



**City of Eureka**

**A Guide to The  
City Council  
Meeting Process**



**Frank J. Jäger, Mayor**  
**Marian Brady, Councilmember Ward 1**  
**Linda Atkins, Councilmember Ward 2**  
**Kim Bergel, Councilmember Ward 3**  
**Melinda Ciarabellini, Councilmember Ward 4**  
**Natalie Arroyo, Councilmember Ward 5**

531 K Street  
Eureka, CA 95501  
[www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

*Adopted: April 5, 2011  
Resolution No. 2011-22*

## **The Mayor**

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The Mayor shall be at least 26 years old and is elected as an office of the City separate and apart from the Council. No person shall serve more than two consecutive full terms as Mayor. The Mayor shall preside at all meetings of the Council and serve as the official representative of the City for all ceremonial purposes. The Mayor shall appointments to Board and Committees with Council approval; approve or disapprove all City ordinances; and decide by his/her vote all tie votes.

- **Mayor Pro-Tem**

The Council shall elect one of its members a Mayor Pro Tem who shall preside at all meetings of the Council during the absence of the Mayor, and shall, in case of sickness or inability of the Mayor, or his absence from the City, act a Mayor of the City.

## **The City Council**

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The city is divided into five (5) wards, numbered consecutively from one to five inclusive with the respective boundaries set by ordinance. The qualified elector of the City voting as a whole shall elect one member of the Council from each of the five (5) wards. Councilmember serve four year overlapping terms. Municipal Elections are held on the same date as the State of California general election. No person may serve more than two consecutive full terms as a Councilmember. The Council is the legislative policy-making branch of City government. It is the Council's responsibility to enact ordinances, resolutions and orders necessary for governing the affairs of the City, acts as the final appeal body on rulings of commissions, appoints the City Manager, City Attorney, and City Clerk.

## **Types of Council Meetings**

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All Council meetings are conducted in compliance with the Ralph M. Brown Act (California Government Code Section 54950, *et. seq.*) which requires legislative bodies to hold their meeting in public except under specific circumstances where closed session are authorized. City of Eureka Municipal Code Section 30.13 outlines the rules of decorum for City Council Meetings.

### **Regular Meetings**

Eureka Municipal Code 30.01 sets the day and time for regular meetings of the Eureka City Council as the first and third Tuesday of each month at 6:00 P.M. in the Council Chambers. A 9:30 curfew will be observed and Council must approve a motion to extend the meeting beyond the 9:30 curfew. The agenda for Regular City Council/Redevelopment Agency meetings will be posted the Friday prior to the Tuesday meeting.

### **Special Meetings**

Occasionally, the Mayor or three members of the City Council will call a Special Meeting to consider specific items. The City Clerk's office will post a notice of these meetings at least 24 hours in advance.

### **Closed Session**

The City Council may meet in closed session before, during or after a meeting to discuss matters such as pending or threatened litigation, conference with real property negotiators, or consideration of appointment, performance evaluation, discipline, dismissal or release of a public employee. Regular closed sessions are scheduled on the first and third Tuesdays of each month at 5:00 p.m. prior to the Council's Regular open session.

### **Workshops/study Sessions**

The City Council may conduct workshops or study sessions for a specific purpose, such as the preliminary annual City budget. These sessions are usually informal, though public, and may be held at a place other than the Council Chambers.

## **The Agenda**

Agendas for City Council meetings are posted at City Hall, 531 K Street, Eureka. The entire agenda packet is available at the City Clerk's Office, the Humboldt County Library and on line at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov). Copies of the agenda are located to right of the double doors as you enter the Council Chambers.

The order of business for the Agenda is set by Eureka Municipal Code 30.09 and is as follows:

### **Closed Session** *(if required)*

Public Comment is limited to 3 minutes for each speaker on closed session agenda items.

### **Invocation**

### **Pledge of Allegiance to the Flag**

### **Roll call**

### **Mayor's Announcements**

1. Presentation of Proclamations – A proclamation is a document expressing the Mayor and Council's support on various state and local activities or recognition of individuals or organizations for their work.
2. Opportunity for the Mayor to comment on activities occurring within the City and announce upcoming events.

### **Council Reports**

Opportunity to briefly comment on Council business, city operations, projects, attendance at meeting(s) as a City-appointed Representative, travel and other items of interest to the Council. Council members may request that an item be placed on a future agenda or to direct staff to research, explore, examine or make inquiry into a specific item of interest.

### **City Board/Commission report**

An opportunity for City of Eureka Boards and Commissions to report to the Council and public on their activities, events or deliberations.

### **Public Hearings**

In general, a Public Hearing is an item of open consideration heard within a Regular Meeting, for which special notice has been given. Public Hearings are required on specific items, such as zoning changes, appeals, proposed budgets and fee changes. After the Mayor opens the Public Hearing, the staff report is presented. The applicant and appellant (if applicable) speak following the staff report and any concerned individual is able to offer support or present protests on the matter under consideration. In order to afford all interested parties an opportunity to speak, the Mayor may impose a time limit less than the individual "3 minute limit" and/or limit the total time for public input on the item. The Mayor will then close the Public Hearing, and the Council will discuss the matter and render its decision. No additional opportunity to speak on a public hearing item will be given after the public hearing is closed. Occasionally, the Public Hearing may be continued to another meeting.

