


Part 5. City Council

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL POLICY 5.1 ITEMS FOR COUNCIL AGENDA		
	Adoption Date:	1/10/2006	Adopted by:
Revised Date:	7/2006 3/11/2019	Revised by:	unknown City Council Resolution No. 2019-04
Authority:	City Council		

5.1.1 SUBMITTING ITEMS FOR THE AGENDA

The following procedure should be utilized in order to put the City Clerk on notice of upcoming items for the agenda:

On the second Wednesday prior to a meeting, the official wording for all items are due in the City Clerk’s office by Noon. It is the responsibility of the staff member to consult the City Attorney’s office for the correct wording for public hearings.

5.1.2 PRE-AGENDA STAFF MEETING

All staff members who have proposed items for the agenda shall attend the Pre-Agenda Staff meeting with the City Manager and City Clerk that same afternoon at 3:00 PM. The City Clerk will prepare the Notice of Hearing the next morning, post it in front of City Hall, and submit it to The Ark to meet the newspaper’s Noon deadline for submissions for the following week’s issue.

5.1.3 FINAL STAFF REPORT AND ATTACHMENTS

Typed staff reports are due in their final form on the first Wednesday prior to the meeting in the City Clerk’s office by Noon. All staff reports must be submitted in electronic format except for non-electronic attachments which must be submitted on single-sided sheets 8.5” x 11” (maps and diagrams may be submitted on 8.5” x 14” or 11” x 14” if they are suitable for folding). Pre-printed attachment (e.g. color photographs and diagrams, full-size blueprints) must be submitted with the staff report in sets of 16 copies.

All staff reports will be checked for formatting errors by the City Clerk before submission to the City Manager at the end of the day Wednesday.

5.1.4 RESPONSES TO GRAND JURY REPORTS

When considering responses to Grand Jury Reports, the City shall comply with California Penal Code Section 933 and the Ralph M. Brown Act.

Responses to Grand Jury Reports shall be prepared by the City Manager in consultation with the Mayor, or in his or her absence, the Vice Mayor. Prior to submission to the Grand Jury, proposed responses to Grand Jury Reports shall be placed on a City Council Agenda under City Manager Reports such that the City Council may consider and approve the response.



CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL

POLICY 5.2
CITY COUNCIL OPERATIONS

Adoption Date:	1/10/2006	Adopted by:	City Council motion
Revised Date:	3/11/2019 12/12/2022	Revised by:	City Council Resolution No. 2019-04 City Council Resolution No. 2022-61
Authority:	City Council		

5.2.1 PURPOSE & AUTHORITY

Pursuant to Government Code section 36813, the City Council of the City of Belvedere adopts these rules of procedure for its meetings.

5.2.2 Types of Meetings, Cancellations

5.2.2.1. Regular Meetings

Regular meetings of the City Council shall be held on the second Monday in each calendar month at 6:30 p.m. All regular meetings of the City Council shall be held at the Belvedere City Hall, 450 San Rafael Avenue, Belvedere, CA 94920-2336.

5.2.2.2. Special Meetings

Special meetings may be called at any time by the Mayor or by determination of the majority of the City Council. Written notice must be received at least twenty-four (24) hours in advance of the meeting. Written notice must be provided to all members of the City Council and to all newspapers, radio stations, television stations, or other media who have previously requested notice of special meetings. Notice must also be posted at least twenty-four (24) hours in advance on the City bulletin board at the entrance to City Hall and on the City’s website. (Govt. Code § 54956.)

5.2.2.3. Emergency Meetings in Emergency Situations

An emergency meeting may be called by the Mayor or by a majority of the City Council, with less than twenty-four (24) hour notice, if:

- There is an emergency, such as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the City Council; or
- There is a dire emergency, such as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses a peril so immediate and significant that

requiring the City Council to provide one-hour notice before holding a special emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the City Council.

Each local newspaper of general circulation and radio or television station that has requested notice of special meetings shall be notified at least one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the City Council is notified of the emergency meeting. This notice must be provided by telephone. In the event there is no telephone service, the City shall notify those newspapers, radio stations, or television stations of the special emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible. (Govt. Code § 54956.5.)

