

A GUIDE TO CITY COUNCIL COMMUNICATIONS & BUSINESS

INCLUDING PROCEDURES FOR PUBLIC PARTICIPATION



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I. INTRODUCTION & CONTENTS

Redwood City's adopted Core Purpose is: Build a Great Community Together. One way we do this is by understanding and respecting everyone's interests. The purpose of this Guide is to ensure that there is a clear awareness of how the City conducts its business, therefore fostering full community participation. These are guidelines to help people understand what to expect and the best way to promote good communication between the Council and those wishing to speak during City Council meetings. The Mayor, as Presiding Officer, and the City Council have the discretion to modify the application of these guidelines during meetings, such as the amount of time provided for public comment, as needed to assure that the Council is able to conduct its business and to hear from speakers wishing to participate in its meetings.

II. GENERAL MATTERS

- A. Procedural Rules. Rosenberg's Rules of Order shall serve as a general guide to procedural matters and motions but need not be strictly followed. (See www.ca-ilg.org/sites/main/files/file-attachments/resources_Rosenbergs_Rules_of_Order_-_Revised_2011.pdf)
- B. Adjournment. City Council meetings conclude no later than 11:00 p.m. unless a 5/7 majority of the Council votes to extend the meeting to discuss specified items; any motion to extend the meeting shall include a list of the specified items to be handled. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular business meeting or by 5/7 majority vote to a specified meeting. Occasionally, the City Council may adjourn in memory of someone. Such a request is usually handled through the Mayor.
- C. Public Participation.
 1. Aspirational Goals. The City Council welcomes participation and comment on any matter within its subject matter jurisdiction. It is the City Council's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the City's public meetings. To maintain civility and respect and in order to allow the Council to complete its work in a timely manner, the Council requests that all attendees and participants show respect for every speaker regardless of their viewpoint, and to refrain from conduct that may inhibit others from addressing Council. Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The City Council also discourages profane remarks or personal attacks or insults to any member of the Council, staff, other attendees or speakers, or the general public. Accordingly, the City Council requests the cooperation of all in maintaining a meeting environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.
 2. Maintaining Order. The following behaviors when they cause actual disruption of a City Council meeting are prohibited, and provide grounds for the Presiding Officer to declare a speaker out of order, limit speaking time or topics, expel a person from the

meeting if they refuse to cease their disruptive behavior, call for security to physically remove or arrest any persons who persist in actual disruption: creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules (including time limits), preventing or attempting to prevent others who have the floor from speaking, preventing or impeding others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, holding up in the air or waving posters, signs, flags, or banners in the audience in a way that impedes ingress or egress or disrupts the ability of other audience members to view or participate in the proceedings, or disrupts the ability of the Council to view the audience or participated in the proceedings.

3. Enforcement. Disruptive behavior as described more fully above may result in removal from a City Council meeting and/or arrest and prosecution. Any law enforcement officer on duty may serve as the Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order at the City Council meetings.
- D. Cooling off Period/Clearing Council Chambers. In the event one or more individuals at a Council meeting continues, after a warning by the Presiding Officer, to engage in disruptive or unruly behavior to the extent that it is preventing Council members or others from adequately participating in the meeting, the Presiding Officer may order a cooling off period and/or the Council chambers be cleared of all members of the public (with the exception of members of the press who are not participating in the disruption) or may adjourn the meeting to another time or place so that the meeting may continue uninterrupted.
- E. Council Chamber Capacity. Council Chambers attendance shall be limited to the posted seating capacity (152 people). Entrance to the City Hall will be appropriately regulated by the City Manager or designee on occasions when the Council Chamber capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the Council Chamber except to address the Council; standing in the foyer at the back of the room is acceptable so long as proper decorum is observed. Sitting on the floor shall not be permitted. The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers. There is also a monitor outside for people to view the proceedings.
- F. Accessibility. The city makes every reasonable effort to accommodate the needs of the disabled. Persons needing assistance should contact the City Clerk.
- G. Use of City Equipment. City equipment is not available for public use during public comment for items not on the agenda due to the limited time for such items and the need for advance coordination with the City Clerk to assure compatibility with City equipment. Such equipment is generally available on a limited basis for use during presentations on agenda items such as land use matters or appeals. The speaker must make prior arrangements with the City Clerk in order to assure compatibility with the City's system, allow testing for viruses or other issues that might harm the City's equipment, and that the materials do not require more than a few minutes' preparation and set-up.

