

<b>CITY OF EASTVALE</b> City Council Policy	Policy No.: A-27
<b>Subject</b>  <b>Amended and Restated Rules of Decorum and Procedures for the Conduct of City Council Meetings</b>	Effective Date: October 1, 2010, Amended: July 24, 2013, Amended January 11, 2017, Amended June 14, 2017
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**Purpose.**

The purpose of this Policy is to establish rules of decorum and procedure for City officials, Staff, and members of the public at all meetings of the City Council to ensure that the business of the City is attended to thoroughly and efficiently with opportunities for orderly public participation.

**Rules of Decorum and Procedure.**

1. Rules for City Councilmembers.

A. Decorum: Members of the City Council shall conduct themselves in an orderly, professional and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times. Members of the City Council shall maintain a polite, respectful and courteous manner when addressing one another, the City Staff, and members of the public during City Council meetings.

B. Role of the Presiding Officer: The Presiding Officer of the City Council, who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tem, or in both of their absence any other member designated by the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules of decorum and procedure contained herein are observed. The Presiding Officer shall maintain control of communication between Councilmembers and between the City Council and members of the public. The Presiding Officer may make and second motions when no other Council member does so.

The Presiding Officer shall serve as the parliamentarian and decide all questions of order under these rules, with the assistance of the City Attorney. Any such decision shall be final unless overriding by a majority vote of the Councilmembers present and shall be binding and legally effective for purposes of the matter under consideration

C. Communications between City Councilmembers at Meetings:

(1) Councilmembers wishing to speak should request the floor by being recognized by the Presiding Officer before speaking. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to address the City Council.

(2) No Councilmember shall speak again until all Councilmembers have had the opportunity to speak.

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(3) Councilmembers shall remember that the purpose of the City Council meeting is to conduct the business of the City. Councilmembers shall avoid repetition and shall limit their comments to the subject matter at hand. Councilmembers should endeavor to express their views without engaging in unnecessarily lengthy debates.

(4) When one Councilmember is speaking, other Councilmembers shall not interrupt, disrupt or disturb the speaker. During questions and deliberations, the Presiding Officer may vary the speaking sequence of Councilmembers from item to item.

(5) Communications between Councilmembers outside meetings is governed by the Ralph M. Brown Act ("Brown Act").

D. Communication with Members of the Public Addressing the Council:

(1) On specific agenda items, Councilmembers may question any person addressing the City Council at the conclusion of that person's testimony or all public testimony on that agenda item. A Councilmember wishing to ask questions of a member of the public should first be recognized by the Presiding officers.

(2) Councilmembers shall not engage the person addressing the City Council in a dialogue, but shall confine communication to a brief question and answer format conducted through the Presiding Officer.

(3) All Councilmember requests to speak shall be made to the Presiding Officer.

(4) If a member of the public addresses the City Council on a matter that is not on the agenda (e.g., during public comment), the Brown Act does not allow Councilmembers to engage in discussions nor deliberation of the matter. A Councilmember may do the following: refer the matter to staff (or another source); ask for additional information or request a report back; or give a very limited factual response. If a Councilmember so wishes, the Councilmember may, during the Councilmember Comments portion of the meeting, request that the matter be placed on the next agenda or respond briefly to the item.

(5) The City Council may not prohibit public criticism of the policies, procedures, programs, or services of the City or its acts or omissions. A speaker may not be stopped from speaking because either the Presiding Officer or members of the City Council disagree with the viewpoint being expressed.

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2. Rules for City Staff.

A. Decorum: City Staff shall not engage in dialogue with members of the public during City Council meetings and shall limit conversations between themselves as much as possible. City Staff shall direct all comments and presentations to the City Council and/or Presiding Officer. When addressed by a City Councilmember, Staff shall respond in a polite, professional, and courteous manner. All requests to speak by members of the City Staff shall be made to the Presiding Officer.

