

RESOLUTION NO. 2022-001

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, REPEALING RESOLUTION 2001-12, AND SETTING THE
DATE AND TIME FOR REGULAR CITY COUNCIL MEETINGS, AND
READOPTING RULES OF PROCEDURE FOR COUNCIL MEETINGS AND
RELATED FUNCTIONS AND ACTIVITIES**

**THE CITY COUNCIL OF THE CITY OF HIGHLAND DOES HEREBY RESOLVE AS
FOLLOWS:**

SECTION 1. The City Council hereby repeals Resolution No. 2001-012.

SECTION 2. The City Council hereby sets the day and time of regular City Council meetings and adopts the following rules and procedures for the conduct of City Council meetings.

PURPOSE: The purpose and intent of the City Council in adopting these rules is to provide guidelines relating to the conduct of public business by or on behalf of the City Council, and in the event of any non-compliance with, or violation of, any provision herein, such will not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

1. CITY COUNCIL MEETINGS

All meetings of the City Council shall be held within the corporate limits of the City unless otherwise permitted by State Law.

1.1 REGULAR MEETINGS

The City Council of the City of Highland shall hold regular meetings in the place specified in Ordinance No. 452, at the Donahue Council Chambers, 27215 Base Line, Highland, CA 92346. Effective March 1, 2022, the regular City Council meetings will be held on the second Tuesday of each month at 6:00 p.m. If the day for a 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 that is not a holiday.

1.2 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.

1.3 SPECIAL MEETINGS

Special Meetings may be called by the Mayor or majority of Council Members on at least 24-hour notice, as set forth in Section 54956 of the Government Code of the State of California. Only matters contained in the notice may be considered and no ordinances (other than urgency ordinances) may be adopted, although an ordinance may be introduced at a special meeting.

1.4 STUDY SESSIONS

Members of Council may meet in Study Session as deemed necessary (See Section 10.1).

1.5 NOTICE OF MEETINGS

Notice to the City Council of Regular Meetings is not required. Mailed or personally delivered notice is required of Special Meeting and Study Session, unless otherwise waived. Mailed and posted notice is required of meetings adjourned by the City Clerk. Posted notice is required of all other adjourned meetings (Government Code Section 54956).

1.6 QUORUM

Unless otherwise required by law or provided for by Resolution, a majority of the Council shall be sufficient to do business and motions may be passed 2-1 if only 3 attend. However, the following matters require three affirmative votes:

- A) Adoption of Ordinances;
- B) Resolutions granting franchises; and
- C) Orders for payment of money.

1.6.1 LEGALLY REQUIRED PARTICIPATION

If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflicts of interest, the Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum, with a sufficient number of members to act on the matter.

1.7 MEETINGS TO BE PUBLIC

Study Sessions and all Regular, Adjourned or Special Meetings of the City Council shall be open to the public, provided however, the Council may hold Closed Sessions from which the public may be excluded for the consideration of any matter as allowed by Government Code Section 54957 et seq.

1.8 MEETING TIME LIMITATION

Any public agenda item(s) which have not been initiated by 11:00 p.m. will be continued either to a Special Meeting, Adjourned Meeting, or the next regularly scheduled City Council meeting. Any item initiated before 11:00 p.m. on which a conclusion has not been reached by 11:30 p.m. will be continued to the next regularly scheduled meeting, Special Meeting or Adjourned Meeting. The time limitation can be extended by a unanimous vote of the City Council.

2. ORDER OF BUSINESS

2.1 AGENDA

(a) The order of business of each meeting shall be as contained in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects which shall be taken up for consideration in substantially the following order unless otherwise determined by the City Manager to be in the interest of orderly conduct of the City's business:

- Call to Order
- Invocation
- Flag Salute
- Roll Call
- Report from Closed Session
- Special Presentations
- Community Input
- Consent Calendar
- Public Hearings
- Legislative
- Announcements
- Closed Session
- Adjournment

(b) Except with majority consent of the Council, items may not be taken out of order.

