



**AGENCY:** City Council  
**MEETING DATE:** August 14, 2017  
**DEPARTMENT:** Administration  
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## AGENDA ITEM SUMMARY

### **TITLE:**

**RECEIVE RECOMMENDATIONS FROM FINANCE & ADMINISTRATION COMMITTEE AND PROVIDE DIRECTION TO STAFF REGARDING (1) CODE OF CIVILITY; (2) RULES OF ORDER; (3) VOTING ORDER; (4) CONSENT CALENDAR GUIDELINES**

### **ISSUE:**

At the City Council Retreat on April 8, 2017, the Council identified improved community relations as a priority goal. Much of the Council's discussion centered around a shared interest in improving the civility of public discourse at City Council and other City meetings. Two of the identified solutions were: (1) to solicit input from the public regarding ideas for improvement in mutual respect and civility, and (2) to have the Finance & Administration Committee consider and recommend a resolution adopting Rules of Order for City Council meetings. On May 8, 2017, the Council solicited community input and directed the Finance & Administration Committee to assemble a "code of civility" for Council consideration. Two other related items that were also directed to the Finance & Administration Committee are included in this report: (3) consideration of the Voting Order for Council actions; and (4) establishment of guidelines for what types of items are placed on the consent calendar of the Council's agendas.

The Finance & Administration Committee considered all of these issues at its July 5, 2017 meeting. The Committee's recommendations on each of these items are now brought forward for Council consideration and direction.

### **ANALYSIS:**

#### **1. Code of Civility**

Over the past few years, the tenor of public discourse in Fort Bragg (and across the nation) has become markedly less civil. Listening to the public is an essential component of the Council's decision-making process and disagreements and debate are fundamental to a healthy democracy. Polite and civil debate allows for messages to be heard. On the contrary, personal attacks and disrespectful behavior harm the democratic process and undermine our sense of community.

At the suggestion of Vice Mayor Lee, at the May 8, 2017 meeting, the Council reviewed a vision statement by an organization called "Speak Your Peace" (see Attachment 1). That forms the basis for a draft resolution (Attachment 2) which would establish a Code of Civility for Fort Bragg City Council, Planning Commission and Council Committee meetings as well as other official City meetings.

At the May 8<sup>th</sup> Council meeting, the Council and members of the community had a constructive discussion which included the following public comments:

- We can disagree without being disagreeable.
- Suggestion that the listening LAWS be followed when constructing comments: Like, Add, Worry, So... Stop.

- Need to balance compassion with accountability. People who can't control their emotions drive others away.
- Need to eliminate hate speech and bullying.
- Stop personal attacks. Provide grievance procedures so that, if they have an issue with a specific person, there is a channel for it to be heard.
- Concerns about dissemination of counter-factual information. Speakers have responsibility to gather information.

**Recommendation:** The Finance & Administration Committee recommends that the Council adopt the draft Resolution as shown in Attachment 2. If the Council concurs, the resolution will be placed on the Council's next agenda (consent calendar) for adoption.

## 2. Rules of Order

Chapter 2.04 of the Fort Bragg Municipal Code sets forth City Council regulations. Section 2.04.040 entitled "Rules of Procedure Generally," simply states that the City Council may establish (and amend, from time to time) rules for the conduct of its proceedings by adoption of a resolution. The Fort Bragg City Council has never formally adopted parliamentary procedures for conduct of Council meetings.

Having an agreed upon set of procedures and rules of debate for public meetings helps to ensure that everyone has an opportunity to be heard and that decisions can be made without confusion. Roberts Rules of Order are the most commonly referenced parliamentary procedures and are used by clubs, private boards, and public agencies throughout the United States. While comprehensive, Roberts Rules are somewhat convoluted and difficult to interpret.

It is common today for public agencies to adapt the formal Robert's Rules of Order for less formal public meetings. Because so many cities in California, including the City of Fort Bragg, prefer to conduct meetings in an informal manner, in 2003 the League of California Cities published "Rosenberg's Rules of Order: Simple Rules of Parliamentary Procedure for the 21<sup>st</sup> Century" as an alternative to Roberts Rules of Order (published in 1876). The simplified procedures in Rosenberg's Rules embody the core principles of Roberts Rules in a manner tailored to meetings of City Councils and similar legislative bodies. These rules (Attachment 3) retain the basic system of order to which we have grown accustomed. They establish a format for agenda item discussion; they set forth rules for motions, debates and votes; and they ensure that courtesy and decorum are maintained during meetings.