- H. Alternate Facilities for Council Meetings. The Mayor and Vice-Mayor may approve from time to time that a meeting be held at a facility other than the City Council Chambers and provide advance notice to the public.
- I. Remote Public Participation During Council Meetings. To maximize transparency and public access and as a convenience, members of the public may attend remotely via videoconference or phone. Instructions to participate remotely will be provided on the published agenda. Members of the public who choose to participate remotely do so at their own risk. The City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. In the event remote participation technology is unavailable, the meeting will proceed in person without remote participation.
- J. Use of City Council Chambers. The City Council Chambers are for use only by the City. By permission of the City, the Chambers may be used for City co-sponsored meetings or by other governmental agencies; to the extent it does not disrupt any City activity. In addition, upon permission of the City, the City Council chambers may be used for City Council debates during election years facilitated by a non-governmental non-partisan entity. All other uses are prohibited. Applications for use shall be made to the City Clerk.
- K. Materials after Posting of Agenda. New materials provided after the posting of the agenda are available during the meeting in the public binder on the table in the back of the City Council chambers and are posted on the City's website.
- L. Conflicts of Interest. No City official may make, participate in making, or attempt to influence a governmental decision if it is reasonably foreseeable that the decision could have a material effect on their financial interest. Examples of financial interests include real property, investments, business positions, sources of income, and gifts. If a Council Member has a conflict of interest with an item on an agenda, they must publicly identify the financial interest and state the reason, step down from participating in the decision, and leave the room during discussion and deliberation of the item, unless the item is agendaized under the Consent Calendar. The official meeting record will reflect these actions. It is the obligation of the Council Member to identify potential conflicts of interest. To ensure timely identification and analysis of potential conflicts of interest, a Council Member should:
 - 1. Notify the City Clerk's Office immediately upon any changes to residence, employment (including spouse's employment), and/or service on other boards/committees); and
 - 2. Timely file required Statement of Economic Interests (Form 700) pursuant to California Government Code Section 87200; and
 - 3. Regularly review upcoming agenda items for future City Council meetings; and
 - 4. Consult the City Attorney's Office immediately upon identification of a potential conflict of interest for further analysis.

III. PUBLIC COMMENT

A. These Guidelines are intended to assure that members of the public have the opportunity to speak before final action on an item and that the City Council has adequate time to complete its work as set forth on an agenda. The time frames set forth herein are meant to give people an idea of what to expect. While the total time for public comment on an agenda item or the time for individual comment may be reasonably limited to allow the Council time to complete its work, the Mayor as Presiding Officer may adjust these time frames as appropriate for any particular item or agenda to ensure that the intent of the law and of these guidelines is met.

B. Public Comment: General Rules.

1. Public comment will generally be taken in the following order and in accordance with the published agenda:
 - a. Public comment on non-agenda items, items on the Consent Calendar, and matters of Council interest.
 - b. Public comment on action items including appeals and public hearings as they are taken up under the procedures set forth herein.
 - c. Public comment on study session items shall be taken before City Council discussion.
2. Oral communications may be used only to address items that are within the Council's subject matter jurisdiction.
3. Any person desiring to address the Council must first obtain permission of the Presiding Officer, in accordance with procedures published with the agenda.
4. Speakers shall use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.
5. All remarks should be addressed to the Council as a body and not to any individual member nor to staff or any other member of the public
6. **In order to assure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker.**
7. Members of the public who wish to give public comment during the meeting must do so in accordance with procedures published with the agenda. The speaker must identify the agenda item number and/or subject matter on which the speaker desires to comment.