(c) Except as specifically noticed for a different time, the first public hearing on the agenda at a Regular Meeting of the City Council shall commence at 6:00 p.m., or as soon thereafter as the City Council may conveniently hear the matter.

(d) No matters other than those listed on the agenda and briefly described in accordance with Government Code Section 54954.2 shall be finally acted upon by the Council, provided however that the Council may take action on items of business which do not appear on the posted agenda under any of the following conditions or circumstances:

(1) Upon a determination by a majority vote of the Council that an emergency situation exists, as defined in Section 54956.5 of the California Government Code.

(2) Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present, a unanimous vote of those 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 as specified in subdivision (a) of Government Code Section 54954.2.

(3) The item was posted pursuant to Government Code Section 54954.2(a) for a prior meeting of the Council 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.

2.2 ROLL CALL

Before proceeding with the business of the Council, the City Clerk shall call the roll of the Council Members and the names of those present shall be entered in the Minutes. The order of roll call shall be in alphabetical order by last name.

2.3 APPROVAL OF MINUTES

Unless requested by a majority of the City Council, Minutes of the previous meeting may be approved without public reading if the City Clerk has previously furnished each Council Member with a copy thereof.

2.4 PUBLIC HEARINGS

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Hearing Opened by Mayor
- Staff Review
- Questions of Staff by Council
- Applicant or Representative Presentation
- Questions of Applicant or Representative by Council
- Speakers in Favor of Proposal
- Speakers in Opposition to Proposal
- Applicant or Representative Rebuttal
- Hearing Closed by Mayor to Public Testimony
- Discussion by Council
- Action by Council

(a) Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor or Presiding Officer may, at the beginning of the hearing, limit testimony to not less than three (3) minutes per individual. Any person may speak for a longer period of time, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphics or slide presentations requiring more time.

(b) Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

(c) In any hearings before the City Council, notice of which is to be published or posted, if the City Council, or any member thereof, or a proponent or opponent of the matter requests any or all participants in the proceedings testify under oath or affirmation, the making of such request shall be set forth in the notice of hearing. Additionally, the notice of hearing shall state the giving of testimony under oath or affirmation shall be voluntary as to each person wishing to be heard in the matter, and any person who has a question or concern regarding the giving of testimony under oath or affirmation should consult an attorney of his or her own choosing and at his or her own expense. Each person testifying under oath or affirmation in any such proceeding shall, before testifying, state on the record he or she agrees to testify under oath or affirmation in the matter and has had an opportunity to consult with an attorney of his or her own choosing in respect thereto.

2.5 COMMUNITY INPUT

Any person may address the Council on any subject pertaining to City business which is not listed on the agenda during the Community Input portion of each meeting. Such comments shall be limited to not more than three (3) minutes per individual (See Section 5.2).

2.6 CONSENT CALENDAR

Items of routine nature, and non-controversial, shall be placed on the consent calendar. All items may be approved by one blanket motion upon majority roll call vote. Any Council Member may request any item be withdrawn from the consent calendar for separate consideration by providing written notice to the City Clerk or City Manager prior to the commencement of the meeting. However, any Council Member may abstain from voting or vote "No" on any consent calendar item without requesting its removal from the consent calendar, and the City Clerk shall be instructed to record such abstentions or negative votes in the minutes.

2.7 PROCLAMATIONS

Upon receipt of a request by City Officials or staff from an outside organization or person(s) for a Proclamation, the request shall be submitted to the Mayor, City Manager and/or City Clerk, in writing, for inclusion in the agenda of the next regular Council meeting.

In the event of a scheduling problem, the request shall be forwarded to the Mayor, City Manager and/or City Clerk, who will immediately provide copies to the Council. Unless any Council Member requests within 72 hours that the matter be agendaized for consideration by the City Council, the Mayor will act on behalf of the City Council.

