

**RULES OF PROCEDURE
FOR THE CITY COUNCIL
OF THE
CITY OF FRESNO
MAY 6, 2003**

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**RULES OF PROCEDURE FOR
THE CITY COUNCIL OF THE CITY OF FRESNO**

RULE NO. 1

ELECTION OF COUNCIL PRESIDENT AND ACTING PRESIDENT

- a. The officers of the Council shall consist of the President of the Council and the Acting President. Each shall be elected by a majority of the entire membership of the Council.
- b. Each year on the first Tuesday, after the first Monday in January, the Council shall elect a President of the Council and Acting President. Members eligible for those two positions must have served on the Council at least one year.

RULE NO. 2

DUTIES OF COUNCIL PRESIDENT AND ACTING PRESIDENT

- a. In addition to serving as Presiding Officer at Council meetings, it shall be the duty of the President of the Council:
 - 1. To sign all instruments requiring execution or agreement by the Council.
 - 2. To serve as the chief spokesperson and representative for the Council for matters before the public, the state and federal governments, and the City Administration.
 - 3. To develop an Annual Calendar of events to include, but not restricted to council meetings, recesses, special meetings, holidays, etc.
 - 4. To delegate by administrative directive any of the duties assigned to the President of the Council.
- b. It shall be the duty of the Acting President:
 - 1. To serve with the Council President as spokesperson and representative for the Council.
 - 2. To assist the Council President in anticipating issues and problems deserving or in need of special meetings.
 - 3. In the absence of the President of the Council, the Acting President shall exercise the duties and powers of the President of the Council.

RULE NO. 3

COUNCIL PRESIDENT TO SERVE AS PRESIDING OFFICER

- a. The President of the Council shall be the Presiding Officer of the Council. In the absence of the President of the Council, the Acting President shall preside over the

Council. In the absence of the Acting President, the City Clerk shall preside over the election of a temporary chair, who will preside until the return of one of the regular officers.

- b. It shall be the duty of the Presiding Officer:
1. To open all meetings of the Council at the appointed hour by taking the chair and calling the Council to order.
 2. To call for the approval of the minutes.
 3. To maintain order and proper decorum.
 4. To announce the business before the Council in the order prescribed by these rules.
 5. To receive and submit all matters properly brought before the Council, to call for votes upon the same, and to announce the results.
 6. To make known all Rules of Procedure when so requested, and to decide all questions of order, subject to an appeal of the Council.
 7. To preside at all closed sessions of the Council.
 8. To perform such other duties as may be required by law or as may pertain to such office.

RULE NO. 4

MEETINGS

- a. Regular meetings of the Council will be held each Tuesday at 8:30 a.m. in the Council Chambers of City Hall.
- b. Each year, at the second regular meeting in January, Council shall adopt its annual calendar of meetings. The calendar may be amended by Council minute resolution.
- c. Special meetings of the Council may be called at any time by the President of the Council or, in his/her absence, by the Acting President. A special meeting may also be called upon the determination of four members of the Council. Twenty-four hour notice of any special meeting shall be given in accordance with the Ralph M. Brown Act (hereinafter "Brown Act").¹
- d. All meetings of Council shall be held in open session unless expressly authorized as closed sessions under the Brown Act.²

¹ Government Code §§ 55950 et seq., as amended. Fresno Municipal Code § 2-102.

² Government Code §§ 54950 et seq., as amended. Fresno Municipal Code § 2-108.

- e. Emergency meetings may be held upon finding by a majority vote of the Council that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety. Council may convene such emergency meetings without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that City complies with all provisions of the Brown Act³ and other applicable law.

RULE NO. 5

COUNCIL AGENDA

- a. The Mayor, Councilmembers, City Manager, City Clerk and City Attorney may place items on a Council Agenda.
- b. All proposed resolutions, ordinances and contracts shall be approved as to form by the City Attorney's Office prior to placement on the Council Agenda.
- c. Each Councilmember shall place no more than two items on the Agenda. Consent items and proclamations are excepted from this rule.
- d. The general rule is to limit timed items to public hearings as defined in Rule 17. Any requests for a timed item shall be submitted to the City Clerk by 2:00 p.m. of the third business day prior to the Council meeting at which they are to be submitted. This will allow for approval by the Council President per Rule 5g. Timed items may also be set at a Council meeting.
- e. All reports, communications, ordinances, resolutions, contracts, and other matters to be submitted to the Council shall be delivered to the City Clerk prior to 5:00 p.m. of the third business day prior to the Council meeting at which they are to be submitted.⁴
- f. The City Clerk shall immediately arrange a list of such matters according to the order of business as determined by these rules.
- g. The Council President, City Clerk, City Manager and City Attorney shall meet prior to the printing of the final agenda to ensure the agenda is not overly congested and that agenda items are appropriately worded to meet Brown Act requirements. All final decisions on matters regarding the agenda shall reside with the Council President. City

³ Government Code § 54956.5.

