice requirements for special Council conferences shall be the same as those for special Council meetings. The purpose of the Council conferences shall be to discuss items appearing on the Council agenda for regular or special Council meetings and the discussion of any business matters of the City. At such Council conferences, the City Council may require the attendance of members of any boards or commissions, or members of the administrative staff for the purpose of discussing those items that appear on the Council conference agenda. At such Council conferences, no legislative matters may be adopted either by ordinance or resolution of the City Council. Actions of the City Council at such Council conferences shall be restricted to requests for information from the City Manager or members of the administrative staff, commissions or boards, or directions for action by the administrative staff. No official recording or transcription of Council conferences shall be required.

5. *Meetings and Conferences Open to the Public.* All regular and special meetings of the City Council, all regular and special conferences of the City Council and the meetings of all commissions and boards established by the City Council shall be open to the public. At all regular Council meetings, all citizens shall have the right to personally or through counsel present grievances or offer suggestions for the betterment of municipal affairs, in accordance with the limitations provided by this Article to establish reasonable regulation of said meetings. Public participation at special meetings of the City Council or regular or special Council conferences shall be limited by Council action, and no citizens may be heard at such meetings or conferences unless permission is granted or requested by the City Council. Pursuant to the provisions of the laws of the State, the City Council may hold executive sessions from which the public may be excluded for the consideration of the following subjects:

A. Personnel Matters. To consider appointment, employment, or dismissal of a public officer, person or employee or to hear complaints or charges brought against an officer or employee unless such officer or employee requests a public hearing. The Council may exclude from any such executive session during the examination of a witness any or all other witnesses in the matter being investigated. To consider matters of labor negotiations with employee associations or unions.

B. Attorney-Client Matters. To consider proposed or pending litigation to which the City is a party.

C. Security Efforts for the Public and Public Employees. To meet with the Chief of Police and other law enforcement officers on matters relating to security efforts for the public, public employees and public buildings.

Sec. 1.203. Attendance.

Councilmembers are expected to attend all meetings of the City Council. If a Councilmember absents himself without permission from all regular City Council meetings for 30 days consecutively from the last regular meeting he attends, his office becomes vacant and shall be filled as any other vacancy.

Sec. 1.204. Quorum.

Three members of the Council shall constitute a quorum and shall be sufficient to transact regular business. If less than three Councilmembers appear at a regular meeting any member, or if all members are absent, the City Clerk, shall adjourn the meeting to a stated day and hour. The Clerk shall cause a written notice of the adjournment to be delivered personally to each Councilmember at least three hours before the adjourned meeting.

Sec. 1.205. Agenda, Preparation of.

1. *Submission of.* An agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by the direction of a majority of the Council, the City Manager, the City Clerk, or the City Attorney. Agenda items; i.e., background and requests for particular actions or reports, shall be delivered to the City Clerk not later than 10:00 a.m. on the Thursday preceding the regular meeting. The Clerk shall thereafter prepare the agenda under the direction of the City Manager. Whenever feasible, each item on the agenda shall contain a Staff recommendation and the specific action requested to be taken by the Council. The agenda, together with all reports, resolutions and ordinances pertaining thereto, shall be delivered to the Councilmembers on the Friday preceding the regular meeting. The agenda shall be made available to the public as soon as practicable. No matters other than those listed on the agenda shall be finally acted upon by the Council, provided however, that matters not on the agenda but deemed to be of an important or urgent nature by any Councilmember, the City Manager or the City Attorney may be submitted for Council consideration and action, subject to an explanation of the importance or urgency stated in open Council meeting.

2. *Unanimous Consent.* No matter may be considered by the Council other than those matters on the agenda without the unanimous consent of the Council present at the meeting.

3. *Approval of Ordinances, Resolutions and Contracts.* All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the City Manager or his authorized representative, where there are substantive matters of administration involved.