5.2.2.4 Workshops, Study Sessions/Retreats

From time to time, the Council will hold workshops or field trips at a time and place to be designated by the Presiding Officer. Study sessions or field trips shall be considered meetings and shall be duly noticed and open to the public.

5.2.2.5 Closed Sessions

The Council may hold closed sessions at the start or end of the meeting as permitted under state law.

5.2.2.6 Adjourned Meetings

The City Council may adjourn any regular or special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. A copy of the order or notice of adjournment shall be conspicuously posted on the City Hall chambers within twenty-four (24) hours after the time of adjournment. When a regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the time at which the adjourned meeting is to be held, it shall be held at the time specified for regular meetings. (Govt. Code § 54955.)

5.2.2.7 Cancellation of Meetings

Any meeting may be cancelled in advance by a majority vote of the City Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of the members have confirmed in writing their unavailability. The Clerk shall post notices of cancellation at the location designated in Municipal Code section 1.08 and on the City's website.

5.2.3 Agendas, Order of Business, Consent Calendar, and Minutes

5.2.3.1 Agenda Preparation and Posting

The City Clerk, under the supervision of the City Manager, prepares and posts the agenda and available related documents no later than 72 hours before a regular meeting and 24 hours before a special meeting. Any public document related to an agenda item that is distributed less than 72 hours prior to the meeting shall be posted on the City's website in a manner that makes it clear that the document relates to an agenda item. The Clerk shall post the agenda and documents as designated in Municipal Code section 1.08 and on the City's website. (Govt. Code § 54957.5.)

The Clerk will endeavor to post a complete copy of such agenda, together with supporting materials, by The Wednesday preceding regular City Council meetings.

5.2.3.2. Order of Business

The Clerk shall set the agenda in accordance with the following order of business; however, such order may be modified by the Presiding Officer at the meeting to facilitate the conduct of the meeting.

- Call to Order
- Pledge of Allegiance
- Presentations
- City Council Reports
- City Manager Reports
- Commission and Committee Reports
- Consent Calendar
- Continued Public Hearings
- New Public Hearings
- Other Scheduled Items
- Items from Members
- Open Forum
- Adjournment

5.2.3.3 Consent Calendar

The Consent Calendar consists of items that the City Council considers to be routine, or the City Council has discussed previously and do not require further discussion. The public may provide public comment on any of the Consent Calendar items at the time the Consent Calendar is called. After public comment, any member of the City Council or City staff may remove an item from the Consent Calendar. The City Council may approve the Consent Calendar items that have not been removed by one motion. Items removed from the Consent Calendar will be considered in the sequence as they appear on the agenda.

5.2.3.4 Preparation and Adoption of Minutes

The minutes of the City Council shall be kept by the City Clerk. The minutes shall be a record of such business passed by a vote of the City Council, the vote of each member on

each item, and at the direction of the City Council, may include a summary of Council Member remarks and those of any person addressing the City Council. Nothing may be added to the minutes; except that they may be amended by a majority vote of the City Council members to correctly reflect the business of the City Council at such meeting.

5.2.4 Conduct of City Council Meetings

5.2.4.1 Presiding Officer

The Mayor is the presiding officer at meetings. In the event of the Mayor's absence, the Vice-Mayor serves as the presiding officer. If the Mayor or Vice-Mayor are absent, the remaining members may select a presiding officer in their absence. The Presiding Officer shall call the meeting to order, preserve strict order and decorum at all meetings of the City Council, state questions coming before the City Council, announce its decision on all subjects and decide all questions of order; subject, however, to an appeal to the City Council as a whole, in which event a majority vote of the City Council members present shall govern and conclusively determine such question of order. The Presiding Officer shall vote on all questions, and on roll call, the Presiding Officer shall be called last.

5.2.4.2 Council Decorum

While the City Council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceeding or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the City Council or the presiding officer, except as otherwise herein provided.

5.2.4.3. Roll Call

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Council Members.

5.2.4.4. Procedures for Board Action on Agenda Items.

1. The presiding officer shall call the item.
2. The staff will provide a report on the item.
3. The Presiding Officer shall take entertain questions from Councilmembers to staff or an invited expert.
4. The presiding officer shall then take public comment.
5. If the item is an action item, the Presiding Officer shall take a motion and a second on the item.
6. The City Council deliberates and votes on the motion.