Depending upon the request, the Proclamation may be presented to the recipient at the next regular Council meeting, or mailed to the requestor, or presented by a Council Member at a specified function only if it is specified that way within the request or within the presentation to the Council, consistent with the circumstances stated in the request.

3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

(a) The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and Mayor Pro Tem, the Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or the Mayor Pro Tem or until adjournment, whichever first occurs.

(b) The Council shall meet annually to choose one of its number as Mayor and another of its number as Mayor Pro Tem. In the years in which a General Municipal Election is scheduled, such meeting shall be held as soon as possible after the official canvass is received from the County following the election. In the years in which no General Municipal Election is scheduled, such meeting shall be held on the second Tuesday of the month which falls twelve months after the most recent General Municipal Election.

(c) Selection of the Mayor and Mayor Pro Tem shall occur at any regular, special or adjourned meeting of the Council. The City Clerk shall preside at the portion of the Council meeting which is concerned with the nomination for and selection of the Mayor.

(d) Nominations for the office of Mayor or Mayor Pro Tem may be made by any member of the Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately provided, however, the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tem, no person has yet received three affirmative votes for such office, the Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the Council.

(e) The Mayor and Mayor Pro Tem selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem pursuant to Section (b) of this Section 3.1, and thereafter until their successors have been duly selected.

(f) The offices of Mayor and Mayor Pro Tem shall be deemed vacant upon the happening of any of the following:

- 1) The death of the holder of such office;
- 2) The loss or resignation from membership on the Council by the holder of such office;
- 3) The acceptance by the Council of the resignation from such office by the holder thereof.

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the Council shall select a successor to such office pursuant to the selection procedures established by this Section 3.1.

3.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as a Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he/she desires to personally engage in extended debate on questions before the Council, he/she should consider turning the Chair over to another member.

3.3 QUESTION OR MOTION TO BE RESTATED

The Presiding Officer shall verbally restate, or request the City Clerk to restate, each question or motion immediately prior to calling for the vote, as needed. Following the vote the Presiding Officer shall verbally announce whether the question was carried or defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

3.4 SIGNING OF DOCUMENTS

The Mayor, or Mayor Pro Tem in the absence of the Mayor, shall sign all documents and/or correspondence which he/she has been instructed to sign or has been adopted by, the City Council. The City Clerk or Deputy City Clerk shall attest to the signature of the Mayor or Mayor Pro Tem.

3.5 MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

4. RULES, DECORUM, AND ORDER

4.1 POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

4.2 DECORUM AND ORDER - COUNCIL MEMBERS

(a) Any Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine him/herself to the question under debate.

(b) A Council Member may ask questions of staff, and in appropriate cases, staff may direct the questions to the City Manager or the City Attorney to address.

(c) A Council Member, once recognized, shall not be interrupted while speaking unless:

- 1) Called to order by the Presiding Officer;
- 2) A Point of Order is raised by another Council Member; or
- 3) The speaker chooses to yield to questions from another Council Member.

(d) Any Council Member called to order while he/she is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with the rules of the Council.

(e) Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

(f) Any Council Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

(g) The City Council shall not prohibit criticism of the policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body or staff. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

4.3 DECORUM AND ORDER - EMPLOYEES

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall ensure all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any one individual Council Member or member of the public.

4.4 DECORUM AND ORDER - PUBLIC

Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Any person making impertinent and slanderous remarks or who becomes disruptive while addressing the Council or while attending the Council meeting may be ordered to leave the room if the Sheriff's Deputy is so directed by the Presiding Officer, and such person may be barred from the audience. Unauthorized remarks, stamping of feet, whistles, yells and similar disruptive demonstrations shall not be permitted by the Presiding Officer, who may direct the Sheriff's Deputy to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer.