B. Role of the City Manager: The City Manager's duties during City Council meetings include keeping a record of concerns raised by the City Council regarding direction for future Staff action and facilitating the orderly presentation of Staff reports.

C. Role of the City Clerk: The City Clerk or her/his deputy shall keep minutes of the open meeting; shall call and record roll call votes; and shall read ordinance titles and agenda items as requested by the Mayor.

D. Role of the City Attorney: The City Attorney's duties during City Council meetings include assisting the Presiding Officer with parliamentary procedures, including these Rules of Decorum and facilitating legal issues associated with Agenda items.

3. Rules for Members of the Public.

A. Within the City Council Chambers:

(1) Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of obscene, lewd, loud, threatening, repeatedly irrelevant or repetitious, or abusive language; clapping, whistling, yelling, stamping of feet, or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct may, after warning by the Presiding Officer, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

(2) No person shall stand or sit in the aisles. No person shall block any doorways or other exits.

(3) Placards, signs, and posters may be brought into the City Council Chambers unless such objects disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting infeasible, or block the view of any other person in attendance, in which case such placard, sign, or poster shall, at the discretion of the Presiding Officer or a

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majority of the City Council, be moved to a different location or removed from the City Council Chambers.

(4) Packages, bundles, suitcases or other large or potentially dangerous objects shall not, without the prior authorization of the Presiding Officer, be brought into the City Council Chambers and are subject to search to determine that they do not pose a threat or as otherwise requested by the Sergeant at Arms.

(5) Except as otherwise allowed by the City Council, no animals except for service animals shall be brought into the City Council Chambers.

(6) Photographs, audiotapes and videotapes may be taken from the rear of the Chambers or from any seat within the City Council Chambers, so long as such activity does not disrupt and disturb the audience, public speakers and Councilmembers and interfere with the orderly conduct of the meeting. When a filming area has been designated by the Council, filming shall occur in that area only.

(8) Within the City Council Chambers, all cell phone and pager ringers shall be turned off; no talking on cell phones is allowed; and all electronic equipment shall be operated in a manner which does not emit sound or disturb other members of public or disrupt the orderly conduct of the meeting.

(9) The Sergeant-at-Arms is authorized to enforce these rules.

B. Noise adjacent the City Council Chambers: Noise emanating from adjacent or outside the City Council Chambers which is audible within the City Council Chambers shall not be permitted. The sergeant-at-arms is authorized to enforce this rule by requesting those in the lobby to remain silent or to leave the area.

C. Persons Addressing the City Council:

(1) Members of the public may address the City Council during the Public Comment Period(s) or prior to the consideration of any agenda item. Any person wishing to speak, whether during the Public Comment Period or on an agenda item, is requested to complete a "Speaker Request Form" and submit the form to the City Clerk prior to the calling to order of the meeting or as soon as possible thereafter. A person who speaks on an item during Public Comment may not make the same comment again at the time the agenda item is heard. All those speaking shall do so from the podium.

(2) No person shall address the City Council without first being recognized by the Presiding Officer. The person shall respond when his/her name is called from the speaker slip; shall go to the podium, or shall raise his/her hand to indicate that he/she wishes to go to the

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podium to speak. Impromptu personal points of order, comments, objections or questions shall not be recognized, and if they persist, after the Presiding Officer has warned of the offense, a member of the public engaging in such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from the meeting.

(3) The purpose of addressing the City Council is to formally communicate to the Council on matters relating to City business or citizen concerns. Persons addressing the City Council on an agenda item shall confine the subject matter of their remarks to the particular matter before the Council.

(4) Each person addressing the City Council shall do so in an orderly manner and shall not engage in any conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Any person who so disrupts the meeting may, after warning by the Presiding officer, and at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

(5) Persons addressing the City Council shall address the Council as a whole and shall not engage in a dialogue with individual Councilmembers, City Staff, or with other members of the audience.

(6) Members of the public have the right to address the City Council at any regular meeting on any subject that is within the City Council's subject matter jurisdiction. The Presiding Officer may prohibit a member of the public from speaking on a matter not within the City Council's subject matter jurisdiction.