4. *Written Correspondence.* The City Clerk is authorized to receive and open all mail addressed to the City Council and he shall give it immediate attention to the end that all administrative business referred to in said communications and not necessarily

requiring Council action may be disposed of between Council meetings. . Provided, that all communications and any action taken pursuant thereto shall be reported to the City Council. Any communication requiring Council action shall be placed upon the agenda for the next regular meeting together with a report and recommendation by the City Staff. All correspondence shall be answered or acknowledged as soon as practicable. Such written communications to be considered by the City Council shall be presented to the City Clerk by 9:00 a.m. on the Friday preceding each Council meeting and shall be listed on the agenda as provided for under the order of business established in this Article, provided however, that matters of urgency or importance may at the determination of the City Manager be presented to the City Council at the Council meeting, although not listed on the agenda.

5. *Oral Communications.* All citizens requesting permission to address the City Council on any matter not contained in the agenda of a regular meeting may submit such request to the City Clerk not later than 9:00 a.m. on the Friday preceding each Council meeting. The nature of the oral communication and the name of the person or persons desiring to be heard shall be clearly stated in such requests. Such action will assure priority of this class of communication over general oral addresses to the Council. Such oral communications shall not be subject to debate or participation by other members of the public present at the Council meeting.

Sec. 1.206. Order of Business.

At the time set for each regular meeting, the Councilmembers, City Clerk, City Manager, City Attorney and such department heads as have been requested to be present, shall take their regular places in the Council Chamber. The Mayor shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth herein, except that with consent of a majority of the Council, items may be taken up out of order. All business brought before the Council will be promptly attended to, provided that upon the request of any Councilmember the same shall be referred to the proper official for investigation before any action shall be taken thereon by the Council as a whole. The agenda shall contain the title headings and shall be conducted in the order set forth below:

1. Roll Call
2. Pledge of Allegiance
3. Invocation or silent prayer
4. Approval of Minutes
5. Special Orders of the Day
6. Oral Communications
7. Report of the City Manager
8. Reports of other City Officers and Department Heads
9. Consent Calendar
10. Public Hearings
11. Resolutions and Ordinances, first reading
12. Continued Matters and second reading of Ordinances
13. Requests and Statements of Councilmen
14. Written Communications
15. Adjournment

*See Ord. # 1731  
3-15-77  
Resolutions  
# 8587  
4-19-77*

Certain items for inclusion on the agenda, which have been reviewed by the City Manager and Staff, mailed to the Council for study and which are made available to the public prior to and at Council meetings, shall be grouped together for action at the beginning of the Council meeting when such matters are considered to be non-controversial and in the nature of housekeeping items by the Staff requiring only routine action by the City Council. Staff recommendations on the action to be taken for said items shall be indicated in a concise and summary form. These matters shall be listed under what is to be known as the "Consent Calendar" in the Order of Business as indicated in Sec. 1.206. Adoption of the Consent Calendar may be made by a simple motion approved by the City Council, provided however, that the presiding officer shall first advise the audience that the Consent Calendar matters will be so adopted, in toto, by one action of the Council unless any Councilmember or any individual or organization interested in one or more Consent Calendar items has any question or wishes to make a statement relative to such an item. In that event, the presiding officer may defer action on the particular matter or matters and place the same on the regular agenda for consideration in such order as he deems appropriate.

It is intended that the Consent Calendar provide for the expeditious handling of advisory communications, communications to be referred to Staff, claims for damages and certain resolutions, the nature to be listed hereinafter. The Consent Calendar shall include, but not be limited to, the following matters:

1. Procedural annexations and zoning matters (authorizing the circulation of petitions for annexation, setting the dates of public hearings, etc.);
2. Setting hearings;
3. Routine requests to the County for authority to inspect construction of buildings and improvements in tracts in the process of annexation to the City;
4. Acceptance of Improvements;
5. Release of bonds and filing of notices of completion;
6. Transfer of funds within approved departmental budget;
7. Approval or denial of demands;
8. Assessment district procedural matters;
9. Second reading and adoption of ordinances;
10. Personnel actions within approved budgetary limits and prior authorizations;
11. Approval of Minutes;
12. Installation of traffic signs;
13. Claims against the City;
14. Approval of agreements.

It is understood that the motion for approval of items on the Consent Calendar encompasses therein a waiver of the requirement of reading of the text of ordinances and resolutions contained therein

at a direction that the reading of the text be waived and that the heading only be read, and in the case of ordinances, that such ordinance be placed on second reading and adopted.