4.5 ENFORCEMENT OF DECORUM

Upon violation of the rules of decorum described above in this Section 4, the procedure to enforce the rules shall be as follows:

- 1) **Warning.** The Mayor shall first request that a person who is violating the rules cease such conduct.
- 2) **Recess.** If, after receiving a request from the Mayor, the person persists in violating the rules, the Mayor shall order a recess. Any representative of law enforcement who is present at the meeting when the violation occurs shall be authorized to warn the person that his or her conduct is violating the rules and that he or she is requested to cease such conduct.
- 3) **Removal of Disruptive Person.** If upon resumption of the meeting the violation persists so as to disturb, disrupt, or otherwise impede the orderly conduct of the meeting, the Mayor shall have the authority to ask the law enforcement personnel to remove the person from the meeting.
- 4) **Motion to Enforce.** If the Mayor fails to enforce the rules of decorum set forth herein, any Council Member may move to require the Mayor to do so, and an affirmative vote of three members of the Council shall require the Mayor to do so.

- 5) **Clearing the Room.** Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or group of persons so as to disrupt, disturb or otherwise impede the orderly conduct of such meeting and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the City Council may order that the meeting room be cleared and the meeting shall continue in session. The motion to clear the room shall be by a vote of not less than three members of the City Council in favor. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Government Code Section 54957.9.
- 6) **Violation of the California Penal Code.** A person or persons who substantially impairs the conduct of a City Council meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

4.6 PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned or impugned.

4.7 CONFLICT OF INTEREST

All Council Members are subject to the provisions of California Law, such as Chapter 7, Title 9, of the California Government Code, relative to conflicts of interest, and to conflict of interest codes adopted by the Council. Any Council Member prevented from voting because of a conflict of interest shall refrain from debate and voting. Such Council Member shall leave the Council Chambers during debate and voting on the issue.

4.8 LIMITATION OF DEBATE

No Council Member should speak more than once upon one subject until every other member choosing to speak thereon has spoken. No Council Member shall speak for a longer time than five (5) minutes each time he/she has the floor, without the approval of a majority vote of the Council.

4.9 DISSENTS, PROTESTS AND COMMENTS

Any Council Member shall have the right to express dissent from or protest to or comment upon any action of the Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons..."

4.10 RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED

In presiding over Council meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by majority vote of the Council Members present and voting, and shall be binding and legally effective for purposes of the matter under consideration.

5. ADDRESSING THE COUNCIL

5.1 MANNER OF ADDRESSING THE COUNCIL

(a) Any member of the public desiring to address the Council shall proceed to the podium and wait to be recognized by the Presiding Officer. After being recognized, he/she shall be asked to state his/her name and address for the record.

(b) All remarks and questions shall be addressed to the Presiding Officer and not to any individual Council Member, staff member or other person. During a public hearing all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

(c) Any member of the Council who has been recognized by the Presiding Officer of the Council for such purpose may address or respond to a member of the public who has addressed the Council pursuant hereto. Such address or response shall be exercised only once for each member of the public, shall not exceed three (3) minutes in length and shall be deemed to express the individual position or opinion of the Council Member offering the same and shall not be construed to bind the Council or the City in any manner. Unless otherwise directed by the Council, the restrictions imposed by this Subsection (a) shall apply only to those portions of the Council agenda during which members of the public are permitted to make oral communications to the Council.

5.2 TIME ALLOCATION

Any member of the public desiring to address the Council shall limit his/her statement to three (3) minutes unless further time has been granted by the Presiding Officer in the individual case, or in accordance with Section 2.5.

5.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission by the Mayor.

5.4 LIMITATIONS REGARDING PUBLIC COMMENTS AND REPORTS

The making of oral communications to the Council by any member of the public during the "Community Input" portion of the agenda shall be subject to the following limitations:

5.4.1 At any time, before or after the oral communication is commenced, the Presiding Officer may if he/she deems it preferable, direct the communication be made instead either to the City Manager or other appropriate staff member during regular business hours, or in writing for subsequent submittal to Council Members.