### **Citizens' written/oral communications (*Public Comment*)**

The Mayor and City Council encourages public participation in the decision-making process and appreciates when residents bring issues of community concern to their attention. Individuals wishing to address the Council on any agenda item may do so at the time the item is considered. Comments are limited to no more than 3 minutes per speaker.

Any member of the public may address the Council during the Public Comment Period on Consent Calendar items and on any item that falls within the Eureka City Council's jurisdiction, regardless of whether or not that item appears on the agenda. The Public Comment period occurs directly before the Consent Calendar is approved. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda. It is not the policy of the City Council to respond to comments that are brought forth under the Public Comment Period section of the agenda. Rather, this section of the agenda simply affords members of the public to publicly state their opinion or position on various matters pertaining to City business. City Council policy is to limit each speaker to

three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers

The public is encouraged to submit their comments in writing to the Council. Should the public wish to submit written materials, seven (7) copies are requested. This provides one copy for the Mayor and Council and one copy for the official record.

### Public Comment at Special Meetings

The public shall be provided an opportunity to speak only on items that are listed on the Special Meeting Agenda. This opportunity will be provided before consideration of each item. City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers.

### Consent Calendar

All matters listed under the "Consent Calendar" category of the agenda are considered by the City Council to be routine, and will be enacted by one motion only. Unless a specific request is made by a Councilmember, the Consent Calendar will not be read and there will be no separate discussion of these items. However, if a Councilmember indicates that separate discussion is required, that item will be removed from the Consent Calendar and considered separately.

A member of the public who has an interest in seeing a Consent Calendar item pulled from the Consent Calendar and addressed separately should approach a Councilmember at some time prior to the meeting and express that opinion. If, after talking with the interested individual, a Councilmember may choose to pull the item in question from the Consent Calendar for discussion; those items will be considered separately after the Consent Calendar is approved.

### Ordinances/Resolutions

**Ordinances** are the laws of the City and are the most binding form of action taken by the City Council. An ordinance (except an Urgency Ordinance) is introduced at one meeting and adopted at a second meeting. The ordinance then becomes effective on the 31<sup>st</sup> day *after* adoption.

**Resolutions**, unlike ordinances, do not have the force of law within the City's jurisdiction, but are merely expressions of opinion or evidence of a decision made by council and do constitute an official written action or decision of the Council. A Resolution becomes effective immediately upon adoption.

## **Reports**

Outside groups who present to the Council or special presentations are scheduled during this portion of the agenda. Action items requiring lengthy staff reports and/or discussion prior to Council decision but which do not require a resolution or ordinance are agendaized here.

## **City Manager Report**

Monthly Public Safety reports are calendared in this section. This section is for the City Manager to report or update the Council on City operations, programs or other items of interest to the Council.

## **Adjournment**

The Council has established 9:30 p.m. as the curfew for Regular Council meetings and will not continue beyond 9:30 p.m. without a majority vote of the Council.

## **Decorum in Council Meetings**

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While the Council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent, threatening, or slanderous remarks, or who shall become boisterous while addressing the Council, shall be barred by the presiding officer from further attendance at said meeting unless permission for continued attendance is granted by a majority vote of the Council.

Every member of the public and every Councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate:

1. We may disagree, but we will be respectful of one another.
2. All comments will be directed to the issue at hand.
3. Personal attacks are unacceptable.

## **Enforcement**

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The Chief of Police (or representative) shall be sergeant-at-arms at the Council meetings. The Police Chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum in the Council Chambers.

Upon instruction of the presiding officer it shall be the duty of the sergeant-at-arms to eject from the Council Chambers any person in the audience who use boisterous or profane language, or language tending to bring the Council or any Councilmember into contempt, or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the presiding officer or otherwise disrupts the proceedings of the Council.

**Eureka City Council Rules of Conduct** *Adopted by Council Resolution No. 87-20 to establish the rules by which the Council conducts its meetings, proceedings, and business.*

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Business shall be brought before the Council by motion in accordance with the following standards of conduct:

**Rule 1 – Obtaining the Floor.**

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

**Rule 2 – Voting.**

All Councilmembers present at a meeting when a question comes up for a vote, shall vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. The Council shall vote by voting machine. The Clerk shall declare the result and note for the record all “aye” votes and all “no” votes. Regardless of the manner of voting, the results reflecting all “ayes” and “noes” must be clearly set forth for the record. An abstention without a disqualification shall be recorded as a “no” vote.

**Rule 3 – Motions.**

Any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party and thereafter, to any Councilmember properly recognized by the Presiding Officer. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, provided however, Councilmembers may be allowed to explain their vote. The Mayor may vote only to break a “tie” vote.