⁴ Fresno Municipal Code § 2-103(a).

Clerk shall notify affected Councilmember or department of any changes prior to the issuance of final agenda.

- h. The City Clerk shall furnish each member of the Council, the Mayor, the City Manager, the City Attorney, and department directors with a copy of the agenda prior to the Council meeting and as far in advance of the meeting time as time for preparation will permit.
- i. No item shall be placed on the Council Agenda except in accordance with the Brown Act,⁵ the Fresno Municipal Code, and this Rule.
- j. The City Clerk shall post and prepare the Agenda in accordance with the Brown Act.⁶

RULE NO. 6

ORDER OF BUSINESS

- a. The general order of business will be as follows, unless the Council President determines that the order for a particular meeting needs to be modified:

- Roll Call
- Invocation
- Flag Salute
- Awards, proclamations, and honorary resolutions
- Approval of Minutes
- Councilmember Reports and Comments
- Approval of Agenda
- Consent Calendar
- Timed Hearings and Matters
- General Administration Items
- Councilmember Items
- Contested Consent Items
- Closed Session
- Closed Session Announcements
- Study Session
- Joint Meeting with Redevelopment Agency
- Public Comment Period
 - a. Scheduled
 - b. Unscheduled

⁵ Government Code §§ 54950 et. seq.

⁶ Government Code §§ 54950 et seq., as amended. Fresno Municipal Code § 2-103(b).

- b. The Public Comment Period shall include Scheduled and Unscheduled Communications. It may be a timed item when a specific Scheduled Communication has been requested. The time shall be set in accordance with Rule 9.

RULE NO. 7

VOTING PROCESS

- a. Every vote taken by the Council shall be by open ballot.
- b. There shall be four methods of ascertaining the decision of the Council upon any matter: by electronic vote; by a call of the roll of the members and a record made by the City Clerk of the vote of each member; by a voice vote; or by unanimous consent.
- c. The Presiding Officer shall determine the method for voting unless requested otherwise by a member of Council or overruled by a majority of the Council.
- d. If a member does not vote in the affirmative or negative or does not respond in a manner permitted under this paragraph, the member shall be deemed to have voted in the affirmative.
- e. The City Clerk shall record each vote and each abstention in the Minute Book and announce the result to the Council.
- f. Whenever the ayes and noes are called, a Councilmember shall not be permitted to explain a vote or an abstention without the unanimous consent of the Council. After the announcement of the result, a Councilmember shall not be permitted to vote or to change a vote or an abstention, except in the case of a motion to reconsider as set forth in Rule 16.

RULE NO. 8

QUORUM, MAJORITY VOTES, AND SUPERMAJORITY VOTES

- a. A majority of the entire membership of the Council shall constitute a quorum.
- b. A vote of the majority of the quorum shall be sufficient to take action except where the Charter, the Fresno Municipal Code, or other applicable law requires a greater vote.
- c. An Ordinance must receive the adoption of at least four affirmative votes.
- d. Matters requiring a supermajority vote include but are not limited to:
 - 1. Adoption of an emergency ordinance for the immediate preservation of the public peace, health or safety, which must contain a declaration of such facts may be

introduced and adopted on the same date if passed by at least five affirmative votes.⁷

2. Adoption of a resolution of necessity for a proposed taking of property by power of eminent domain requires at least five affirmative votes.⁸
3. Award of contract without competitive bidding if deemed by the Council to be of urgent necessity for the preservation of life, health or property and if such award is made by resolution declaring such facts requires at least five affirmative votes.
4. Adoption of an appropriation amendment to the City Budget must receive at least five affirmative votes.⁹
5. Council override vote of a Mayoral veto must receive at least five affirmative votes.¹⁰
6. Adoption of a redevelopment plan if either the Planning Commission or Project Area Committee has recommended against approval must receive five affirmative votes.