Most of the rules of procedure outlined in Rosenberg's Rules of Order are already being followed by the Fort Bragg City Council, with a few exceptions. The following table shows the primary differences between Rosenberg's Rules and the current practice by the Council with regard to agenda item discussions:

Rosenberg's Rules	Current Practice	Comments
1. Mayor announces the agenda item number and subject.	Same as current practice.	
2. Staff report is given.	Same as current practice.	
3. Mayor asks for technical questions of clarification.	Same as current practice.	Councilmembers should take care to remember that this portion of the agenda item is for questions only, and not for

		discussion purposes.
4. Mayor invites public comments.	Same as current practice.	
5. Mayor invites a motion and announces the name of the member who makes the motion.	Motions currently are not made until <b>after</b> Council discussion has occurred and just before the vote is taken. The name of the member making the motion is not announced.	Rosenberg's Rules of Order states, "It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus." Naming the Councilmember who makes the motion provides clarity to the members of the public attending the meeting, those watching the video, and the City Clerk who is recording the minutes.
6. Mayor invites a second and announces the name of the member of the body who seconds the motion.	Same as current practice insofar as the Mayor calls for a second after a motion is made, although under current practice, the name of the member making the second is not announced.	Naming the Councilmember who seconds the motion provides clarity to the members of the public attending the meeting, those watching the video, and the City Clerk who is recording the minutes.
7. Mayor makes sure everyone understands the motion.	This is not currently done.	The person who makes the motion, the Mayor or the Clerk can repeat the motion to make sure everyone understands it.
8. Mayor invites discussion from the Council.	Discussion currently occurs <b>before</b> a motion on the item.	During the course of the discussion, there are procedures for amending a motion. One is to propose a "friendly amendment" which must be agreed to by the maker of the motion and the person who seconded the motion. A second approach is to make a "motion to amend" retains the basic motion on the floor but modifies it in some way. Lastly, a "substitute motion" can be offered. When there are multiple motions on the floor, Rosenberg's Rules of Order specifies the order in which they are voted on.
9. Vote is taken.	Same.	
10. Mayor announces the result of the vote and what action the body has taken, indicating the names of the members who voted in the minority on the motion.	This is not currently done.	

As noted in the above table, the primary difference between the Council's current procedures and Rosenberg's Rules is that, following public comment and prior to Council deliberations, the Mayor calls for a motion and a second. The rationale for making a motion at this time is to focus debate. Rosenberg's Rules provide for modification of the motion as the debate proceeds.

In general, the Finance & Administration Committee supported Rosenberg's Rules of Order, however, they were not 100% sold on the benefits of making a motion prior to the Council's deliberations. Currently Council discussion of an item occurs immediately after receiving public comment and before a motion is made. The Finance & Administration Committee forwarded this item to the full Council for further discussion without a recommendation. It was noted at the meeting that the Council could choose to prepare a modified version of Rosenberg's Rules which places Council discussion and debate before a motion is made.

**Recommendation:** Staff seeks Council direction as follows: (1) Do you want to adopt Rules of Order? (2) If so, would you like to use Rosenberg's Rules as a base or would you prefer Rules of Order that simply articulate the Council's current procedures? (3) If the direction is to move forward with Rosenberg's Rules as a base, are there modifications that you would like? If Rules of Order are desired, a resolution that is consistent with the Council's direction will be prepared and placed on a future consent calendar for adoption.

### 3. Voting Order

The Fort Bragg City Council's voting order is established by tradition. There is no resolution or ordinance that dictates the voting order. The voting order starts with the Vice Mayor (who is seated to the left of the Mayor) and then runs sequentially down the dais, with the Mayor voting last as the tie-breaker. Seating at the dais is arranged alphabetically for the three Councilmembers who are not serving as Mayor or Vice Mayor.

The City Clerk sent a query out on the California City Clerks listserv and has compiled the survey results (Attachment 4). What the survey shows is that most agencies have the Mayor voting last (80%), the Vice-Mayor next to last (42%), and everybody else in alphabetical order (52%). Other variations include:

- Rotating
- Left to Right
- Right to Left
- Mover and Seconder first
- Seniority
- Electronic Voting Board

The Finance & Administration Committee discussed the Council's voting order and agreed that it makes sense for the Mayor to vote last as the tie-breaker. The discussion noted that having a static voting order with the Vice Mayor always voting first has its drawbacks. The Committee did not make a recommendation, but requested staff to bring back more information about options, including costs for an Electronic Voting Board. That information is provided below.