The written agenda available to the public and to the City Council shall provide the following notice of explanation to the public concerning the Consent Calendar:

"All matters listed under CONSENT CALENDAR are considered by the Council to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items prior to the time the Council votes on the motion unless members of the Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for separate action.

"Members of the public who wish to discuss a Consent Calendar item should come forward to the lectern upon invitation by the Mayor, state their name, address and Consent Calendar item number."

Sec. 1.208. Mayor To Preside.

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tempore, or the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

Sec. 1.209. Powers and Duties of Presiding Officer.

1. *Participation.* The presiding officer may move, second, debate, and vote from the Chair. He shall not be deprived of any of the rights and privileges of a Councilmember by reason of his acting as Presiding Officer.

2. *Questions to be Stated.* The Presiding Officer or such member of the City Staff as he may designate may verbally restate each question immediately prior to calling for the vote. Following the vote the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer in his discretion may publicly explain the effect of a vote for the audience, or he may direct a member of the City Staff to do so, before proceeding to the next item of business.

3. *Maintaining Order and Decorum.* The Presiding Officer shall be responsible for the maintenance of order and decorum at all meetings. He shall decide all questions of order subject, however, to an appeal to the Council.

4. *Signing of Documents.* The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his signature which were adopted in his presence, unless he is unavailable in which case an alternate Presiding Officer may sign such documents.

5. *Appointment of Committees.* The Mayor may, subject to the advance approval of the Council, appoint such committees of Councilmembers, City Staff and private citizens or a combination thereof as he deems necessary and expedient to assist and advise the Council in its works.

Sec. 1.210. Call to Order--Presiding Officer.

The Mayor, or in his absence the Mayor Pro Tempore, shall take the chair at the hour appointed for the meeting, and shall call the Council to order. In the absence of the Mayor and the Mayor Pro Tempore, and the failure of the Mayor to appoint a temporary presiding officer, the City Clerk or his assistant shall call the Council to order, whereupon a temporary presiding officer shall be elected by the Councilmembers present. Upon the arrival of the Mayor or the Mayor Pro Tempore, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the Council.

Sec. 1.211. Roll Call.

Before proceeding with the business of the Council, the City Clerk shall call the roll of the Councilmembers and the names of those present shall be entered in the minutes.

Sec. 1.212. Reading of Minutes.

Unless the reading of the minutes of a Council meeting is requested by a majority of the City Council, such minutes shall be approved without reading if the City Clerk has previously furnished each Councilmember with a copy thereof.

Sec. 1.213. Right to Address the Council.

Section 310 of the Charter of the City of Chula Vista guarantees the right of citizens to present grievances at any regular meeting of the City Council; therefore, every person in attendance shall have the absolute right to address the Council during consideration of items under the following headings of business upon obtaining recognition by the presiding officer:

1. *Public Hearings.* Interested persons or their authorized representatives may address the Council, while a matter is open to public hearing in regard to remarks or questions relevant to the matter under consideration.

2. *Communications.* Any person in attendance may address the Council by oral communications on any matter concerning municipal business over which the Council has influence or control.

3. *Limited Right to Address the Council.* In order to facilitate the conduct of the business of the City and to insure that comments of citizens are received by the Council at the appropriate time when matters are under consideration by the Council, rather than having

such items being raised outside of the context and timing of such consideration, in addition to the absolute right to address the Council during consideration of the above item hearing of business, any interested person may request permission from the Presiding Officer to address the Council relevant to the subject matter under consideration. Such request should, whenever practicable, be made prior to a motion being made on the subject. The granting or denial of such a request by the Presiding Officer may be appealed to the City Council by a member of the Council. The Presiding Officer shall not permit any communication, written or oral, to be made or read where it does not bear directly on an agenda item then under discussion.

Sec. 1.214. Manner of Addressing Council--Time Limit.

No person shall address or question a Councilmember, the City Attorney, the City Manager, the Director of Public Works, the Director of Planning, or other officials at the Council table without the prior consent of the Presiding Officer. Anonymous communications shall not be considered nor placed on the agenda. The Presiding Officer shall not permit any communication, written or oral, to be made or read where it does not bear directly on an agenda item then under discussion. The following rules and time limits shall apply to persons addressing the City Council:

1. *Individuals.* Each person addressing the Council shall step up to the microphone, give his name and address in an audible tone of voice for the records and unless further time is granted by the Presiding Officer, shall limit his address to five (5) minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than a Councilmember and the person having the floor, shall be permitted to enter into any discussion without the permission of the Presiding Officer.