RULE NO. 9

PUBLIC COMMENT

- a. Citizens have the right personally, or through a representative, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council.¹¹
- b. At any special meeting of the Council, the public has a right to provide oral testimony on any item listed on the Council Agenda within the time limits described above. The public shall not have the right to address the Council on matters not listed on the Council Agenda.

⁷ Charter § 603.

⁸ Civil Code § 1245.240.

⁹ Charter § 1208.

¹⁰ Charter § 609.

¹¹ Charter § 506.

- c. The public has a right at every regular meeting to provide oral testimony in accordance with the Brown Act and Charter Section 506, subject only to the following:
1. Action Items.
 - (a) Oral testimony by a member of the public on action items listed on a Council Agenda shall be limited to three minutes (hereinafter “public comment period”).
 - (b) The public comment period may be extended by the Presiding Officer subject to a vote of the majority of Councilmembers present.
 - (c) In situations where more than 20 people wish to speak on an item, the Presiding Officer, subject to a vote of the majority of Councilmembers present, may place reasonable limits on the public comment period, including a specific time limit for the total presentation. Such time limits shall allow for full discussion of the item by interested parties or their representative(s). The purpose of this limitation shall be to ensure the Council can address its agenda and to avoid repetitious presentations.
 2. Consent Calendar.
 - (a) Items on the Consent Calendar are considered routine, and shall be treated as one agenda item. Public comment on the Consent Calendar shall be heard when the Consent Calendar is called and limited to three minutes per speaker.
 - (b) Council may enact the Consent Calendar by one motion. A Councilmember may remove a specific item from the Consent Calendar for separate discussion.
 - (c) Items removed for separate discussion by a Councilmembers will be heard under “Contested Consent,” where members of the public shall be afforded an opportunity to be heard on those items.
 3. Scheduled and Unscheduled Communications.
 - (a) In addition to items placed on the Council Agenda by the City, a member of the public may directly address the Council on any item of interest within the subject matter jurisdiction of the Council, under either the Scheduled or Unscheduled Communications under the Public Comment section of the

Council Agenda. Public comment shall be limited to three minutes. The Presiding Officer or Council may limit the total testimony under this section of the agenda to one hour.

- (b) Scheduled Communications are provided as a courtesy and matter of convenience to the public. Requests for Scheduled Communications are to be submitted to the City Clerk at least 10 days in advance on the form provided by the City Clerk's office. To maintain orderly conduct of Council meetings, a speaker may seek to address the Council under either Scheduled or Unscheduled Communications, but not both. The President of the Council, in consultation with the City Attorney, may deny a request for a Scheduled Communication, if the communication has become repetitive.
- (c) Council may not take action on Scheduled and Unscheduled Communications except to place the matter on a future agenda.
- d. Speakers shall confine their remarks to those which are relevant to the subject under consideration.
- e. Speakers are encouraged to present new evidence and points of view not previously considered, and to avoid repetition of statements made by previous speakers.
- f. Each person addressing the Council shall step up to the microphone, shall give his/her name and address the Council in an audible tone of voice for the record.¹⁵
- g. In addition to oral testimony, any person may petition the Council. Petitions and other matters shall be in writing, signed by the petitioners or persons presenting them. All petitions shall be made part of the official records kept by the City Clerk.

RULE NO. 10

WRITTEN CORRESPONDENCE

- a. Any written communication relating to a matter pending, or to be brought before the Council shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to Council as soon as practicable after receipt. The City Clerk shall also have copies available for requests by members of the public.

¹⁵ Fresno Municipal Code § 2-113.

- b. Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the Fresno Municipal Code or other applicable laws.

RULE NO. 11

ORDER AND DECORUM

- a. While the Council is in session, the Councilmembers must preserve order and decorum, and a Councilmember shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Councilmember while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.¹⁶
- b. When a Councilmember or other person properly before the Council wishes to speak, the speaker shall address the Presiding Officer, be recognized before proceeding, and shall confine remarks to the question under discussion.
- c. If a Councilmember or other person, in speaking or otherwise, transgresses these rules, the Presiding Officer or any Councilmember may raise a question of order. The Presiding Officer shall then decide the question of order without debate, subject to an appeal to the Council. In addition, the Presiding Officer may call for the sense of the Council on any question of order.
- d. Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided, and may proceed with the matter under the discussion within the ruling made on the question of order.
- e. No person, except City officials and their representatives, may be permitted beyond the podium in the Council Chambers without the express consent of the Council.¹⁷
- f. Any person who willfully engages in conduct which is designed to or is likely to provoke others to violent or riotous behavior, disturbs the peace of the meeting by loud and unreasonable noise, engages in other disruptive conduct which substantially interferes with the orderly conduct of business before the Council, and who fails, upon request of the Presiding Officer to cease such activity, shall be forthwith barred from further attendance at such meeting unless permission to remain and/or address the Council is granted by a majority vote of the Council. A person violating this subsection shall be guilty of a misdemeanor.¹⁸

¹⁶ Fresno Municipal Code § 2-115(a).