5.2.4.5 Public Hearings

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner. The Presiding Officer shall open the public hearing. The Presiding Officer shall request that staff present the staff report and any other relevant evidence, take public comment, allow members of the Council to ask questions of the speakers. The Presiding Officer shall then close the public hearing on the matter. When the Council sits in a quasi-judicial capacity to hear appeals from the Planning Commission, or from persons seeking review of administrative citations, or on other similar issues, the City Council will hear the matter according to the following order of business:

1. Councilmember disclosure of any ex parte communications
2. Staff presents report and Council asks questions of staff
3. Presiding Officer opens the public portion of the hearing
- 4a. Presentation by appellant
- 4b. Presentation by applicant (if different from the applicant)
5. Council asks questions of appellant, applicant and/or staff
6. Public comment
- 7a. Rebuttal by applicant
- 7b. Rebuttal by appellant
8. Final Council questions of applicant and appellant
9. Final Council questions of staff
10. Close public portion of hearing
11. Council discussions, deliberation and takes action by adopting findings and motion(s)

The Presiding Officer may set reasonable time limits on the presentations and rebuttals but the applicants and appellants shall not be limited to three minutes. Applicants and appellants may submit written evidence or remarks. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.

5.2.4.6 Continuance of Hearings

Any hearing being held or noticed or ordered to be held by the City Council at any meeting 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 meetings at which the order or notice of continuance was adopted or made.

5.2.4.7 Motions

The Presiding Officer or any Councilmember may bring a matter of business before the City 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 by 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, Council Members may be allowed to explain their vote.

5.2.4.8 Motions to Reconsider

A motion to reconsider can only be made at the meeting during which the main motion was approved, or at the next regular or special meeting immediately following the meeting at which the main motion was approved. In order to make the motion to reconsider a previous motion, the Councilmember must have actually voted (not abstained) on the prevailing side (either for or against) when the question was first considered.

5.2.4.9 Rosenberg's Rules of Order

In the absence of a rule herein to govern the proceedings of the City Council, the latest edition of "Rosenberg's Rules of Order" shall govern the proceedings of the City Council. In all cases, unless they are in conflict with these rules in which case these rules shall govern. However, no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow these rules of order.

5.2.4.10 Suspension of Rules

Any provision of these rules not governed by the Municipal Code or State Law may be temporarily suspended by motion with the affirmative vote of a majority of the Council.

5.2.5 Quorum and Voting

5.2.5.1 Quorum

A majority of the members of the Council shall constitute a quorum for the transaction of business, except a Councilmember who recuses themselves based on a conflict of interest shall not be counted towards the establishment of a quorum unless that Councilmember's participation is legally required for the action of decision to be made.

5.2.5.2 Action Taken

Unless otherwise specified by law, an affirmative vote of at least three Councilmembers is required for the adoption of a motion, resolution, or ordinance. (Govt. Code § 54952.6.)

5.2.5.3 Voting

Every member of Council present shall vote for or against the measure or abstain. No

councilmember may abstain from unless the member has a potential conflict of interest as determined by the City Attorney or the abstention is approved by the unanimous vote of the remainder of the City Council present. If a Councilmember recuses themselves because of a potential conflict of interest, that Councilmember shall step down from the dais, refrain from any discussion on the item and shall not vote on the item.

5.2.6 Public Participation at Meetings

5.2.6.1 Public Comment on Agenda Items

The Council will take public comment on every item on the agenda, including the consent calendar, before or during consideration of the item. Speakers shall be limited to no more than three minutes per item.

5.2.6.2 Open Forum

During the “Open Forum” portion of the meeting, the Council will take public comment at each meeting on matters within its subject matter jurisdiction that are not on the agenda. Council may not take any action in response to public comment on matters not on the agenda, except members of Council or staff, if directed by the Presiding Officer, may briefly respond to statements or question posed by the speaker, or ask a question for clarification. A Councilmember or the Council may request staff to report back at a subsequent meeting concerning any matter or direct staff to place a matter of business on a future agenda.