2. *Spokesman for Group of Persons.* When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesman be chosen by the group to address the Council, and in case additional matters are to be presented at the time by any other member of such group, to limit the number of persons so addressing the Council, so as to avoid unnecessary repetition before the Council. Further, groups of persons shall be limited to a total presentation period of thirty (30) minutes. The Presiding Officer shall first call for representatives of groups in favor of the matter under consideration and then for those persons in opposition to the matter under consideration, and thereafter shall allow a rebuttal time limited to five (5) minutes to the proponents who shall confine rebuttal remarks to answering comments made in opposition and not the introduction of new testimony. Further time may be granted at the discretion of the Presiding Officer and, in the case of public hearings, the Presiding Officer may, dependent upon the necessity for insuring adequate presentation of testimony and evidence to provide a fair hearing and due process, set longer time limitations. The decision of the Presiding Officer in regard to the setting of time limitations may be appealed to the Council.

Sec. 1.215. Addressing the Council After Motion is Made.

After a public hearing has been closed and after a motion is made by the Council, no person shall address the Council without first obtaining the permission of the Council to do so.



Sec. 1.216. Getting the Floor.

Every Councilmember desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine himself to the question under debate.

Sec. 1.217. Questions to Staff.

Every Councilmember desiring to question the City Staff shall, after recognition by the Presiding Officer, address his questions to the City Manager, the City Clerk, or the City Attorney. In the case of the City Manager he shall be entitled to answer the inquiry himself or to designate a member of his staff for that purpose.

Sec. 1.218. Interruptions.

A Councilmember, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Councilmember, or unless the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, he shall cease speaking until the question of order is determined and, if determined to be in order, he may proceed. Members of the City Staff after recognition by the Presiding Officer shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

Sec. 1.219. Points of Order.

The Presiding Officer shall determine all points of order subject to the right of any Councilmember to appeal to the Council. He may request an opinion of the City Attorney in making such determination. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" Council decision shall conclusively determine such question of order.

Sec. 1.220. Point of Personal Privilege.

The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which his integrity character or motives are questioned or where the welfare of the Council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor subject only to the power of the Presiding Officer to call him out of order.

Sec. 1.221. Remarks of Councilmembers and Synopsis of Debate.

Any Councilmember shall have the right of having an abstract of his statement and/or a synopsis of the debate on any subject under consideration by the Council entered in the minutes. Such right shall be exercised by specific direction to the City Clerk at the Council meeting.

Sec. 1.222.

Decorum and Order, Council and City Staff.

While the Council is in session, the Councilmembers and City staff shall preserve order and decorum. A member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the directives of the Presiding Officer.

Sec. 1.223.

Decorum and Order, Audience.

Public members attending Council meetings shall observe the same rules of order and decorum applicable to the Council and staff. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer, and such person may be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Presiding Officer, who shall direct the Sergeant-at-Arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer or a Councilmember.

Sec. 1.224.

Enforcement of Decorum.

The Chief of Police, or such member of the Police Department as he may designate, shall be Sergeant-at-Arms of the City Council and he shall attend meetings at the request of the Presiding Officer, City Manager, or City Council. He shall be available to respond to all meetings immediately upon call. He shall carry out all orders given by the Presiding Officer or Council for the purpose of maintaining order and decorum at the Council meetings. Any Councilmember may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Councilmembers present shall require him to do so.

1. Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.

2. Any member of the Council or other person using vulgar, profane, loud or boisterous language at any meeting or otherwise interrupting the proceedings of the Council, or who refuses to carry out orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting, or who interrupts proceedings, shall upon conviction be deemed guilty of a misdemeanor.

3. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest.