¹⁷ Fresno Municipal Code § 2-117.

¹⁸ Fresno Municipal Code § 2-115(b).

- g. The Chief of Police, or such member(s) of the Police Department as he/she may designate, shall be sergeant-at-arms of the Council meetings, and shall be in attendance when requested by the Presiding Officer. The sergeant-at-arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, the sergeant-at-arms may place any person who engages in conduct in violation of this Rule, under arrest, and cause him/her to be prosecuted under the provisions of this Rule and the Fresno Municipal Code, the complaint to be signed by the Presiding Officer.¹⁹

RULE NO. 12

RECESS AND ADJOURNMENTS

- a. A recess will be taken during the morning and afternoon calendars. Council will also generally recess from 12 noon to 2:00 p.m. for a lunch recess.
- b. Meetings may be adjourned at any time by majority vote, and unless otherwise specified in the motion, every adjournment shall be deemed to be to the next regular meeting of the Council.

RULE NO. 13

DISCLOSURE OF CONFLICT OF INTEREST

- a. The Political Reform Act prohibits any public official from making, participating in making, or in any way attempting to use his/her official position to influence a governmental decision in which the public official knows or has reason to know he or she has a financial interest.²⁰
- b. A public official who holds an office specified in Government Code Section 87200, and who has a disqualifying financial interest in a decision, shall identify the conflict of interest or potential conflict of interest, and immediately prior to the consideration of the matter, do all of the following:
1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

¹⁹ Fresno Municipal Code § 2-116.

²⁰ Government Code § 87100.

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code Section 87100.
 3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
 4. Notwithstanding paragraph 3, the public official may speak on the issue during the time that the general public speaks on the issue, but not from the dais.²¹
- c. Public officials who must comply with this Rule include, but are not limited to, members of the Council, the Mayor, City Manager, City Attorney, City Controller, City Clerk, and public officials who manage public investments.²²
- d. Public officials who have a disqualifying conflict of interest shall also comply with the administrative regulations of the Fair Political Practices Commission, as may be adopted or amended, from time to time, for implementing this Rule.

RULE NO. 14

MOTIONS

- a. No motion may be received and considered by the Council until the same has been seconded.
- b. Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Presiding Officer, and shall be read from the City Clerk's desk if so desired by at least three members.
- c. After a motion is stated or read, it is deemed in the possession of, and shall be disposed of by vote of the Council. However, any motion may be withdrawn by the movant with consent of the corresponding second at any time before a decision or amendment.
- d. Whenever any question is under discussion, the motions relative thereto shall be:
 - First, to lay on the table;
 - Second, previous question;
 - Third, to limit or extend limits of debate;

²¹ Government Code § 87105.

²² Government Code § 87200.

- Fourth, to postpone to a certain time;
- Fifth, to commit (or refer);
- Sixth, to amend;
- Seventh, to postpone indefinitely;
- Eighth, to close the file on subject matter.

Such motions shall have precedence in the order named.²³ The first three motions shall be decided without debate.

- e. When a motion in one of the above-mentioned categories fails or is decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are decided in the negative, the only remaining question shall be as to the passage or adoption of the bill, resolution, or other main question.
- f. If an item is tabled to a future date, the City Clerk shall place the item on a tickler file. Prior to placing on the agenda, the City Clerk will confirm with the originator of the item that the item should be placed on the agenda.
- g. A Councilmember may not speak more than twice on the same motion without leave of the Presiding Officer, subject to an appeal to the Council, unless such speaker is the maker of the motion or sponsor of the matter pending, in which case such member may speak in reply, but not until every other Councilmember choosing to speak has spoken.

RULE NO. 15

MOTION TO ADJOURN

- a. A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business. A motion to adjourn other than to adjourn generally may be debated, but no one shall speak more than once on such motion.

RULE NO. 16

RECONSIDERATION²⁴

- a. A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and

²³ Note: Order of precedence of motion pursuant to Robert's Rules of Order.

