REPORT IN BRIEF:

At its meeting of 10/1/19, the City Council asked the City Attorney's office to update Administrative Procedure and Policy (AP&P) 10-10 to ensure the public's right to address Councilmember requests appearing on Council agendas as set forth by the Brown Act. While the procedure was revised on actual agendas, approval of the proposed revisions will officially amend the policy confirming the public's right to speak on these types of requests. A strike out version of the AP&P is attached with revised wording highlighted in yellow.

Recommendation: The City Attorney and City Clerk recommend approval of the revisions as proposed.

FISCAL IMPACT: None

DISCUSSION

At this time, the proposed revisions in the document provided will accurately update the Council's policy related to how the public addresses proposed Councilmember requests. Both the City Attorney and City Clerk will continue to conduct a comprehensive review regarding other areas of AP&P 10-10 in order to: (1) bring the policy up to date on processes that may have changed since 2017; (2) reaffirm compliance with all statutory requirements; and (3) identify possible efficiencies that if implemented, would be beneficial for future Council meetings. Once the review is complete, the revised policy will be brought back for Council approval.

Prepared and Approved by:

Andrew Jared, City Attorney

Deborah R. Presson, City Clerk

Attachments: - Redlined AP&P 10-10
I. PURPOSE

To set forth the policy of the City Council regarding its rules of procedures as authorized by Charter Section 607.

II. POLICY AND PROCEDURE

A. Council Meetings

1. Scheduling – The days of the week set forth may vary when meetings fall on days other than Tuesdays, when there are holidays on weekdays, or whenever other factors would make it impractical to adhere to the schedule.

   a. Regular Meetings – Held the first Tuesday of each month at 6:00 p.m. pursuant to City Charter Section 602 and Chico Municipal Code Section 2.08.040 (held next business day if date falls on a holiday.

   b. Adjourned Regular Meetings – When workload requires, Council can meet on additional Tuesdays at 6:00 p.m., or all-day or part-day work sessions for matters requiring extensive Council discussion or review.

   c. Special Meetings – A special meeting may be called in order to address something that requires immediate attention. Agendas are posted on the official bulletin board located outside the Council Chamber Building no later than 24 hours prior to the meeting. Only the item(s) listed on the agenda can be addressed by the Council.

   d. Work Sessions / Study Sessions / All-Day Sessions – Work, study sessions, or all-day or part-day work sessions may also be called for matters requiring extensive Council discussion or review. They can be held prior to a regularly scheduled meeting or on a different day.

2. Invocation & Flag Salute

Meetings held in the Council Chamber will commence with a flag salute by means of a pledge of allegiance. When possible or needed, an invocation or moment of silence will be provided prior to the Flag Salute.

3. Voting

The Mayor will call for roll-call votes on all agenda items. Councilmembers must state their reason for abstaining or for any disqualifications or abstentions. Asking for concurrence may be appropriate for non-legislative items.
4. **Closed Sessions**

Closed sessions will be scheduled prior to or at the end of regular or adjourned regular meetings, or during any time during a meeting when deemed necessary by the Council.

Closed Sessions may be convened to discuss the following areas: (1) anticipated, pending, potential, existing, formally initiated, significant exposure to, or threat of litigation; (2) personnel matters or evaluations for the City Manager, City Attorney, or City Clerk; (3) labor negotiations; (4) real property negotiations; (5) health plan changes; (6) claims against joint powers agencies; (7) workers compensation claims; and/or (8) threats to public buildings or to public access.

**Closed Session Disqualifications** - Should a Councilmember be disqualified from participating in a Closed Session matter, he or she must announce the disclosure and reason for recusal prior to recessing to Closed Session, pursuant to the requirements in the Brown Act.

**Confidentiality of Closed Session**

Government Code §54963 provides that a person may not disclose confidential information that has been acquired by attending a closed session to a person not entitled to receive it, unless the disclosure is authorized by the legislative body.

For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body to meet lawfully in closed session. If this prohibition is violated, it may be enforced by relying upon current available legal remedies including the following:

- Injunctive relief to prevent the disclosure of confidential information.
- Disciplinary action against an employee who has willfully disclosed confidential information in violation of this prohibition. Such disciplinary action must be first preceded by training or notice of the prohibition.
- Referral of a member of a legislative body who has willfully disclosed confidential information on to the Grand Jury for review.