4. For the purpose of this Article, a criminal complaint shall be signed by the Presiding Officer.

1. *Evidence and Testimony - General.* Any witnesses offering evidence or testimony in public hearings as allowed in this article may be placed under oath and subject to cross-examination at the request of any member of the Council or parties interested in the matter which is the subject of the hearing. When the hearing involves a determination by the Council of any question of fact, the evidence or testimony must be relevant or material to the fact or facts at issue. The Presiding Officer shall determine all questions as to relevancy and materiality. Hearsay evidence shall be admissible in hearings, but the fact that evidence is hearsay may affect the weight to be given to the evidence by the Council in reaching a determination of any question of fact. Failure on the part of the City Council to strictly enforce rules of evidence and reject certain matters which may be irrelevant or immaterial shall not be sufficient to constitute reversible error on the part of the City Council if basic procedural due process is granted to all parties and a fair hearing has been conducted. Errors which do not affect substantial rights will be disregarded and no presumption of prejudicial error is raised by the failure to strictly adhere to procedural requirements.

2. *Presentation of Evidence.*

- (a) Oral Evidence. All oral statements which are relevant to the subject matter of the hearing may be considered by the Council. Oral evidence may be taken on oath or affirmation, at the request of any interested party or his authorized representative.
- (b) Exhibits and Documents. Exhibits and documents used by the City Staff and any persons participating in the hearing may be considered as evidence.
- (c) Communications and Petitions. All communications and petitions concerning the subject matter of the hearing shall be read aloud either in full or by synopsis thereof, provided that a reading in full shall be had at the request of any Councilmember. All such communications and petitions may be considered as evidence by the Council.
- (d) Staff Reports. Whenever practicable a written staff report shall be prepared and read aloud as part of the staff presentation. Said report shall be considered as evidence.
- (e) Maps and Displays. Large size maps and displays presented for use at the hearing shall, whenever practicable, be displayed in full view of the participants and the audience. Said maps or displays, or authentic reductions thereof, may be considered as evidence.
- (f) Admissible Evidence. The hearing need not be conducted to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of

supplementing or explaining other evidence but shall not be sufficient in itself to support a decision unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

3. *Evidence Outside the Hearing.* Any evidence taken outside the Council Chambers such as field trips, views of the premises and discussions with individuals, shall not be considered by the Council in reaching its decision except under the following circumstances:

- (a) When, during the hearing, the meeting is adjourned to a date, place and time certain for the specific purpose of taking visual or demonstrative evidence such evidence may be considered; or
- (b) With the consent, either oral or written of all interested persons, or their authorized representatives, appearing at or demonstrative evidence outside the Council Chambers, provided, that the hearing shall be continued to a date and time certain and upon reconvening in the chambers each Councilmember shall orally report his observations of such outside evidence taken and he shall be subject to examination thereon by any interested person or his authorized representative.

4. *Continuances.* Any hearing being held, or noticed or ordered to be held by the Council may, by minute action, be continued to any subsequent regular or adjourned meeting of the Council, provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance shall be posted outside the Council Chambers forthwith following the meeting at which the order of continuance was made. No hearing shall be continued for a period of more than forty (40) days provided, however, that the Council may continue hearings from time to time within said forty (40) day period and, provided further, hearings may be continued by consent of the moving party for a period beyond said time limit.

5. *Decision.* The Council shall consider all evidence properly presented in accordance with the rules stated herein and, unless otherwise provided by law, shall render a decision or determination on the matter within forty (40) days of the close of the hearing, provided that the moving party may consent to a continuance for a greater period of time for decision. Said decision or determination shall be by motion made and action taken thereon at a regular or adjourned meeting of the Council. Any Councilmember who was not present during the entire hearing or who, in the opinion of the City Attorney, has substantial conflict of interest in the matter, shall disqualify himself from discussing or voting on said matter; provided, however, a Councilmember who was in attendance for a substantial portion of the hearing and who has reviewed the testimony by listening to the mechanical recording of the testimony and examining any evidence that has been presented may upon a representation of full understanding of the matter under consideration be allowed to vote.

6. *Record of Hearing.* A verbatim mechanical recording shall be made of the oral evidence presented at the hearing. Said recording, together with all documents, maps, exhibits and displays admitted into evidence, shall be retained by the City Clerk for a period of one year from the date of the close of the hearing. In lieu of retaining said recording, the City Clerk may prepare a typewritten transcript thereof which shall be retained for the same period of time. Said recording or transcript and evidentiary documents shall be made available for public inspection and use at reasonable times and under such reasonable conditions as may be prescribed by the City Clerk; provided, however, that any party requesting transcriptions of hearings shall be required to pay sufficient fees to cover the cost of transcribing the hearings and to pay any other fees as prescribed by ordinance.