²⁴ Fresno Municipal Code § 2-110(e).

have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council so long as the ability to make such motion meets the requirements of applicable laws.

- b. Notwithstanding this rule, when the Mayor makes a written request for Council reconsideration in accordance with Article 3 of Chapter 2 of the Fresno Municipal Code and Charter Section 605(d), the Council shall reconsider such request.

RULE NO. 17

PUBLIC HEARINGS

- a. Public hearings are matters which require a notice by publication or mail and are to be heard on a set date and time.
- b. Order of Proceedings. Generally, public hearings shall be conducted in the following order:

- Hearing Opened
- Staff Report
- Presentation by Proponent, Applicant or Appellant
- Questions of Proponent, Applicant or Appellant by Council and/or Staff
- Public Testimony
- Hearing Closed
- Discussion by Council
- Action by Council

- c. Notwithstanding the public comment period in Rule No. 9, a project or entitlement applicant/appellant shall have such time necessary for a fair and reasonable oral testimony or presentation in connection with the particular Noticed Public Hearing item. In general, this time limit shall be set at 10 minutes.
- d. No motions may be made until a hearing is closed.
- e. Testimony After Closure of Hearing. Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to the applicant, or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the Council shall permit a reasonable time for rebuttal.

RULE NO. 18

QUASI-JUDICIAL HEARINGS AND INDIVIDUAL CONTACTS

[RESERVED]

RULE NO. 19

CONTINUANCES

[RESERVED]

RULE NO. 20

PRIORITY OF BUSINESS

- a. The majority of the entire membership of the Council may, by motion, designate any matter on the agenda to be a special order of business, which shall take precedence over all other business. A special order of business action is limited to matters properly noticed and placed on the agenda under the Brown Act.²⁵ This rule does not permit the hearing of a timed item prior to the time set on the agenda.
- b. All questions relating to the priority of business to be acted upon by the Council shall be decided without debate.

RULE NO. 21

COUNCILMEMBER REPORTS AND COMMENTS

- a. Any Councilmember may, during the time for reports and comments by Councilmembers, report on activities in representing the Council or the City on boards, committees, commissions, task forces, and other official bodies, before other governmental agencies and at public events. Each Councilmember may also bring to the Council's attention any item of new business under this portion of the agenda.
- b. Action on any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a subsequent Council meeting unless properly added to the agenda due to a need for immediate action pursuant to state law.

²⁵ Government Code §§ 54950 et. seq.

RULE NO. 22

STUDY SESSIONS

- a. The Council will, on the second regular meeting in January, April, July and October agendaize and prioritize those significant items to be scheduled as future Council Study Sessions.
- b. A study session is a meeting of the Council, provided a quorum is present. Regular study sessions shall be noticed, agendaized and conducted in compliance with state laws governing regular meetings of the Council.
- c. Special study sessions may be called in accordance with the procedures for special meetings of the Council and shall be noticed, agendaized and conducted in accordance with state law governing special meetings of the Council.
- d. Notwithstanding that a study session is a meeting of the Council, the Council by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the Council shall be taken. The Councilmembers may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal Council consideration of the item, but any final action or formal motions or vote required to effect Council approval or denial shall taken place at a regular Council meeting. Councilmembers shall not express opinions, nor give directions to staff indicative of any opinions, regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.
- e. Special Study Sessions. Study sessions may be held at times or places other than the regular time and place if noticed and agendaized as a special meeting and designated as a study session.

RULE NO. 23

CLOSED SESSIONS

- a. Regular closed sessions shall be held at 2:00 p.m. on the second and fourth Tuesday of each month, unless no closed session items are scheduled for that meeting. In the event a matter needs immediate attention, a closed session may be scheduled at any other regular meeting and time.
- b. Special closed sessions may be called in accordance with the provisions of these rules and state laws for calling special meetings of the Council.

- c. Pursuant to the Brown Act,²⁶ the City Clerk may be required to attend a closed session of the Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to the Brown Act.
- d. Announcements of Action Taken. When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. A place may be listed on the agenda for such announcements. After closed sessions held after any Council meeting or not in conjunction with any other meeting of the Council, the members of the Council shall reconvene in open session and make such announcements prior to final adjournment of the meeting.

RULE NO. 24

QUESTIONS OF ORDER AND APPEALS TO RULINGS OF CHAIR

- a. A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for. Such question shall be decided by the Presiding Officer, without debate, subject to an appeal to the Council.
- b. A ruling of the Chair shall not be subject to debate. However, the ruling may be appealed by any two Councilmembers, one Councilmember making the appeal and another seconding it. The question is then taken from the Chair and vested in the Council for final decision by majority vote of the entire membership of the Council. A tie sustains the Chair.