5.4.2 No speaker shall be permitted to address the Council on a topic which is currently before or about to be submitted for consideration by a City Commission, Board or other agency before which the speaker should make his/her presentation, until that latter body has completed its deliberations and taken its final action. In case the speaker should have followed an otherwise available appeal procedure, the Presiding Officer shall not allow oral communications to the Council outside that procedure.

5.4.3 The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. Those whose presentations are postponed shall be given priority at the next meeting during the "Community Input" portion of the agenda.

5.4.4 If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may reasonably limit the number speaking as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

5.4.5 No oral communications shall be allowed by the City Council to include charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference which tends to identify him/her. All charges or complaints against employees shall be submitted to the City Manager for appropriate action, and may also be submitted to members of the Council by written communication.

5.5 WRITTEN CORRESPONDENCE

The City Manager is authorized to receive and open all mail addressed to the Council as a whole and 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. A copy of such communication shall be provided to each Council Member marked "Information Only".

Any communication relating to a matter pending, or to be brought before the City Council shall be included in the agenda packet for the meeting at which such item is to be considered.

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the Municipal Code or other Ordinances.

Copies of all other communications sent to the Council will be transmitted to them.

5.6 PERSONS AUTHORIZED TO BE WITHIN PLATFORM

No person except City officials shall be permitted within the area in front of the Council table without the invitation or consent of the Presiding Officer.

6. MOTIONS

6.1 PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

6.2 MOTIONS OUT OF ORDER

The Presiding Officer may at any time, by majority consent of the Council, permit a member to introduce an Ordinance, Resolution, or motion out of the regular agenda order.

6.3 DIVISION OF QUESTION

If the question contains two or more divisionable propositions, the Presiding Officer may, and upon request of a member shall, divide the subject matter of a motion so that Council members can vote separately on each part.

6.4 PRECEDENCE OF MOTIONS

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

- 1) Adjourn
- 2) Fix Hour of Adjournment
- 3) Table
- 4) Limit or Terminate Discussion
- 5) Amend
- 6) Postpone

6.5 MOTION TO ADJOURN (Not Debatable)

A motion to adjourn shall be in order at any time, except as follows:

- 1) When repeated without intervening business or discussion;
- 2) When made as an interruption of a member while speaking;
- 3) When discussion has been ended, and vote and motion is pending; and
- 4) While a vote is being taken.

A motion to adjourn “to another time” shall be debatable only as to the time to which the meeting is adjourned.

6.6 MOTION TO FIX HOUR OF ADJOURNMENT

Such a motion shall be to set a definite time at which to adjourn and shall be undebatable and shall be unamendable except by unanimous vote.

6.7 MOTION TO TABLE

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be “taken from the table” at any time prior to the end of the next regular meeting.

6.8 MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

6.9 MOTION TO AMEND

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted on first, then the main motion as amended.

6.10 MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

7. VOTING PROCEDURE

7.1 VOTING PROCEDURE

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be in alphabetical by last name. The City Clerk shall call the names of members seated when a roll call vote is ordered or required. Members shall respond “yes”, “no” or “abstain”, provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council Member not audibly and clearly responding “no” or “abstain” or otherwise registering an objection shall have his/her vote recorded as “yes”.

7.2 ROLL CALL VOTING

Every Ordinance (other than urgency Ordinances) and any Resolutions or orders for franchises or payments of money require three (3) affirmative votes. Urgency Ordinances require four (4) affirmative votes. A roll call vote shall be used for:

- 1) Urgency Ordinances;
- 2) Other action requiring a 4/5 vote (some franchise-type actions, override on a protest, etc.); or
- 3) Consent calendar.

Any other question before the Council shall not require a roll call vote unless demanded by any member, or as otherwise required by State law. It shall not be in order for members to explain their vote during roll call. Any member may change his/her vote before the next order of business.