Sec. 1.226. Preparation of Minutes.

1. *Method of Keeping Minutes.* The minutes of the Council shall be kept by the City Clerk and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided that the City Clerk shall be required to make a record only of such business as was actually passed upon by a vote of the Council and shall not be required to make a verbatim transcript of the proceedings; and provided, further, that a record shall be made of the names and addresses of persons addressing the Council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter. The City Clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by action of the City Council.

2. *Remarks of Councilmembers; When Entered in Minutes.* A Councilmember may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

3. *Synopsis of Debate; When Entered in Minutes.* The Clerk may be directed by the presiding officer, with the consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

4. *Delivery of Minutes.* As soon as possible after each Council meeting, the City Clerk shall cause a copy of the minutes thereof to be forwarded to each Councilmember, the City Manager, other officers of the City and department heads.

Sec. 1.227. Presentation of Motions.

A motion is the formal statement of a proposal or question to the Council for consideration and action. Every Councilmember has the right to present a motion. A motion is generally not to be considered as a legislative action of the Council but is in the nature of direction or instruction; however, a motion will generally suffice unless a resolution is specifically called for by law or unless there is some reason for desiring the particular action formalized by separate instrument. In most cases, a resolution is little more than a formal motion set forth in a formal document. In some matters, such as an assessment proceeding, or the grant or denial of variances, a resolution is required. A resolution should be required under any circumstances where the action even though of a temporary nature is desired to be formally recorded in the office of the City Clerk and becomes a numbered document which can be used for easy reference. Legislative actions as set forth in Sec. 1.230. should be by ordinance or resolution. If the motion

contains two or more divisible propositions, the presiding officer may and upon request of a Councilmember shall (unless appealed) divide the same.

Sec. 1.228. Precedence of Motions.

When a main motion is before the Council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:

1. Adjourn
2. Recess
3. Postpone temporarily or definitely (table)
4. Previous question
5. Limit or extend debate
6. Refer to committee or staff
7. Substitute
8. Amend
9. Postpone
10. Main Motion

The above order of preference is subject to the following restrictions:

- a. A motion shall not be repeated without intervening business or discussion.
- b. A motion shall not be in order when the previous question has been ordered.
- c. A motion shall not be in order while a vote is being taken.

Sec. 1.229. Particular Motions, Purpose and Criteria.

The purpose and salient criteria of the above listed motions is as follows:

1. Motion to Adjourn.

Purpose. To terminate a meeting.

Debatable or Amendable. No, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.

2. Motion to Recess.

Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.

Debatable or Amendable. Yes, but restricted as to time or duration of recess.

3. Motion to Postpone Temporarily.

Purpose. To set aside, on a temporary basis, a pending main motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting. It is also referred to as a motion to lay on the table.

Debatable or Amendable. It is debatable but not amendable.

4. Motion for Previous Question.

Purpose. To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion passes, a vote shall be taken on the pending motion or motions.

Debatable or Amendable. No.

5. Motion to Limit or Extend Debate.

Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

Debatable or Amendable. Not debatable; amendments are restricted to period of time of the proposed limit or extension.

6. Motion to Refer to Committee or Staff.

Purpose. To refer the question before the Council to a committee or to the City Staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails discussion or vote on the question resumes.

Debatable or Amendable. Yes.

7. Substitute Motion.

Purpose. To strike out one main motion and insert another main motion in its place which may be done so long as it is related to the subject of the original motion.

Debatable or Amendable. The substitute motion is left unacted on until Councilmembers have the opportunity to perfect the main motion by amendments if desired. The substitute motion is debatable and subject to amendment. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion.

8. Amend.

Purpose. To modify or change a motion that is being considered by the Council so that it will express more satisfactorily the will of the members. If the motion passes then the main motion should be voted on as amended.

Debatable or Amendable. It is debatable unless applied to an undebatable main motion. It is amendable.