RULE NO. 25

BOARDS, COMMISSIONS, AND COMMITTEES OF THE COUNCIL

- a. Council may create a board, commission, committee of the Council, or other body of the City by ordinance, resolution, or other formal action of the Council. Legislative bodies created by Council are subject to the Brown Act, except for ad hoc committees.²⁷
- b. Boards, commissions, committees and similar bodies not created by Charter, by ordinance or by resolution of the Council shall automatically terminate two years from their creation, unless otherwise specified by the Council.²⁸

²⁶ Government Code § 54957.2.

²⁷ Government Code § 54952.

²⁸ Fresno Municipal Code § 2-902.

- c. Advisory committees composed solely of less than a quorum of the Council are either standing committees or ad hoc committees. Standing committees are subject to the Brown Act, whereas ad hoc committees are not.
1. A standing committee is a committee that has a continuing jurisdiction over a particular subject matter, or has a meeting schedule that is fixed by Charter, ordinance, resolution, or formal action of the Council. A committee with continuing subject matter jurisdiction has authority to consider a specific subject matter on an ongoing basis. Examples include committees that have authority to hear and consider issues relating to budgets, audits, contracts, and personnel matters, that do not require renewal of its authority to hear and consider such matters.²⁹
 2. An ad hoc committee is a committee that consists solely of less than a quorum of the Council, that does not have a continuing subject matter jurisdiction, or a meeting schedule fixed by formal action of the Council. Ad hoc committees must have a limited term, and are charged with accomplishing a specific task in a short period of time. Such committees are dissolved when their specific task is completed, and are not perpetual.³⁰

RULE NO. 26

NEWS MEDIA

- a. Members of the news media covering the business of the Council may be assigned to selected areas by the Presiding Officer.
- b. Members of the news media shall be permitted to televise and sound-record the proceedings of the Council under such rules and conditions as the Presiding Officer may prescribe.
- c. Selected areas assigned to the members of the news media in the Council Chambers shall be exclusively for the use of the news media members. Unauthorized individuals shall not use or occupy said assigned areas.

²⁹ 79 Ops. Cal. Atty. Gen. 69, 72-73 (1996).

³⁰ 79 Ops. Cal. Atty. Gen. 69, supra.

RULE NO. 27

GUIDELINES REGARDING RULES

- a. Unless superseded or prohibited by state or city law, these Rules may be suspended by the affirmative vote of two-thirds of the entire membership of the Council. The suspension shall be in effect for the duration of one meeting only.
- b. The proceedings of the Council shall be governed under the current edition of Robert's Rules of Order, Newly Revised. It is understood that Robert's Rules is a procedural guide only and cannot violate mandatory Charter, code, or statutory provisions which may govern a particular matter.³¹
- c. If any rule contained herein is in conflict with the provisions of the Charter or Fresno Municipal Code, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein which can be given effect without the invalid rule, and to this end these rules are severable.

RULE NO. 28

MAYORAL COMMITTEE APPOINTMENTS

- a. Action by the Council on requests by the Mayor for confirmation or approval of an appointee or nominee to a public office or position shall be taken by minute resolution confirming or not confirming the appointee or nominee.

HCM:pn[26217pn/HCM]-05/6/03

³¹ Fresno Municipal Code § 2-120.

SAVE THIS LANGUAGE [RESERVED IN RULES]

RULE NO. 15 [NOW 18]]

QUASI-JUDICIAL HEARINGS AND INDIVIDUAL CONTACTS

- a. Fair hearings are required in quasi-judicial matters. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the Council in this regard.
- b. Examples of quasi-judicial hearings include applications and revocations of variances, site plans, and conditional use permits (“CUPs”); resolutions of necessity of eminent domain actions; appeal of competitive bid awards, card room permit appeals.
- c. Except as set forth herein, no member of the Council shall discuss or listen to discussion of the facts of any quasi-judicial matter while such matter is pending before the Council or any agency, board or commission thereof except at such time as that matter comes before the Council at a Noticed Public Hearing.
- d. Councilmembers shall not discuss with any member of the public the facts of any such matter while such is pending before the Council or any agency, board or commission.
- e. Matters involving permits are pending before a City agency, board of commission when an application for a permit has been filed with the appropriate City department.