(7) Members of the public addressing the City Council shall have three (3) minutes to speak with a maximum of six (6) minutes if time is donated by another member of the public. All Public Comments portion of the agenda shall not exceed thirty (30) minutes total. The City Council may, by majority vote, alter these time limits. Members of the public should refrain from unduly repetitious comments. This rule shall not apply to the proponents of applications at public hearings.

(8) Members of the public addressing the City Council are prohibited from requesting City resources, or using their own resources to exhibit any power point presentations during public comment or at public hearings.

(9) Members of the public addressing the City Council have the right to request a spokesperson be chosen for a group and/or limit the number of such persons addressing the Council whenever a group of persons wishes to address the Council on the same subject matter. No member of the public made cede his time to speak to another. However, when a speaker represents a large group, he/she should so indicate and request additional time to speak from the Presiding Officer.

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(10) Any public requests for Staff comment shall be made to the Presiding Officer, who may then direct such inquiries to the City Manager or City Attorney as appropriate.

(11) No person except City officials shall be permitted within the platform area in front of the Council dais without the prior consent of the Presiding Officer or City Manager.

(12) When a question is addressed to a specific Council member by a member of the public, that question must go through the Presiding Officer. The Presiding Officer may respond or may pause to allow another Council member to ask to be recognized. If no other Council member does so, the Presiding Officer shall move on to the next item.

#### 4. Enforcement of Rules.

A. Sergeant-at-Arms: The head of the City's police agency or his/her designee shall be ex-officio sergeant-at-arms of the City Council. The sergeant-at-arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the City Council Chambers. The sergeant-of-arms shall enforce the rules of decorum or eject any person(s) from the City Council Chambers or place the person(s) under arrest or both, upon the direction of the Presiding Officer, or upon his or her own discretion, as applicable.

B. Violations: Upon a violation of the rules of decorum established herein, the procedure to enforce the rules is as follows:

(1) Warning: The Presiding Officer shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating these rules, the Presiding Officer shall order a recess. The sergeant-at-arms is authorized to warn the person that their conduct is violating the rules and that they are requested to cease such conduct. If upon resumption of the meeting the violation persists, the Presiding Officer shall order another recess, whereupon the sergeant-at-arms shall have the authority to order the person ejected from the meeting and/or cited in violation of Penal Code Section 403.

(2) Motion to Enforce: Any Councilmember may call a point of order should the City Council fail to abide by the provisions of this Policy, whereupon the City Council shall immediately act upon the point of order by roll call vote. If the Presiding Officer of the City Council fails to enforce the rules of decorum set forth herein, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the

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City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for remainder of the meeting, for the limited purpose of enforcing the rules of decorum established herein.

(3) Clearing the Room: Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the Councilmembers the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Section 54957.9.

(4) Violation of the California Penal Code: A person or persons who willfully and intentionally impair or impede the conduct of a City Council meeting by violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

## 5. Voting.

Any Councilmember may bring a motion to vote on an agenda matter properly seconded, either for purposes of voting on the particular matter or for discussion. The Presiding Officer shall state the maker of the motion and the maker of the second for the record. If it appears that there is consensus of opinion among the Councilmembers on the matter to be voted upon, the Presiding Officer may state the consensus of the City Council and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the City Council. Otherwise, all votes of the City Council shall be by voice vote. After every vote, the Presiding Officer shall declare the result, and on all but consensus votes, shall note for the record the number of votes for or against the question. A member may change his vote only before the next order of business.

A. Roll Call Voting: Every non-urgency ordinance and any resolution or order for franchises or payments of money shall require three (3) affirmative votes. An urgency ordinance and certain resolutions shall require four (4) affirmative votes (i.e. adding matters to the agenda, Resolution of Necessity). A roll call vote shall be used in these cases with the Mayor called last. Other questions before the Council shall not require a roll call vote unless one is requested by a Councilmember.