9. Postpone Indefinitely.

Purpose. To prevent further discussion and voting on the main motion. If the motion fails discussion and voting on the main motion resumes. If it passes, the subject of the main motion shall not be brought up again for the remainder of the meeting or the next regular meeting.

Debatable or Amendable. It is debatable but not amendable.

10. Main Motion.

Purpose. The primary proposal or question before the Council for discussion and decision.

Debatable or Amendable. Yes.

Sec. 1.230. Legislative Action.

All legislative action undertaken by the City Council shall be by means of an ordinance or resolution. Legislation of a permanent nature which is to remain in force until amended or repealed, which establishes rights and obligations and the failure to comply with which may result in a penalty, shall be by ordinance. All matters of a special or temporary nature, or authorizing an action on the part of the presiding officer, member of the Council or members of the administrative staff shall be by resolution.

Sec. 1.231. Preparation of Ordinances.

All ordinances, except ordinances initiated by the electors of the City pursuant to the provisions of Section 1003 of the City Charter, shall be prepared in writing by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or requested in writing by the City Manager or prepared by the City Attorney on his own initiative.

Sec. 1.232. Prior Approval.

All ordinances, except ordinances initiated by the electors of the City pursuant to the provisions of Section 1003 of the City Charter, and all resolutions and contract documents, shall be approved as to form by the City Attorney before presentation to the Council, and where substantive matters of administration are involved, shall have been examined for administration purposes by the City Manager or his authorized representative. All ordinances and resolutions shall indicate the sponsoring or presenting authority thereon.

Sec. 1.233. Introducing for Passage and Approval.

1. Ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the City Manager or the City Attorney may present the ordinances, resolutions or other matters or subjects to the Council for consideration.

2. With the sole exception of ordinances which take effect upon adoption, referred to in this article, no ordinance shall be passed by the Council on the day of its introduction or within five (5) days thereafter, or at any other time than at a regular or special meeting.

3. In accordance with Section 311 of the City Charter of the City of Chula Vista, at the time of the adoption of an ordinance or resolution, the text of said ordinance or resolution shall be read in full, unless,



after the reading of the title thereof, the further reading thereof is waived by the unanimous consent of the Councilmembers present; provided, however, that if in conjunction with the motion introducing ordinances and offering resolutions at the time of adoption, the moving Councilmember includes a motion to waive the text or the reading of the text and to read the heading or title only. Said motion to waive shall be deemed to have received unanimous consent of the Councilmembers present, and the City Clerk shall so record in the minutes of the Council meeting that unanimous consent to the waiver of the reading of the text of an ordinance or resolution was duly obtained. No second shall be required to a motion introducing an ordinance or offering a resolution.

4. A proposed ordinance may be amended between the time of its introduction and the time of its final passage, providing its general scope and original intention are retained. The correction of typographical or clerical errors shall not constitute an amendment within the meaning of this section.

Sec. 1.234. Title.

Each ordinance shall be preceded by a brief title, which shall indicate the subject purport thereof.

Sec. 1.235. Ordaining Clause.

The ordaining clause of all ordinances adopted by the Council shall be substantially as follows:

"The Council of the City of Chula Vista does ordain as follows," and the ordaining clause of all ordinances adopted by the people shall be; "The People of the City of Chula Vista do ordain as follows,".

Sec. 1.236. Effective Date.

No ordinance adopted by the Council shall become effective until thirty (30) days from and after the date of its adoption, except the following which shall take effect upon adoption:

1. An ordinance calling or otherwise relating to an election.
2. An improvement proceeding ordinance adopted under some law or procedural ordinance.
3. An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property or adopting a budget.
4. An emergency ordinance adopted in the manner provided for in Section 311 of the City Charter.
5. An ordinance annexing areas to the City.
6. An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

Sec. 1.237.

Voting.

Voting shall be conducted by the use of the voting light system installed in the Council Chambers. A red light designates a "No or Negative" vote, a green light designates a "Yes or Affirmative" vote, and an amber light designates a vote to "Abstain". When a member of the Council votes to "abstain" he must audibly state his reason for abstaining, and in the event he fails to make any such statement his silence shall be recorded as an affirmative vote, although he may have designated his vote by the use of the amber light.