7.3 FAILURE TO VOTE

Every Council Member should vote unless disqualified for cause. A Council Member who abstains shall, for purpose of the item under consideration, be considered as if absent.

7.4 RECONSIDERATION

Any Council Member who voted with the majority may move for a reconsideration of any action at the same meeting. After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the Council.

7.5 TIE VOTES

Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal unless the Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

8. RESOLUTIONS

8.1 DEFINITIONS

As a rule of thumb, legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by Ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by Resolutions. The term "Resolution" in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by Ordinance. As used in this City, however, three terms are in general used to denote such (non-Ordinance) actions: "Resolution", "minute order", and "motion" (hereafter recorded by minute entry). Technically, all three are equally as legally effective and binding, but these actions vary in the formality of respective memorialization. The most formal is referred to locally as a "Resolution". In addition to being referenced in the minutes, Resolutions will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such "Resolutions" are used in this City for various reasons, such as when specifically required by law, when needed as a separate document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "minute order" as used locally denotes a separate document which is also maintained in a separate set of books, under a system of sequential numbering, and is referenced in the minutes; however the "minute order" is drafted far more briefly than a "Resolution" and is distinguished from a mere minute entry only by the need, in general, to have a separate document to facilitate a certain administrative process to which it pertains.

A "motion" (assuming it passed) is a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

8.2 RESOLUTIONS PREPARED IN ADVANCE

Where a Resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a Resolution in full or by title except to identify it. Any member may require the Resolution be read in full.

8.3 RESOLUTIONS NOT PREPARED IN ADVANCE

Where a Resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a Resolution for presentation at the next Council meeting.

8.4 URGENCY RESOLUTIONS

In matters of urgency, a Resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the Resolution has been verbally stated, the voting procedure in 7.2 above shall be followed.

Urgency Resolutions shall be avoided except when absolutely necessary; and shall be avoided entirely when Resolutions are required by law, in improvement acts, zoning matters, or force account work on public projects. Where the Resolution has been drafted in written form, either before or during the meeting, this paragraph shall not be deemed applicable.

9. ORDINANCES

9.1 INTRODUCTION AND ADOPTION OF ORDINANCES

Ordinances shall not be passed within five days of their introduction, or at any meeting other than a regular meeting or at an adjourned regular meeting. However, an urgency Ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council Members present, all Ordinances shall be read in full either at the time of introduction or passage. When Ordinances, other than urgency Ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned meeting held at least five days after alteration.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

9.2 EFFECTIVE DATE

All ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the Ordinance.

9.3 PUBLISHING

It shall be the duty of the City Clerk to post or publish all Ordinances in accordance with Section 36933 of the Government Code within 15 days after adoption.

9.4 URGENCY ORDINANCES

All urgency Ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an Ordinance fails to receive 4/5ths majority, it may thereafter be considered and passed in the same manner as regular Ordinances.

10. STUDY SESSIONS

10.1 SCHEDULE OF STUDY SESSIONS

Council Members able to attend scheduled study sessions will meet for the purpose of discussion of special subjects of immediate concern and meeting and conferring with City Commission, Civic Organizations and City Officials relative to pending City business.

The time for sessions will be as specified by the Council or by the Mayor on individual occasions when appropriate to the convenience of the Council Members, provided when this occurs, written notice shall be provided in accordance with the Government Code.

10.2 OPEN TO THE PUBLIC

Study Sessions shall at all times be open to the public and the news media.

10.3 PURPOSE

Study Sessions are not intended to constitute a meeting of the City Council and they shall be carried on regardless of the number of Council Members in attendance.

At such Study Sessions, no formal action shall be taken, no motions shall be offered, no arguments entered into; the sole purpose of said meetings is to provide background information to members of the Council and to allow Council Members to ask questions and to express personal opinions.