To randomize the order of roll call voting, any of the following low-tech, no-cost options could be employed:

1. Draw the names of Councilmembers out of a hat for every vote
2. Use a random generator (these are available online or can be prepared using an Excel spreadsheet)
3. Have a set rotational voting sequence for each meeting (see Attachment 5)

Granicus, the provider of Fort Bragg's meeting and agenda software suite, has an add-on module called VoteCast that would allow Councilmembers to vote simultaneously and privately on their iPads through the iLegislate app that is currently used to view agenda packets. After voting closes, the names of the Councilmembers and their vote (Yes, No, Abstain, Recuse) would appear on a monitor under the motion, similar to this:

Use of the electronic voting process would allow all Councilmembers to vote at the same time without knowing how the other members are voting. Some cities have a concern that newer Councilmembers may be influenced by the votes of more senior members. This process avoids the influence factor by allowing the Council to vote in secret. On the other hand, it does not allow for a Councilmember to consider the votes taken by other members and does not allow for a conscious tie-breaker vote.

The Granicus VoteCast module affords a number of other features, such as: (1) allows the City Clerk to enter the names of public speakers, thus obviating the need for the Mayor to shuffle speaker cards; (2) combines minute taking with a meeting's recordings, saving staff time and administrative costs; (3) records roll call, agenda items, speakers, motions, votes and notes through a simple interface; (4) eliminates the time-consuming task of indexing and time stamping the video after the meeting.

Granicus provided a one-hour demonstration of the program for the City Clerk, Administrative Services Director and IT staff on August 3. The total monthly software cost would add \$372.50 to the current Granicus bill of \$906.40 per month for a total monthly cost of \$1,278.40. In addition, there would be a one-time upfront cost for hardware, training and configuration services of \$5,490. If the City chooses this option, Granicus has offered to provide the first two months of service for free.

**Recommendation:** The Finance & Administration Committee did not make a recommendation regarding voting order. Staff recommends that, if the Council wants to modify the voting order, one of the “low tech” options described above should be chosen and consideration of an electronic voting system should be tabled due to budget constraints.

#### **4. Consent Calendar Guidelines**

Like most parliamentary bodies, the Fort Bragg City Council agendas include a “consent calendar” for items that are deemed non-controversial. Items on the consent calendar typically require little or no discussion and are approved with one motion and a roll call vote. This allows the Council to have efficient meetings where the bulk of the meeting time is reserved for items that need to be discussed. The Council has a procedure for pulling an item from the consent calendar so it can be considered and voted on separately if discussion is needed.

Staff has reviewed the consent calendar agendas for several Council meetings and suggests that the following types of items are appropriate for placement on consent calendars:

1. Approval of Minutes of past meetings
2. Council letters of support/opposition
3. Final Subdivision Maps, Lot Mergers, etc.
4. Approval of Contracts under an established threshold (to be defined by Council)
5. Acceptance of Certificates of Completion for construction contracts
6. Readoption of Master Traffic Resolution
7. Approval of Resolutions for Submittal of Grant Applications where Council has provided direction at previous meeting
8. Adoption of Ordinances (Introduction of an ordinance is agendized under Conduct of Business)
9. Approval of Labor Agreements and Employment Resolutions (Council direction for these is provided in closed session.)
10. Other miscellaneous items that staff believes to be non-controversial.

It should be noted that, at times an item may be placed on the consent calendar that engenders public interest or questions. It is perfectly acceptable for a Councilmember to pull any item off the consent calendar for discussion. Staff will endeavor to be prepared to answer questions and, if answers are not immediately available, action on such items can be continued to a subsequent meeting.

**Recommendation:** The Finance & Administration Committee agreed with the list above and recommends that a \$50k threshold should be established for contracts that are placed on the consent calendar.

#### **RECOMMENDED ACTION:**

The recommendations of the Finance & Administration Committee are identified under each of the four subheadings of this agenda item.

#### **ALTERNATIVE ACTION(S):**

Provide alternative direction to staff.

#### **FISCAL IMPACT:**

The only item that would have a fiscal impact is the purchase of the Granicus VoteCast module, as discussed above.

#### **IMPLEMENTATION/TIMEFRAMES:**

Resolutions for the Tools of Civility and Rules of Order will be brought back for Council action on the September 11, 2017 agenda. If a “low tech” option is chosen for the Voting Order, it can be implemented on that agenda as well. If the Council chooses to use the Granicus VoteCast software, a budget amendment would be brought back for Council action on the September 11, 2017 agenda and the system would be implemented as soon as possible thereafter. The consent calendar guidelines will be memorialized as an Administrative Regulation and will reflect the Council's direction. No further Council action would be required.

**ATTACHMENTS:**

1. Speak Your Peace Vision Statement
2. Draft Tools of Civility Resolution
3. Rosenberg's Rules of Order
4. Council Voting Survey
5. Rotating Voting Order Spreadsheet

**NOTIFICATION:**

1. None