5. **Time of Adjournment**

Meetings in open session of the City Council are to end by 10:00 p.m. With concurrence of Council, the meetings may be extended to 10:30 p.m. in order to complete the item being discussed. No new items will be considered after 10:00 p.m. Items not heard will be continued to the next regularly scheduled meeting or the Council may call for an additional meeting as set forth in Section II.A.1.b. above, if necessary, to meet this timeline.

B. **Agenda & Staff Reports**

The City Clerk is responsible for the preparation, distribution and posting of the agenda. Deadlines for the submission of reports will be determined by the City Clerk in order to facilitate the distribution of the agenda to the City Council and the public, six calendar days prior to the meeting date. The City Clerk shall notify the Council when the six-day deadline cannot be met.

1. **Posting of the Agenda**

The City Clerk shall cause a copy of the agenda to be posted, no later than 72-hours in advance of any meeting, on the bulletin board located on the Council Chamber Building as well as on the City's website in accordance with all Brown Act requirements as noted in Govt. Code 54954.2(a), (d). This provision is not necessarily violated if the website experiences technical difficulties that cause the agenda to be inaccessible to the public for a portion of the 72 hours preceding the meeting. On or before January 1, 2019, the City will post its meeting agendas on the homepage accessible through a prominent, direct link to the agenda.
2. **Agenda Management**

The City Manager, in conjunction with the Mayor, may review the proposed agenda or Agenda Planning Calendar prior to the preparation of the final agenda in an attempt to keep the agenda within the time frame established by the Council. Staff recommendations relating to specific items will be noted on the agenda in accordance with the requirements of the Brown Act.

The standardized format of staff reports will be determined by the City Manager and City Clerk and will be based on the needs of the Council.

3. **Copies of Documents**

Council will be provided with an electronic copy of the agenda and all related documents.

In addition, copies of all documents will be available for public inspection at each meeting or in the City Clerk's Office prior to a meeting in accordance with State law. Additional documents that are distributed by staff at a meeting will also be available for public inspection. Documents provided by the public at a meeting will be available for public inspection after the meeting. Copies may be obtained from the City Clerk's Office after payment of applicable copy fees.

4. **Council Placing Items on the Agenda**

Any Council request item placed on the agenda by a member of the Council shall include a written statement or other information explaining the item, why the matter is coming before the Council, and what action, if any, the Council is being asked to take. This request will be placed under "Reports and Communications" for consideration by the Council and requires a majority vote for placement on a future agenda. If agendized, public input will be taken at the time the item appears on the agenda.

Pursuant to the Brown Act, at the time of considering whether to place such item on a future agenda, public comment and council discussion shall be limited to the issue of whether to place the item on the future agenda and not be expanded to a discussion of the full merits of the underlying matter. A staff report will not be prepared until after the Council has had an opportunity to first consider the request and a majority of Council wants to move forward with the item.

A request by a Councilmember to consider a non-local issue which does not have a significant, compelling impact on the City will be placed on the agenda under Reports and Communications. The Councilmember requesting consideration of the issue will submit information to substantiate the local impact of the issue. The issue will be placed on a future agenda for consideration only if requested by a majority of Council.

During the discussion of an item listed on the agenda, Councilmembers requesting an additional related item be agendized at a future meeting, can do so with a majority vote of the Council.

**Citizen Requests** - From time to time, a Councilmember may receive a request from a citizen or outside group or agency either during public comment or via other communications with Councilmembers asking to agendize an issue or request for Council consideration. If a Councilmember wants to sponsor a citizen's request, that item will be placed on the agenda under Reports and Communications and only placed on a future agenda for consideration if requested by a majority of Council. If agendized, public input will be taken at the time the item is agendized.

Pursuant to the Brown Act, at the time of considering whether to place such item on a future agenda, public comment and council discussion shall be limited to the issue of whether to place the item on the future agenda and not be expanded to a discussion of the full merits of the underlying matter.

As items are considered for inclusion on Council and Committee agendas, the City Manager may inform the Mayor and Council of the potential impacts, if any, that the request will have on established priorities or staff workload.