Identifying information requested is *optional* and is collected so that that the City can respond to speakers when appropriate after the meeting. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included on the speaker card or in any communication to the City Council, will**

become part of the public record. A speaker may list their name on the card as “anonymous” or use a pseudonym and leave the address blank. The Presiding Officer will call on speakers by the name listed on the speaker card, so if a speaker lists their name as “anonymous” or another pseudonym, the speaker should be prepared to respond to that name when called to the podium by the Presiding Officer.

8. The City Clerk will give any speaker cards to the Presiding Officer so that the speakers may be identified an orderly way. The City Clerk may also facilitate public comment at the Presiding Officer’s discretion. **Once the public comment period has begun, no additional speakers will be added to the list to speak.** This is because the amount of time allotted to speakers is dependent upon the total number of speakers, as determined by the number of speaker cards submitted prior to the start of the public comment period.
9. Petitions. Petitions shall be submitted to the City Clerk and shall not be read in their entirety unless requested to do so by the Council.

C. Public Comment: Non-Agenda Matters and Consent Calendar.

1. The General Rules for all public comment apply (see above).
2. The time for public comment on this portion of the agenda is generally **thirty (30)** minutes. Regardless of the number of speakers, a speaker shall not exceed 2 (two) minutes but the time allotted might be less than 2 (two) minutes when there are more than fifteen (15) speakers, at the discretion of the Presiding Officer. When there are numerous speakers, the Presiding Officer may extend the time for public comment for non-agenda and consent items or continue public comment on non-agenda matters to the end of the meeting.
3. Matters Not on the Agenda. The Brown Act does not allow the City Council to discuss non-agendized matters because it does not give the public adequate notice. Accordingly, the City Council is limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment’s notice, so the City Manager may direct staff to respond at a later time.
4. Consent Calendar. There is generally a Consent Calendar on all regular meeting agendas, which includes those matters that the City Manager, in consultation with the Mayor and Vice Mayor, deems to be of a routine nature and will be enacted by one motion and one vote. The public may contact the person identified on the agenda prior to the Council meeting with questions about matters on the consent calendar.

D. Public Comment: Action Items. The public may comment on each remaining item listed on the agenda for action as the item is addressed by the Council.

1. The General Rules for all public comment apply (see above).

2. Action Items (other than appeals and public hearings). The total time for public comment on items on this part of the agenda is generally **thirty (30)** minutes. Regardless of the number of speakers, a speaker shall not exceed 2 (two) minutes but the time for individual speakers may be less than 2 (two) minutes when there are more than 15 (fifteen) speakers, at the discretion of the Presiding Officer.
 3. Appeals and Public Hearings. The total time for public comment on items on this part of the agenda is generally **sixty (60)** minutes. Regardless of the number of speakers, a speaker shall not exceed 2 (two) minutes. If there are more than thirty (30) persons wishing to comment in addition to the staff and the parties to the appeal or public hearing, the Presiding Officer may limit the public comment for all speakers to less than 2 (two) minutes per speaker at the discretion of the Presiding Officer.
- E. Public Comment: Study Session Items. The public may comment on study session items, however the City Council will take no action during the study session-
1. Public comment on study sessions shall be taken before City Council discussion and general public comment rules shall apply. The total time for public comment on study sessions is generally **thirty (30)** minutes. Regardless of the number of speakers, a speaker shall not exceed **two (2)** minutes but the time for individual speakers may be less than 2 (two) minutes at the discretion of the Presiding Officer.