**Rule 4 – Subsidiary Motions.**

Once the main motion is properly placed on the floor, several related motions (“Rule 4 Motions”) may be employed in addressing the main motion. Rule 4 motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The motions described in Rules 4.1 to 4.7 are appropriate and may be made by any Councilmember at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

## **NONDEBATABLE SUBSIDIARY MOTIONS**

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### **Rule 4.1 – Lay on the Table.**

Any Councilmember may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion on the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be “taken from the table”, seconded and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise the motion that was tabled dies, although it can be raised later as a new motion.

### **Rule 4.2 – Move Previous Question.**

Any Councilmember may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A majority vote is required for passage.

### **Rule 4.3 – Limit or Extend Limits of Debate.**

Any Councilmember may move to put limits on the length of debate. The motion must be made and seconded and requires majority vote of the Council to pass.

### **Rule 4.4 – Postpone to a Time Certain.**

Any Councilmember may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.

### **Rule 4.5 – Commit or Refer.**

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

#### **Rule 4.6 – Amend.**

Any Councilmember may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Presiding Officer.

#### **Rule 4.7 – Postpone Indefinitely.**

Any Councilmember may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

### **MOTIONS OF PRIVILEGE, ORDER AND CONVENIENCE**

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#### **Rule 5 – Orderly Conduct.**

Rule 5 actions by the Council are to insure orderly conduct of meetings and for the convenience of the Presiding Officer and Councilmembers. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

#### **Rule 5.1 – Call for Orders of the Day.**

Any Councilmember may demand that the agenda be followed in the order stated therein. No second is required and the Presiding Officer must comply unless the council, by majority vote, sets aside the orders of the day.

#### **Rule 5.2 – Question of Privilege.**

Any Councilmember, at any time during the meeting, may make a request of the Presiding Officer to accommodate the needs of the Council or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the Presiding Officer.

#### **Rule 5.3 – Recess.**

Any Councilmember may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

#### **Rule 5.4 – Adjourn.**

Any Councilmember may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

#### **Rule 5.5 – Point of Order.**

Any councilmember may require the Presiding Officer to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Presiding Officer subject to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine the matter.

#### **Rule 5.6 – Suspend the Rules.**

Any Councilmember may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote is required for passage.

#### **Rule 5.7 – Division of Question.**

Any Councilmember may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

#### **Rule 5.8 – Reconsider.**

Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council may reconsider any vote taken at the same session, but no later than the same or next calendar day, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a Councilmember who voted on the prevailing side, must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

#### **Rule 5.9 – Rescind, Repeal or Annul.**

The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies

with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

**Rule 6 – Authority of the Presiding Officer.**

Subject to appeal, the Presiding Officer shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the Presiding Officer shall be courteous and fair and should presume that the moving party is making the motion in good faith.

**Rule 7 – Public Hearings.**

Matters which are required to be heard at a public hearing shall be conducted in the following manner.

**Rule 7.1 – Time for Consideration.**

Matters noticed to be heard by the Council shall commence at the time specified in the notice of hearing or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

**Rule 7.2 – Continuance of Hearings.**

Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; 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 of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

**Rule 7.3 – Public Discussion at Hearings.**

When a matter for public hearing comes before the Council, the Presiding Office shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Presiding Officer shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the Presiding Officer and upon being recognized by the Presiding Officer, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Presiding Officer. Members of the Council who wish to ask questions of the speakers or each other, during the public hearing portion may do so but only after first being

recognized by the Presiding Officer. The Presiding Officer shall conduct the meeting in such a manner as to afford due process.

All persons interested in the matter being heard by Council shall be entitled to submit written evidence or remarks, as well as the graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record. Time limits may be established by the Council, limiting the duration of presentations as set forth in these rules.\* No person shall be permitted during the hearing, to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the Presiding Officer, but may be appealed as set forth in these rules.

#### **Rule 7.4 – Consideration of Question by Council.**

After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Presiding Officer and the Council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Presiding Officer, to speak further on the question during the period of deliberation, although the Councilmembers may ask questions of the speakers if so desired. At the conclusion of Council discussion, and appropriate motion having been made and seconded, the council shall vote on the matter.

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*\*Individuals testifying at the public hearing do not have a right to unlimited time. The Council, either at the beginning of the hearing, or pursuant to a motion to limit debate, may place time limits on speakers. If limits are placed on the time to speak, they should be uniformly applied to all parties and adhered to as strictly as possible to avoid allegations of unfair treatment. When speaking time is limited it is always a good idea to advise all parties present that they can submit written remarks or evidence to augment their presentation.*

*If public hearing applies to a quasi-judicial matter, even though limits can be placed on speakers, good practice dictates that the affected party (applicant, appellant, individual having license revoked, etc.) be given a reasonable opportunity to present his/her case to avoid a denial of due process. Remember, quasi-judicial of proceedings are evidence gathering procedures which require the Council decision to be based on substantial evidence in the record. Legislative proceedings are not dependent upon evidence presented and the Council can exercise a much broader range of discretion.*

#### **SECTION 2.**

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Any resolution inconsistent herewith is hereby superseded and repealed.