5. **Notice to Persons of Agenda Items**

Each department is responsible for distributing notices, agendas, or copies of their staff reports to interested parties. A copy of the name and address of all persons notified will be provided to the City Clerk for the record.
6. **Requests for Copies of Agendas and Minutes**

Individuals or organizations may request either (1) a copy of the agenda, and/or (2) a copy of the minutes (following Council approval) to be mailed provided payment is made in advance to the City as set forth in a fee schedule adopted by the Council.

7. **Items not Appearing on Posted Agenda**

   a. Emergency items requiring Council action may be considered only after the Council has made a determination, by a majority vote that an emergency exists as defined in Government Code Section 54956.5.

   b. Items requiring Council action may be considered only:

      (1) After the Council has made a determination, by a two-thirds vote of the Council, or by a unanimous vote if less than two-thirds of the Council is present, that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted; or

      (2) If the item appeared on a prior posted agenda for a meeting of the Council occurring not more than 5 calendar days prior, and the item was continued to the meeting at which action is being taken.

   c. Items not requiring Council action may be added to the agenda for its information.

C. **Rules During Meetings and Public Participation**

1. **Time Limits for the Public** – Each member of the audience speaking to the Council shall limit their comments to no more than three minutes and speak one time "only" on each agendized item. Time limits may be waived or reduced due to the number of speakers by the Mayor or majority of Council on any specific item. A speaker may not defer his/her time to other speakers. Councilmembers will refrain from asking questions of a speaker until that speaker has concluded their comments. Responses to Councilmember questions will be limited to one minute per speaker.

   *Non-English speaking speakers who use a translator to address the body, must be provided twice the allotted time as the regular public.*

   **Speaker Cards**

   The Mayor will ask members of the audience who wish to address the Council to fill out a speaker card and "voluntarily" write their name on a record to be maintained by the City Clerk and included in the minutes. Names are not required, but desired.

   Speakers must address their comments to the Mayor or Presiding Officer rather than individual City Councilmembers staff, a project applicant or anyone else involved in the proceedings.

   Speakers may file copies of their remarks or supporting information with the City Clerk. If requested, the City Clerk will make the information available to the City Council and City Manager.

   **Group Comments**

   The Mayor will encourage groups or organizations to select a spokesperson to speak on their behalf.

   The Mayor or Presiding Officer will also encourage speakers to not repeat comments made by prior speakers, but rather only to indicate their agreement with such comments.

   **Business from the Floor**

   Speakers shall not use Business from the Floor to make additional comments regarding an item that has already been heard earlier in the meeting.

   A member of the general public may address the Council on any matter "not already appearing" on the agenda which is of interest to such person and which is within the jurisdiction of the Council. Should a speaker continue to speak
on an item that they have already addressed earlier in the meeting, any Councilmember may call for a "Point of Order," which aids the Mayor in immediately addressing the issue.

**Power Point Presentation** If a formal "presentation" by an outside group is approved by the Mayor, the group will be represented by one presenter and will be required to submit a list of individuals the speaker is representing. Individuals listed as part of that group will not be given an additional three minutes to address the Council again. Their comments will be considered as part of the presentation.

2. **Time Limits for Councilmembers**

   In order to ensure that all speakers are treated equally and in a fair and consistent manner, Councilmembers shall refrain from interrupting the speakers before the end of their allotted three minutes. Questions by members of the Council may be addressed following the conclusion of the speaker's comments. In addition, members of the Council shall be recognized by the Mayor and are encouraged to limit their comments to three minutes each.

3. **Time Limits for Staff Presentations** – Staff members will strive to keep their presentations brief and to the point thereby allowing more time for public input and time to address questions by the Council.

4. **Time Limits for Public Hearings** – Unless otherwise waived, extended or changed by majority vote of the Council, all hearings will be limited to an hour and half with the suggested allotted times as follows:

   **Public Hearing Guidelines**
   1. Staff report (up to 15 minutes)
   2. Council discussion and/or questions of staff (10 minutes)
   3. Open hearing for public input **(no more than 50 minutes):**
      - Appellant/Applicant – 15 minutes
      - Additional Speakers – 30 minutes
      - Appellant/Applicant Rebuttal – 3 minutes, if granted
   4. Close the hearing to the public
   5. Council discussion, motion and vote (20 minutes or longer, or as determined by Council)

   Based on the number of speakers wishing to address the Council on this item, the Mayor or Presiding Officer will determine the amount of time given to each speaker. Whenever possible, organized groups are encouraged to select a spokesperson to speak on behalf of the group.