If an item is presented at a study session by a Council member for the purpose of placing it on the agenda of a regular Council meeting, if the majority of the Council Members concur, the item should be placed on the agenda of a Council meeting on a future date.

10.4 AGENDA

The City Manager shall be responsible for preparing an agenda, along with any available supporting information, of items for discussion at each study session.

11. CITY COUNCIL MEETING PREPARATION

11.1 PLACING AN ITEM ON THE AGENDA BY A COUNCIL MEMBER

Any City Council Member may request an item be placed on a future formal meeting agenda by making a request to the City Manager. If the City Manager receives two separate written requests by Council Members requesting to place an item on a future agenda, the item shall be placed on a future agenda.

11.2 PLACING AN ITEM ON THE AGENDA BY THE CITY COUNCIL

The City Council, by majority vote, may place any item on a future study session or formal agenda. The City Council may take such action, whether or not the potential action is identified on the City Council agenda. However, if the potential action is not identified on the City Council agenda, a vote to place the item on a future agenda must take place with no material debate or discussion.

11.3 CALLING UP AN ITEM FOR CITY COUNCIL CONSIDERATION

The City Council may call up any item of any Board, Commission or Committee of the City where said item does not normally require consideration and action by the Council, for the purpose of requesting that said item be placed on the next available City Council agenda by serving written request of any two (2) Council Members to the City Manager. Such written request must be served within ten (10) calendar days of the action taken by the Board, Commission or Committee of the City.

11.4 DELIVERY AND DISTRIBUTION OF AGENDA PACKETS

The City Council Agenda packets are prepared by the City Clerk's Office. Barring insurmountable difficulties, the Agenda packets will be distributed to Council Members on the Thursday preceding the Tuesday regular City Council Meeting.

11.5 BACKUP MATERIAL FOR AGENDA ITEMS

Each agenda item shall be composed of a staff report and all support material needed for the City Council to take its action. When an agenda item will have an unusually large volume of support material, such as an environmental impact report, staff shall attempt to provide the City Council and members of the public with that material before distribution of the agenda packet and with adequate time to allow the City Council and members of the public to review the material before City Council consideration of the material.

11.6 AGENDA POSTING LOCATIONS

A complete copy of the City Council Agenda shall be posted at the following three locations; City Hall, 27215 Base Line, Highland, CA 92346; Highland Sam J. Racadio Library and Environmental Learning Center, 7863 Central Avenue, Highland, CA 92346; and Fire Station No. 1, 26974 Base Line, Highland, CA 92346.

11.7 AGENDA MATERIAL DISTRIBUTED LESS THAN 72 HOURS PRIOR TO MEETING

In the event that materials are distributed by City staff to the City Council on an agenda item less than 72 hours before the meeting, the materials shall be made available to the public concurrently at City Hall, 27215 Base Line, Highland, CA 92346.

12. USE OF CITY LETTERHEAD STATIONERY

Copies of all correspondence sent by individual Council Members on City letterhead stationery shall be prepared by City staff as designated by the City Manager, with copies of all such correspondence maintained at City Hall.

City Council Members may be provided and may use City notecards, which are not imprinted with the names or offices of any City official, for personal, informal notes involving City business.

PASSED, APPROVED AND ADOPTED this 11th day of January, 2022.


Larry McCallon
Mayor

ATTEST:


Betty Hughes, MMC
City Clerk

APPROVED AS TO FORM:


Maricela E. Marroquin
City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF HIGHLAND)

I, BETTY HUGHES, MMC, City Clerk of the City of Highland, California, do hereby certify Resolution No. 2022-001 was duly and regularly adopted by the City Council of the City of Highland, California, at a regular meeting thereof held on the 11th day of January, 2022, by the following vote:

AYES: Chavez, Lilburn, McCallon, Solano, Timmer
NOES: None
ABSTAIN: None
ABSENT: None

Dated this 12th day of January, 2022.



BETTY HUGHES, MMC
CITY CLERK