IV. PROCEDURES FOR PUBLIC HEARINGS ON LAND USE AND ZONING MATTERS AND ON APPEALS

- A. Presentation by the Party Participants. The Presiding Officer may limit the amount of time to be devoted to public presentations.
1. The General Rules for all public comment apply (see above).
 2. For public hearings for land use and zoning matters and for appeals, staff shall present its report first.
 3. If the item is not an appeal, then the applicant will have ten minutes to make a presentation followed by public comment.
 4. If the item is an appeal, then time shall be provided for one representative on both sides of the appeal to make a presentation. Absent unusual circumstances in the judgment of the Presiding Officer, each side shall have **ten (10) minutes** to make a presentation on the appeal. The appellant shall go first, then the applicant, and then individuals may make public comment.
 5. Where the appellant is the applicant, the appellant-applicant may make a **ten (10) minute** presentation after the staff report, and public comment on the matter shall follow.

6. In case there are two or more appellants, the time allowed for presentation shall be a total of **twenty (20) minutes** divided among all appellants. In no event will an individual appellant be given less than five (5) minutes for presentation.
 7. In some cases, a designated spokesperson(s) appears on behalf of an individual or a group to present the case of the applicant or appellant. Because the applicant and/or appellant is given more time than others, applicants and appellants should not additionally speak during public comment, regardless of whether the applicant or appellant spoke or whether represented by a spokesperson, on the item so as to avoid the inequity of some parties obtaining more time than others. A party may have more than one spokesperson such as the applicant and an attorney or an attorney and an engineer, and they may all speak but within the total time allotted to that one party.
- B. Public Comment. The General Rules for all public comment apply (see above).
- C. Rules of Evidence Do Not Apply. The City Council and its subordinate agencies as well as staff are not partisans on any side of any land use dispute but are charged with making decisions in the best interests of the entire City after weighing all input, and this process is a means of addressing divergent community interests. Accordingly, the rules of evidence and other such legal procedures do not apply.
- D. Ex Parte Communications. Constituents have a reasonable expectation that they may engage their elected officials on matters of community concern such as land use matters, which are often controversial. However, interested persons also have a right to know what a Council Member considers as supporting information in making certain decisions and may feel that the proceeding was not fair when a public official has ex parte communications (communications that occur outside of a public hearing) on a matter that is before or likely to come before the City Council.

The City Council wishes to balance its commitment to transparency in government and its obligation to provide a fair process. Accordingly, the following are suggested as best practices:

1. Legislative decisions. Legislative decisions relate to the City Council's law-making and policy functions, such as ordinances, zoning, and general plan amendments. The City Council may discuss pending legislative matters freely with its constituents and the public and no disclosure of those contacts is necessary.
2. Adjudicative decisions or quasi-judicial decisions. Adjudicative or quasi-judicial decisions relate to evaluations and judgments where the City Council is charged with applying legal standards to a factual situation, such as discretionary land use entitlements. Accordingly, the procedure employed must be fair as well as accord interested parties with a meaningful opportunity to prepare and be heard. Interested parties should keep in mind that ex parte contacts with Council Members may give rise to the perception that the process was not fair if Council Members have information that other interested parties do not have, or ex parte contacts may give rise to a perception that the Council Member is biased in favor of or against a particular party. While Council Members may meet with constituents to discuss

pending adjudicative decisions, it is recommended that the Council Member make a complete disclosure of such contact, as follows:

- i. Where information of a specific nature is gathered by a member of the City Council through contacts outside the record and the information is not already on the record, the member shall disclose the contact and its substance on the record prior to the commencement of the hearing to which such contact relates.
 - ii. When a matter involves a mixture of adjudicatory and legislative decisions, ex parte contacts and communications shall be disclosed.
3. Appeals. Once an appeal is filed, the City Council prefers to limit ex parte communications and rely on the record as presented during the hearing. In this case, the City Council members should decline to participate in any ex parte communications and may wish to avoid gathering or receiving information outside the noticed public meeting; but to the extent such communication occurs, they should disclose this information.
4. Hearings involving vested rights. Vested rights involve an established property interest such as revocation of a use permit. Here, the City Council's need for discourse with the public outside of a noticed meeting is less significant because the Council is not considering granting a benefit and instead is contemplating a modification or loss of an existing property interest. In this case, if such communication occurs, the Council Member who participates in ex parte communications should disclose this information.
- E. Tentative Opinions Not Prejudgment. Council Members sometimes express tentative opinions on various projects pending before them. The expression of such opinions assists interested persons and the public to address the concerns expressed and makes for a robust and far-ranging exploration of the issues raised by a project. The final decision is nonetheless based upon the entire record, after all evidence and testimony has been considered, and such tentative opinions are a necessary part of the review process and do not constitute prejudgment of the project.
- F. Procedural Protections. Nothing in these procedures shall be construed as limiting any procedural protections that a party of the public may be entitled to by law over and above the protections of these guidelines, based upon the facts of any particular proceeding.
- G. Written Findings. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the direction provided by the Council.