   A person who addresses the City Council during a public hearing must limit remarks to the specific subject matter being considered by the City Council in that public hearing.

5. **Meeting Decorum** – Councilmembers and staff shall work earnestly to preserve appropriate order and decorum during all meetings. Side conversations, disruptions, interruptions, or delaying efforts are discouraged. **Applause or booing is prohibited.**

   - **Parliamentary Procedure** - Rosenberg's Rules of Order is used to provide the framework for the orderly conduct of the City Council meetings.
   - **Right to Speak** – Councilmembers shall make a request to speak and wait until recognized by the Presiding Officer to begin their comments. This will ensure that all members of the Council will be afforded the opportunity to speak without interruption.
   - **Criticism of Council and Staff** - Under Government Code Section 54954.3, the public has the right during presentations to criticize the City's policies, procedures, programs, or services, including acts or omissions of the Council. However, a Council meeting is not a public forum for personal attacks or disruptive presentations or demonstrations.
• Signs & Banners - As signs and banners block audience members from being able to see and can cause a disruption of the meeting when held up for the Council or cameras, signs and banners at meetings shall only be displayed along the back wall of the Council Chamber.

It is expected that the Mayor will request the public to follow the protocol established by these rules and will have the full support of the City Council to do so. If a member of the public fails to follow these rules after being warned once, the Mayor may declare a recess or take other appropriate action.

6. Duties of the Presiding Officer – The Mayor shall be the Presiding Officer at all meetings of the Council and responsible for the conduct of each meeting. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both the Mayor and the Vice Mayor, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary 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 Councilmembers, and they shall not be deprived of any of the rights and privileges of a Councilmember by reason of their acting as Presiding Officer.

The Presiding Officer shall preserve order and decorum, call upon the sergeant-at-arms as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

The Presiding Officer shall state all questions submitted for a vote and announce the results of that vote.

The Presiding Officer shall determine, based on the meeting agenda, a schedule for consistent breaks for the Council. The Presiding Officer should strive to call for a 10-minute recess at regular intervals of approximately one hour at appropriate points in the meeting agenda.

The Presiding Officer shall ensure that they, as well as the balance of the Council, refrain from commenting or entering into conversation with speakers during public comments or during public hearings, until all speakers have been heard.

The Presiding Officer shall determine points of order, subject to the right of any member to appeal to the Council.

The Presiding Officer shall ensure that members of the public who address the Council from Business from the Floor address matters “not appearing” on the agenda which is of interest to such person and which is within the jurisdiction of the Council. Speakers shall not use Business from the Floor to make additional comments regarding an item that has already been heard earlier in the meeting.

7. Reconsideration of an Agenda Item – The Council will neither rehear nor reconsider an issue within one year after a decision has been made unless a member of the prevailing side requests reconsideration within the time frame. The request will be placed on Reports and Communications. If the Council votes to reconsider the matter, it will be scheduled for consideration at a subsequent meeting on the Regular Agenda. In case of a tie vote, any member of the Council may request reconsideration of an agenda item.

8. Special Presentations – Special presentations which include slides, films, etc. during the course of a meeting will only be allowed with the prior approval of the Mayor. If approved, the presenter, whether a citizen or consultant, must provide 20 copies of the presentation materials to the City Clerk for the Council, staff, and official record at the meeting where the presentation will be made.

9. Written Material – Any information, written comments or citizen emails received following the posting of the agenda will be forwarded that same day to the full Council and appropriate members of staff. Should an email or letter be received on the “day” of the Council meeting prior to 12:00 noon, the information will be forwarded to the Council via email and available for viewing in the public viewing binder at its meeting. Anything received in after 12:00 noon will not be distributed until the next day.
Any person providing written material at a meeting shall provide a copy to the City Clerk for the record. Pursuant to the Brown Act, materials presented at the meeting will be made available for public viewing the following day and retained in the official agenda packet.