5.2.6.3 Reasonable Regulations for Public Comment

- (a) A member of the public wishing to address the Council shall wait to be recognized by the presiding officer.
- (b) The Open Forum period shall be limited to no more than thirty (30) minutes for all speakers to be apportioned among all speakers who request time. The Presiding Officer may permit more time for Open Forum in her discretion.
- (c) Each speaker wishing to address the Council may speak for no more than three (3) minutes per agenda item and no more than three (3) minutes during Open Forum time. A member of the public may cede their speaking time to another speaker, provided that no speaker may speak for more than six minutes in total.
- (d) The Council will not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. The Council may

5.2.6.4 Disruption of Meetings

The Presiding Officer may exclude persons who disrupt a City Council meeting, as provided under this rule. Disruption means engaging in behavior during a meeting of the City Council that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to:

- A failure to comply with the City Council’s rules regarding open forum and public comment; and
- Behavior that constitutes use of force or a true threat of force. A “true threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive to be an actual threat to use force by the person making the threat.

Before removing a person for failure to comply with this rule, the Presiding Officer must warn that person that the behavior is disrupting the meeting and that the failure to cease may result in removal. In addition to such a warning, the Presiding Officer should also consider other means to maintain order, such as turning off the microphone or calling a recess.

No warning is required to remove a person engaging in true threat of force.

5.2.7. Ordinances and Resolutions

All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council or requested in writing by a member of the City Council or the City Manager or prepared on the City Attorney’s own initiative.

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

Ordinances, resolutions and other matters or subjects requiring action by the City Council shall be introduced and sponsored by a member of the City Council; except that the Mayor, City Manager or City Attorney may present ordinances, resolutions or other matters or subjects to the City Council, and any Council Member may assume sponsorship thereof by moving that such ordinances, resolutions or other matters or subjects be adopted; otherwise they shall not be considered.

5.2.8. Additional City Council Duties

5.2.8.1. City Council Members

The City Council of the City of Belvedere serves without compensation and is subject to Chapter 2.08 of the Belvedere Municipal Code.

5.2.8.2. City Council Reorganization

Annually, the City Council conducts a reorganization of the Mayor and Vice Mayor responsibilities. Nominations are made by the Council pursuant to a schedule of

proceedings prepared by the City Clerk.

Prior to the meeting at which the reorganization occurs, the City Manager shall prepare for the Mayor a list of the members of the Councilmembers showing where they are in the unofficial order of rotation that has traditionally been followed by the City Council.

5.2.8.3. Appointments and Reconfirmations

Annually, the City Council appoints members to the City's various committees. Before December 31 of each calendar year, the City Clerk shall cause to be posted in front of City Hall and the Belvedere-Tiburon Library a Local Appointments List that shall contain the following information: a list of all boards, committees and commissions whose members serve at the pleasure of the Council; the terms on each board, committee and commission that will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, and the date the appointee's term expires; and the necessary qualifications, if any, for the position.

In April of each calendar year, the City Clerk shall cause to be published in the local newspaper a list of pending vacancies with a request for all interested Belvedere residents to submit a letter of interest, preferably accompanied by a curriculum vitae. If a sitting incumbent is interested in continuing to serve in an appointive office, the incumbent shall be required to notify the City Clerk that he/she wishes to be considered for reappointment.

In May of each calendar year, and at any other time an unscheduled vacancy occurs, the City Council shall interview all interested candidates for appointive office and select qualified individuals to serve on the board, committee or commission for which they applied. Sitting incumbents and those who recently interviewed for that particular position shall be exempt from the interviewing rule.

Prior to any City Council meeting at which appointments are to be considered, the City Clerk shall give to the City Council a list of the incumbents, if any, who are reapplying and showing their years of service in that position. The Mayor shall contact the chair of the committee or board to discuss the current make-up of the membership and any needs the body may have.

The terms of all members of all boards, commissions, and committees who serve for a fixed term shall begin on either June 1 or July 1 and end on May 31 or June 30, depending upon which board, commission or committee they are appointed to. The terms of members appointed to fill unscheduled vacancies on such boards, commissions, and committees shall commence on the date they are appointed by the City Council, or in the case of the Planning Commission, on the date they take the oath of office.