B. Effect of Silence: Unless a Councilmember audibly votes in the negative,

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disqualifies himself or herself or expressly declines to vote, his or her silence shall be recorded as an affirmative vote on the matter before the Council.

C. Reconsideration: Any Councilmember who voted with the majority may move for a reconsideration of any action at the same or next meeting.

D. Tie Votes: Tie votes shall be lost motions. The matter under consideration resulting in a tie vote shall be continued on the agenda of the next regular meeting unless the Council specifically provides otherwise.

E. Quorum: Unless otherwise provided in state law or the Municipal Code or ordinances, a majority of the City Council present at a meeting shall be sufficient to do business, i.e. if 3 Councilmembers are present, a 2-1 may be sufficient for certain matters that are not ordinances, resolutions, franchise or orders for payment of money.

F. Legally Required Participation: If a majority of the Council were to be disqualified to vote on a matter by reason of potential conflicts of interest, the Council may utilize the “rule of necessity” to select by lot or other random selection that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Those chosen may vote on the matter but may not discuss it.

6. Robert’s Rules of Order.

Because *Robert’s Rules of Order* does not directly apply to City Council meetings, *Robert’s Rules of Order* cannot be strictly followed and, as such, is not formally adopted by the City Council.

7. Form and Precedence of Related Motions.

Once a main motion is properly brought before the City Council and seconded, related motions may be employed in addressing the main motion. These motions take precedence over the main motion and, if properly made and seconded, must be resolved before the main motion can be acted upon. If a main motion is pending, no other motion other may be made, and any such motion may be declared out of-order by the Presiding Officer.

8. City Council Agendas.

A. Order of Business: Generally, the order of business at regularly scheduled meetings of the City Council shall be as follows, unless otherwise re-ordered by the Presiding Officer with the consensus of the City Council:



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- (1) Call to Order
- (2) Roll Call /Invocation/Pledge of Allegiance
- (3) Presentations and Announcements
- (4) Student Liaison Report
- (5) Public Comment
- (6) Consent Calendar
- (7) Public Hearings
- (8) City Council Business
- (9) City Manager/City Staff Report
- (10) City Council Communications/Committee Reports
- (13) Adjournment

B. Consent Calendar: Items of a routine or generally uncontested nature may be approved by the City Council in a single motion by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein. Upon request of any Councilmember an item may be removed from the Consent Calendar for separate discussion and/or action. Each item proposed for consideration as part of the Consent Calendar, including any recommended action, shall be described on the notice and agenda posted for the meeting.

C. Councilmember Communications: In addition to receiving comment from the public under the Public Comment portion of the Agenda, Councilmembers have the opportunity to provide general comments, announcements, and/or suggestions during Councilmember Communications. These matters shall be handled by the Presiding Officer according to the same procedures set forth for Public Comment. No action may be taken on such matters without being placed on a subsequent agenda.

D. Closed Sessions: The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which is authorized to be heard or considered in closed session by State law. If a closed session is included on the agenda, the description of the item need only identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session, unless otherwise required by law. During closed session, the City Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the City Council during closed session are required. There shall be no closed session during any special emergency meeting.

E. Council Agenda Packets: City Staff should assemble and distribute to each Councilmember the agenda packet, including all agenda item materials and supporting

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documentation, by 5:00 p.m., the Friday before the City Council meeting. Any supplemental agenda item materials, exhibits, and/or other documents related to an agenda item, proposed to be distributed after the time Councilmember agenda packets are sent, shall be distributed to each Councilmember no later than twenty-four (24) hours prior to the Council meeting, provided however the City Manager may distribute supplemental materials after the twenty-four (24) hour period upon a determination of necessity.

9. Placement of Items on City Council Meeting Agenda.

A. Agenda Items: Any Councilmember, including the Presiding Officer, may bring a matter of business properly before the City Council during Councilmember comments and reports, to add an item to a future agenda. At that time, the Presiding Officer shall coordinate with the City Manager or City Attorney as to the requisite time needed for City Staff to fully research the matter(s) requested and a reasonable time in which to present the matter(s) for City Council consideration at the next available agenda. All individual Councilmember agenda items requested shall be placed on the future agenda under New Business.