10. **Consent Agenda** – Consent Agenda items are routine in nature and are to be acted on in one motion. Councilmembers should not remove an item from the Consent Agenda in order to register a “no” vote or “disqualification.”

Prior to final action, Councilmembers may note their "no" vote or "disqualification" for the record and it will be recorded in the minutes.

Items removed from the Consent Agenda will be considered immediately following the approval of the Consent Agenda.

Any routine questions concerning items on the Consent Agenda should be discussed in advance with the appropriate staff for clarification in order to minimize delay during Council meetings.

a) **Public Comment on a Consent Agenda Item** – Citizens are not allowed to remove an item on the Consent Agenda. Should a citizen wish to address an item prior to Council action, public comment will be taken before the Council acts on the Consent Agenda.

b) **Councilmember Removal of a Consent Agenda Item** - When an item is removed from the Consent Agenda at the request of a Councilmember, the Mayor will first take the comments from Councilmember as to the reason why the item was removed from Consent. Staff will then respond to the questions or issues raised.

11. **Hearings** – Any person may speak on items scheduled for hearing before the Council at the time the Mayor declares the hearing open. Any person interested in a hearing involving a land use decision should be aware that in accordance with Government Code Section 65009, if any person(s) challenges the action of the City Council in court, said person(s) may be limited to raising only those issues that were raised at the public hearing(s), or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Councilmembers are required to disclose any ex parte communications in which they were involved prior to any hearing that is quasi-judicial in nature as outlined in Section II.C.18.

The hearing will be conducted according to Section II.A.10.d. of this policy.

12. **Regular Agenda** – Items on the Regular Agenda are those that require consideration, direction and/or action by the Council.

13. **Items Added after Posting of the Agenda** – are permitted as set forth in paragraph B.9.

14. **Business From the Floor** – A member of the general public may address the Council on any matter “not appearing” on the agenda which is of interest to such person and which is within the jurisdiction of the Council.

On their own initiative or in response to questions posed by such person, Councilmembers may ask questions for clarification, provide a reference to staff or other resources for information. A majority vote of Council is required in order to request staff to report back at a subsequent meeting.

15. **Reports and Communications** – Staff reports and communications are provided to the Council primarily for its information. Accordingly, these matters will not be discussed unless a member of the Council or general public requests such discussion. However, no action shall be taken on these matters unless the matter is included as an action item at a subsequent meeting and included on the posted agenda as such. Copies of reports and communications will be provided to the Council, unless noted that a copy is available in the City Clerk’s Office.

- **City Manager Report** – This section is available to the City Manager to provide verbal updates to the Council.
Councilmember Requests - This section is available for any Councilmember wishing to agendize an item for discussion (as outlined in Section II.B.4) at a future meeting. All requests must be in writing and include why the Councilmember would like the item agendized. A majority vote of Council is required in order to bring the item back for discussion. Public input will be taken at the time the item is agendized. Pursuant to the Brown Act, at the time of considering whether to place such item on a future agenda, public comment and council discussion shall be limited to the issue of whether to place the item on the future agenda and not be expanded to a discussion of the full merits of the underlying matter.

16. Closed Sessions – A description of the items, if any, to be discussed in closed session will be listed on the agenda in accordance with the provisions of the Brown Act and pursuant to Closed Session requirements as provided in Section II.A.4.

17. Agenda Items Taken Out of Order – The Council will follow the order of items as listed on the agenda, unless the Mayor or a Councilmember requests a change in the order of items and a motion to that effect passes by a majority vote.

18. Ex Parte Communications – An ex parte communication is a communication made outside of a noticed public meeting between a Councilmember and any person in the public concerning a quasi-judicial proceeding to be heard by the City Council.

- Quasi-Judicial Role/Ex Parte Contacts

The City Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or "like a judge" when it rules on various permits, licenses, and land use entitlements.

In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to ex parte contacts applies.

- Ex Parte Contacts/Fair Hearings

The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.

As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened.

Matters are "pending" when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

When a Councilmember has an ex parte communication concerning a subject that is the basis of a quasi-judicial proceeding, the Councilmember shall verbally disclose off the record contacts relating to the item, after the item is called and before Council consideration of the matter: (a) the nature of that communication, (b) with whom the ex parte communication was made, and (c) a brief statement as to the substance of the communication.