- H. Absence. A Council member who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that they have:
 - 1. Watched or listened to a video broadcast or recording of the entire portion of the hearing from which they were absent
 - 2. Examined all of the exhibits presented during the portion of the hearing from which they were absent
 - 3. Stated for the record before voting that the Council member deems themselves to be as familiar with the record and with the evidence presented at the hearing as they would have been had they personally attended the entire hearing.
- I. Submission of Written Materials to Council.
 - 1. Documents, comments and information may be provided to the City Council in writing subject to the following provisions:
 - a) Written documents, comments, or information may be mailed to the City Clerk or delivered to the City Clerk.
 - b) If the document, comment, or information concerns a hearing item, the sender should clearly label the material with the date of the meeting and the agenda item to which it applies.
 - c) All documents, comments, and information provided to the City become a public record including any contact information
 - 2. Pursuant to the Redwood City Municipal Codes. Chapter 1, an appellant who is filing an appeal must provide all documents upon which appellant is relying at the time they file the appeal.

V. USE OF ELECTRONIC MEDIA

Use of Electronic Communications at Public Meetings. See Policy, “The Use of Computer Hardware during City Council, Boards, Commission, and Committee Meetings,” approved by Resolution No. 15035 on July 12, 2010, and attached hereto as **Attachment 1**.

VI. PROCEDURES FOR CITY COUNCIL CORRESPONDENCE

- A. City Council Use of City Letterhead. Resolution No. 13644, Adopted June 7, 1999, and entitled, “A Resolution Approving and Adopting City Council Policy Regarding Use of City

Letterhead and City Logo and Rescinding Any And All Prior Such Policies,” is attached hereto as **Attachment 2**.

B. Use of Title on Candidate Endorsements and Ballot Measures.

1. A City official can lawfully endorse a candidate for election or a ballot measure and identify themselves using their job or political title (e.g., Joe Smith, Townville Assistant City Manager or Lucy Lawful, Vice Mayor of Townville).
2. The caveats are as follows: a) the City employee or official may not mislead the public into thinking that she other is speaking in official capacity or on behalf of the City, b) the employee or official must not use public resources such as letterhead, and c) the City employee’s or official’s off duty speech must not interfere with official duties.
3. The Institute for Local Government suggests the following practice: officeholders may allow their names and titles to be used, subject to a condition that there is an asterisk by their name indicating that titles and organizational affiliations are for identification purposes only, and do not imply an endorsement by the organization itself.

VII. COMMUNICATIONS AMONG CITY COUNCIL MEMBERS

A. To support constructive governance, City Council Members will strive to:

1. Demonstrate mutual respect by actively listening, learning, and keeping an open mind.
2. Encourage healthy debates and discussion, disagree respectfully, and seek outcomes for the greater good.
3. Give others the benefit of the doubt, assume others are acting with positive intent and act with positive intent themselves.
4. Support decisions of the City Council as a whole.
5. Be inquisitive, collaborative, and support the leadership development for all Council Members.
6. Take Space, Make Space – speak up as Council Members but also ensure others have time to speak.
7. Ensure each Council Member has had the opportunity to speak on an agenda item prior to making a motion.