B. Other Agenda Items: The City Manager, in coordination with the City Attorney shall be responsible for scheduling all other agenda items through an agenda review meeting which shall be held any time before the City Council Meeting. Outside the normal Council meeting agenda schedule, two Councilmembers can advise the City Manager that they are both interested in a topic being placed on a Council meeting agenda. Councilmembers will provide information regarding the topic to the City Manager for placement on the agenda.

10. Term of Appointments of Councilmembers to Boards and Committees:

- i. Appointments are made at the first City Council meeting in December to be effective at the next calendar year.
- ii. For appointments to regional agencies where specific rules or requirements exist with respect to appointments, those rules will be followed.
- iii. The Mayor will provide a recommendation of proposed appointments to the City Manager for placement on an agenda prior to the first City Council meeting in December.
- iv. At the first City Council meeting in December, the Mayor will ask the Council regarding their preferences to serve on any Boards and Committees.

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- v. The Mayor with the support of one additional City Councilmember may thereafter consider changing any Board and Commission appointments during the year in compliance with item (2) above.

11. Public Hearings Required by Law.

Except as provided otherwise by law, public hearings shall generally be conducted as follows:

A. At the beginning of each public hearing item, the Presiding Officer shall announce the item for the public hearing, request that Staff present the Staff report and any other relevant evidence, and open the public hearing. The presentation of the Staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.

B. Following the Staff report and opening of the public hearing, the Presiding Officer shall thereupon call upon the proponent (if other than staff) to present his/her its presentation. Thereafter, the Presiding Officer shall inquire as to whether there are any persons present who desire to address the City Council on the matter. Any person desiring to speak or present evidence shall then make their presence known to the Presiding Officer and, upon being recognized by the Presiding Officer, may speak or present evidence relevant to the subject matter being heard. No person may speak without first being recognized by the Presiding Officer. It is customary for the Presiding Officer to recognize those speakers in support of the subject matter being heard followed by those speakers in opposition.

C. The applicants, appellant, and/or their representatives shall speak first and shall have a sufficient time to do so, any portion of which may be reserved and used for rebuttal.

D. Each member of the public wishing to address the City Council, other than the applicant/appellant, shall then be allowed to address the City Council and shall have three (3) minutes to speak. Prior to declaring the public hearing open, however, when necessary because of the number of possible speakers, the Presiding Officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.

E. Councilmembers who wish to ask questions of the speakers, staff or each other, during the public hearing portion, may do so only after being recognized by the Presiding Officer in the manner set out in these Rules.

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F. Councilmembers should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Councilmembers should avoid debate and expressions of personal opinion until after the close of the public hearing.

G. Following the conclusion of such questions, the Presiding Officer shall allow the applicant/appellant the opportunity for rebuttal.

H Following the rebuttal, the Presiding Officer shall close the public hearing and then allow each Councilmember to state his/her opinion on the item before asking for a motion to decide the matter.

I. Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing through the Presiding Officer with consensus of the City Council.

J. The Presiding Officer at all times shall conduct the public hearing in such a manner as to afford due process to all affected persons

12. Suspension of the Rules.

Any provision of these Rules not already governed by City ordinance or State law may be suspended by majority vote of the City Council.

13. Interpretation and Applicability.

The rules of decorum and procedure set forth herein shall be liberally construed to effectuate their purpose and no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, nor the legality thereof otherwise affected, by the failure or omission of the City Council to technically comply with, observe, or otherwise follow such rules. The rules of decorum and procedure set forth herein shall apply to any other City boards and commissions subject to the Brown Act and shall apply to the City Council Chambers or any other location where a meeting subject to these rules takes place. In the event of any inconsistency between these rules and state law or regulation, state law or regulation shall apply.