Councilmembers should only announce the receipt of any emails "not" addressed to the full Council and only the site visits where they "spoke" to individuals regarding the matter being considered.
D. **Council Committees**

1. The current standing committees of the Council are the Finance Committee and the Internal Affairs Committee. Responsibilities of these two committees are as follows:

   a) **Finance Committee**
      - Financial & Budget Matters
      - City Facilities
      - Community Development
      - Private Activity Revenue Bonds
      - Housing Matters
      - Supplemental Appropriations & Budget Modifications

   b) **Internal Affairs Committee**
      - Legislative Actions Review (Proposed Ordinances & Resolutions, when needed)
      - Annexation Matters
      - Policy Development and Review
      - Traffic Review
      - Traffic Amendments

2. **Council Committee Protocol**

   a) **Appointment Process**
   
   Three members are selected by the newly appointed Mayor at the 2nd meeting in December, following the General Municipal Election held in even-numbered years. These appointments require confirmation by a majority vote of the Council. Once the Chair has been identified, the Committee itself will determine its meeting schedule.

   b) **Attendance**
   
   i. Each member is responsible for finding a replacement in case of an absence.
   ii. In case of an absence, notify the City Clerk’s Office and the Chair.

   c) **Committee Meeting Protocol**
   
   i. All procedures contained in AP&P 10-10 pertaining to City Council meetings will be observed by the Committee.
   ii. Speaker cards are to be used by members of the audience in order to facilitate accurate information in the record.
   iii. Three-minute time limit for each speaker.
   iv. Debating or discussions with members of the audience is discouraged.

   d) **Additional Committee Requests**

   When taking up a matter that has been referred to Committee by the Council, should additional staff research be required or if the Committee wishes to propose a potential change to what Council originally directed, Council approval is required prior to staff commencing the work on this new direction.

3. **Referral of Items to Committees**

   1) **By Council** – The Council may refer any items on its agenda to any committee for review and study. Individual Council members may refer items to committees provided a majority of the Council concurs.
2) **By Chair or City Manager**—In the event the Chair of any committee or the City Manager deems a matter to be urgent either prior to or during a committee meeting, and a Council meeting is not scheduled in the interim, the Chair may allow discussion thereon, provided that an addendum has been posted at least 72 hours in advance of the meeting, or the committee makes the findings required by the Government Code prior to taking action.

The remainder of the Council shall be notified at the next regular Council meeting either by a verbal report from the Chair or by delivery of a copy of a report on the committee meeting. The City Manager may refer to any committee any items he or she deems routine. The committee may determine if it wishes to refer such matters to the Council before taking action.

a. **By Departments**—Any department head, through the City Manager, may request the Council to refer a matter to any committee for further study and recommendation. The City Manager will place the request upon the next regularly scheduled Council agenda.

b. **Ordinances Initiated by Department Heads**—Prior to drafting an ordinance that involves a policy decision by the Council, it shall first be discussed by the Department Head, City Manager and City Attorney. Based on those discussions, the proposed ordinance could be forwarded by staff for consideration by the Internal Affairs Committee, which shall submit its recommendation thereon to the Council.

4. **Committee Report to Council**

A Committee report will be provided to the Council on actions taken or recommendations made by any committee. If a committee is unable to reach a consensus or if it needs guidelines from the Council, any item may be immediately referred back to the full Council for further discussion.

Committee reports will be placed on the Regular Agenda when additional discussion or direction by Council is needed. Otherwise, the recommendation may be placed on the Consent Agenda.

**E. Pending Legislation**

1) Support or opposition by the Council on legislation pending in the State Legislature or the U.S. Congress shall be in the following manner:

   A. The Mayor may write a letter on any pending legislation as he or she sees fit. The letter will indicate that it is expressly the Mayor's opinion.

   B. Copies of all communications shall be provided to the Council. Any Councilmember may write a letter indicating their position on any given issue as a Councilmember, indicating in the letter that they are not representing the Council and may request that any legislative item be agendized for full Council discussion for possible formal position.

2) City employees shall not express the City Council's position on pending legislation without first ensuring that the above procedure has been completed.