RESOLUTION NO. 2009-_64__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTION 5 OF RESOLUTION 2009-30 PERTAINING TO CITY COUNCIL RULES OF ORDER AND PROCEDURE

WHEREAS, The City Council adopted Rules of Order and Procedure by Resolution No. 2009-30 on May 4, 2009, to be effective as of its first meeting following July 1, 2009; and,

WHEREAS, It has been suggested that requiring the Request to Speak cards be submitted prior to the calling of an agenda item is unduly restrictive; and,

WHEREAS, The intent of the pre-submittal requirement was to help accommodate members of the public so that items of significant interest to the public present at the meeting could be moved forward on the agenda; and,

WHEREAS, Accommodating the public can still occur when those interested in an item pre-submit a Request to Speak card without denying those who later decide to speak the opportunity to do so; and,

WHEREAS, In light of the above, a modification of Section 5 of Resolution No. 2009-30, the City Council's Rules of Order and Procedure, is in order.

THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. AMENDMENT TO RESOLUTION 2009-30. Section 5 of City Council Resolution No. 2009-30 is hereby amended to read as follows:

"SECTION 5. CITIZEN PARTICIPATION. In accordance with Charter Section 411 and these Rules, each agenda for a regularly scheduled City Council, Board, or Commission meeting shall provide an opportunity for members of the public to personally, or through counsel, address the City Council, Board, or Commission on items of interest to the public that are within the subject matter jurisdiction of the City Council, or respective Board or Commission. In accordance with Section 411 of the City Charter, at special or emergency meetings,

grievances and comments shall be limited to the topic of the special or emergency meeting, unless waived by the City Council, Board, or Commission.

Unless less restrictive rules are adopted or are waived by the City Council, Board or Commission, the following rules shall apply:

1. Except as provided below, citizen participation shall take place at the opening of oral communications for non-agenda items and for public hearings and other agenda items, public comment shall follow the administrative staff report for that item and shall be limited to five (5) minutes with no speaker given more than five (5) minutes to speak on any agenda item. In order to speak during oral communications, on an agenda item, or at a public hearing, a speaker must first complete a Request to Speak card and submit it to the City Clerk. For Oral Communications, the Request to Speak card must be submitted prior to the City Clerk's calling for speakers. For agenda items other than Public Hearings, the Request to Speak card shall be submitted before the item is closed to public testimony. For Public Hearings where there is an applicant, permit holder, or appellant, the Request to Speak card shall be submitted prior to the call for rebuttal testimony or the matter being placed before the City Council in the event there is no rebuttal testimony. At the time for public comment, the Mayor or Chair shall ask the City Clerk or Secretary of the Board or Commission to read the names from the Request to Speak cards. The City Clerk or Secretary of the Board or Commission shall call three (3) to five (5) speakers at a time based on the order in which the Request to Speak cards were submitted.

If more than three (3) speakers desire to speak at a public hearing or on an agenda item, then the Mayor or Chairperson may limit each speaker to three (3) minutes at the discretion of the City Council, Board, or Commission.

Speakers shall be timed by the City Clerk or Secretary of the Board or Commission who shall inform speakers when their time has expired. As a courtesy to the City Council, Board, or Commission and other speakers, and those waiting to be heard on other agenda items, speakers will not be allowed to continue beyond their allotted time.

2. For those agenda items where there is an applicant for a permit, license, or other entitlement, or the proposed revocation thereof, a spokesperson for the applicant, or the applicant themselves, shall be entitled to fifteen (15) minutes, including any time for rebuttal, and a spokesperson for any appellant or

group opposing the application shall be entitled to fifteen (15) minutes, including any time for rebuttal. All other speakers commenting on the item shall be limited to five (5) minutes and shall be subject to the Request to Speak card procedure hereinbefore prescribed.

3. For oral communications, each speaker must complete and submit a Request to Speak card and shall be subject to the procedures hereinbefore prescribed. The City Council or respective Board or Commission may limit non-agenda items to thirty (30) minutes after which any additional speakers may speak on non-agenda items at the end of the scheduled business.

4. No public input needs to be heard on a subject not within the subject matter jurisdiction of the City Council or respective Board or Commission and the Mayor or Chair shall rule the speaker out of order.

5. Any non-agenda item that requires action shall be referred by the Mayor or Chairperson to the City Manager for a report. The City Council, Board, or Commission shall not discuss the item until a report is prepared and heard unless the item meets one of the exceptions contained in Government Code Section 54954.2(b)."

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PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 8th day of September 2009, by the following vote:

AYES: Council Members: SANDERS, CORTEZ, CARLISLE, GABRIAULT-ACOSTA, LOR, SPRIGGS, WOOTEN

NOES: Council Members: NONE

ABSENT: Council Members: NONE

ABSTAIN: Council Members: NONE

APPROVED:

Mayor

ATTEST:
CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

9/1/2009
City Attorney Date

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