In the event an unscheduled vacancy occurs in an appointive office prior to the expiration of a term of office, a special vacancy notice shall be posted in front of City Hall and the Belvedere- Tiburon Library. The City shall advertise the vacancy in the local newspaper

and solicit letters of interest in the same manner as above. In response, an applicant interested in being appointed to the position in question shall be required to submit a letter of interest with the accompanying curriculum vitae.

5.2.8.4. City Council Committees

Committees of the City Council are appointed by the Mayor annually to serve within assigned areas of responsibility for the purpose of gathering and studying information. Citizens at large may be included to assist in carrying out a Committee's charges. The majority vote of the City Council at a regular, adjourned or special Council meeting will be required for approval of Committee recommendations and/or for any specific Committee authority to carry out a task.

Appointments are typically made at the Annual City Council Goals meeting. City staff maintains a roster of Committees and Committee activities.

5.2.8.5 Adoption of Annual Operating Budget

Annually, the City Council reviews and approves an operating budget for the City of Belvedere. The fiscal year is from July 1 through June 30. The budget is typically adopted prior to June 30 of each year. The City Manager is responsible for preparation of the annual operating budget and presentation to the City Council.

5.2.8.6. Annual Town Meeting

The City Council and City Manager shall present a State of the City Address at the Annual Town Meeting to be held every January.

5.2.8.7. Appearances, Presentations and Proclamations


Periodically, the City Council will recognize members of the community, organizations, or entities that have contributed positively to the City of Belvedere through economic means, enhanced the quality of life, or by nature of their activities contributed to the positive outlook of the community. These recognitions are typically accomplished by appearance before the City Council and presenting the individuals with a certificate of recognition however, in the interest of timely recognition, the Mayor is authorized to execute and deliver certificates of recognition.

On occasion the City Council will adopt a proclamation of support or opposition regarding particular issues.

City staff will typically prepare all presentations and proclamations at the request of the City Council.

5.2.8.8. Use of City Letterhead

In general, City staff produces all official correspondence by members of the City Council using City letterhead. Committee chairs are authorized to produce correspondence on City letterhead providing that the viewpoint represents a majority of the City Council, and a copy of the correspondence is provided to the City Clerk prior to distribution.

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 5.3		
	COUNCIL-MANAGER RELATIONS		
	Adoption Date:	1/10/2006	Adopted by:
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Authority:	City Council		

5.3.1 PURPOSE

The City Council of the City of Belvedere recognizes that the City Manager is responsible for the day-to-day operations of the City. As such, the City Council shall endeavor to maintain a professional relationship with the City Manager to afford him or her the ability to work for the benefit of the organization.

5.3.2 APPLICATION

This policy shall apply to all City elected officials and the City Manager

5.3.3 POLICY

The precise duties of the City Manager are not defined under California law. Section 2.04 of the Belvedere Municipal Code establishes the office of the City Manager and outlines the duties generally as the administrative head of the government of the City under the direction and control of the City Council.

5.3.4 COUNCIL-MANAGER RELATIONS

Pursuant to Section 2.04 of the Belvedere Municipal Code, neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager. The City Manager shall take his or her orders and instructions from the City Council only when sitting in a duly held meeting of the City Council and no individual Council member shall give any orders or instruction to the City Manager. Nothing shall prevent any Council member from discussing matters of the City with the City Manager. In addition, nothing shall prevent the City Council from authorizing the Mayor or a committee of the Council from instructing the City Manager in any area designated by the City Council.

The City Council agrees none of its members will publicly censure or criticize City staff and will instead relay any criticism of a City staff member privately through the City Manager. The City Council shall not interfere in any way in the City Manager's authority over employees and how the organization does its work.

5.3.5 CITY MANAGER PERFORMANCE

Annually, the City Council and the City Manager shall define such goals and performance objectives that they determine necessary for the proper operation of the City in the attainment of the City Council's policy objectives, and the City Council and City Manager shall establish a relative priority among those various goals and objectives to be reduced to writing.

The City Council shall review and evaluate the performance of the City Manager at least once annually. The annual review and evaluation should contain specific criteria developed jointly by the City Council and the City Manager.

5.3.6 HOURS OF WORK

The City Manager's hours of work shall vary in accordance with the work required to be performed; however, it shall be understood that the City Manager shall work a minimum of forty (40) hours per week based on a standard work week.