Every member should vote unless disqualified for cause accepted by vote of the Council or by the opinion of the City Attorney. Self-disqualification, without approval, which results in a tie vote shall be avoided as thwarting Council action, but no Councilmember shall be forced to vote. A Councilmember who abstains shall in effect consent that a majority of the quorum may act for him. Tie votes shall be lost motions and may be reconsidered.

A Councilmember who has a direct personal financial interest in any matter coming before the City Council shall disclose said interest and shall disqualify himself from discussing or voting on said matter. Where it is not clear whether such interest is of a disqualifying nature the Councilmember shall state the facts of the matter to the City Attorney and request an opinion thereon prior to the meeting.

The Council may at any time, or from time to time, dispense with the use of the voting light system by voice vote of the majority. In such an event voting shall be conducted by voice vote until such time as a determination is made to again use the voting light system, or some other system.

When the Council is voting by voice vote, unless a member states that he is abstaining from voting and gives his reasons therefor, his silence shall be recorded as an affirmative vote. A negative vote shall be registered by the oral statement of "no" by the Councilmember voting. Upon roll call on any voice vote taken, silence by any Councilmember when his name is called constitutes a "Yes or Affirmative" vote.

All ordinances, resolutions and other matters submitted to the Council shall be passed or defeated by a majority vote of the Council unless a greater number of votes may be required by law. The word "majority" shall mean three affirmative votes for purposes of approval, or three negative votes for purposes of denial. In instances where a majority vote cannot be obtained and no additional action is taken, such matter shall automatically be added to the next agenda of the Council.

Sec. 1.238.

Change of Vote.

A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.

Sec. 1.239.

Reconsideration and Rescission of Prior Action.

After motion and vote by the Council, such action may be reconsidered or rescinded only in the following manner:

1. A motion to set aside a vote (to reconsider) on a main motion shall always be in order at the same meeting. The motion to reconsider is amendable and debatable. Such motion can be made by any Council-member regardless of how he previously voted on the matter. If the motion to reconsider passes the effect thereof is to overrule and cancel the prior action.

2. A motion to rescind (repeal, cancel, nullify) prior Council action on a main motion shall be in order at any meeting of the Council. The effect of rescinding prior Council action shall operate prospectively only and not retroactively to the date of the original action. That is, it shall not operate to adversely affect intervening legal rights which create an estoppel situation.

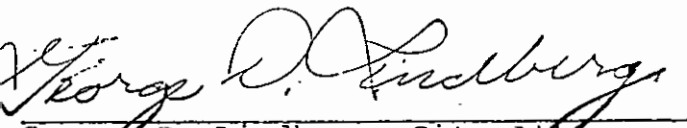
3. A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. Lost motions may be renewed at any subsequent Council meeting. To revive a lost motion at the same meeting the proper action is a motion to reconsider discussed above.

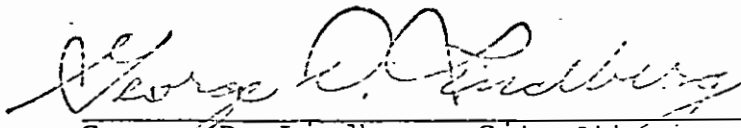
4. Any member shall have the right to have his reasons for his dissent from, or protest against, any action of the Council entered in the minutes.

SECTION 3: This ordinance shall take effect and be in full force and effect on the thirty-first day from and after its adoption.

Presented by

Approved as to form by

  
George D. Lindberg, City Attorney

  
George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY  
OF CHULA VISTA, CALIFORNIA, this 21st day of August,  
1973, by the following vote, to-wit:

AYES: Councilmen Hobel, Hamilton, Hyde, Scott

NAYES: Councilmen None

ABSENT: Councilmen Egdahl

*Thomas D. Hamilton Jr.*

Mayor of the City of Chula Vista

ATTEST

*Janelle A. Hanna*  
Deputy City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, City Clerk of the City of Chula Vista,  
California, DO HEREBY CERTIFY that the above and foregoing is a full,  
true and correct copy of \_\_\_\_\_  
and that the same has not been amended or repealed.

DATED: \_\_\_\_\_

\_\_\_\_\_  
City Clerk