VIII. CITY COUNCIL - STAFF COMMUNICATIONS

A. To support clear roles and responsibilities for the City Council and City staff and constructive working relationships, both the City Council and staff will:

1. Respect boundaries between policy and operations; Council Members will focus on “what” the City Council would like to achieve and staff will focus on “how” to achieve it.
2. Be open-minded and realistic.
3. Strive to ensure each other have timely, accurate, and complete information, avoiding surprises.

B. City staff serve the City Council as a whole, therefore:

1. A Council Member shall not direct staff to initiate any action, change a course of action, or prepare any report. Except as provided below, Section X. B. City Council Member Referral, a Council Member shall not initiate any project or study without the approval of the majority of the Council.
2. A Council Member shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities absent the approval of a majority of the Council.
3. Requests made by individual Council Members for information must be directed to the City Manager, or the City Attorney regarding legal matters, or the City Clerk regarding matters within the City Clerk’s authority. Such requests will be addressed as quickly as possible under the circumstances, provided that, in the judgment of the City Manager (or the City Attorney depending on the nature of the request) the request is not of a magnitude, either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council. In general, if more than one hour of staff time will be required to complete the task/project, the item will be agendaized to ask the City Council if time should be spent on preparing a report on the proposed item.
4. Staff responses prepared to Council informational inquiries shall be distributed to all City Council Members.

C. Requests by City Council Members for assistance with City services should be handled as follows:

The City Council Member may contact a department head, use a customer service application such as MyRWC, or use other publicly-available means of requesting services available to the public. Examples include reporting problems with utilities, graffiti or public safety issues.

IX. CITY COUNCIL – PUBLIC COMMUNICATIONS/MEDIA/SOCIAL MEDIA¹

A. To support accurate information sharing and trust in City communications, City Council Members will:

1. Check with staff for facts before responding and ask staff to be clear about what information can be shared publicly.
2. Allow the Mayor and Vice Mayor to respond to requests for information on behalf of the City.
3. Be clear when they are offering their personal opinion and not speaking on behalf of the Council.

X. PLACING ITEMS ON CITY COUNCIL AGENDAS

A. Council Agendas

1. The City Manager determines, in consultation with the Mayor and Vice Mayor, which items are placed on the agenda and the timing for scheduling such items.

B. City Council Member Referral

1. Any Council Member may, prior to any regular City Council meeting, bring any matter to the attention of the City Council, which is not otherwise scheduled, on a City Council agenda. The matter will be published on the agenda and placed on the agenda under Matters of Council Interest. The sponsoring Council Member shall give the City Manager a brief description of the subject to be printed in the agenda, sufficient to inform the City Council and public of the nature of the referral. The description shall be provided one week prior to the City Council meeting at which it is to be considered.

The City Council, after considering the referral, may vote to do any of the following:

- a) Take no action;
- b) Refer the matter to staff to schedule as a future City Council agenda item for City Council discussion and action;
- c) Take dispositive action if Council finds that sufficient notice to the Council and the public has been provided by the published agenda, sufficient information has

¹ Encompasses all aspects of communication with the public by City Council Members, including but not limited to, official public meetings, written correspondence via letters, emails, memos, print newsletters, online communication platforms, social media, electronic newsletters, informal conversations or meetings with constituents or members of the media, phone conversations, virtual meetings (such as Zoom or Teams), in person gatherings, town hall meetings, or other public forums where Council Members may appear in person and engage with constituents or members of the media.

been received by the Council, and no formal published notice of a public hearing is required.

2. The Council Member who requested the referral has the privilege of speaking first on the item.

LIST OF ATTACHMENTS

1. City Council Policy regarding “The Use of Computer Hardware during City Council, Boards, Commissions, and Committees Meetings,” approved by Resolution No. 15035, adopted July 12, 2010.
2. City Council Policy regarding “Use of City Letterhead and City Logo” and Rescinding Any And All Prior Such Policies, approved by Resolution No. 13644, adopted June 7, 1999.