



CITY COUNCIL
Special Meeting
Agenda

August 29, 2017 1 p.m.

Faraday Administration Building
1635 Faraday Avenue, Room 173B
Carlsbad, CA 92008

We Welcome Your Participation

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENT ON AGENDA ITEM:

1. CITY COUNCIL WORKSHOP DISCUSSION REGARDING CMC CHAPTER 1.20 – CITY COUNCIL PROCEDURE

Council Members will engage in a facilitated discussion regarding updates to Carlsbad Municipal Code Chapter 1.20 – City Council Procedure and provide direction to staff on desired amendments, deletions and additions to the Code.

Council Action:

ADJOURNMENT:

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CITY COUNCIL
Staff Report

Meeting Date: August 29, 2017
To: Mayor and City Council
From: Kevin Crawford, City Manager
Staff Contact: Celia Brewer, City Attorney
Celia.brewer@carlsbadca.gov
Subject: City Council Workshop Discussion Regarding Update of Carlsbad Municipal Code Chapter 1.20 – City Council Procedure

Recommended Action

This meeting is a moderator facilitated workshop for council discussion of rules of procedure for council meetings. There are no specific recommended actions.

Executive Summary

The City Council directed staff to commence work on updating the Carlsbad Municipal Code (Code) at the regular meeting held on May 23, 2017. As one of the first items of focus, Council requested that staff coordinate a Council workshop to allow discussion of desired updates regarding Chapter 1.20 – City Council Procedure.

Discussion

At the May 23, 2017 Council Meeting, the City Council concurred to direct staff to begin the efforts to review and update the Code with an initial focus on Titles 1 and 2. Council directed that Chapter 1.20 should be reviewed by the entire City Council while a subcommittee including Attorney Daniel S. Hentschke along with the Council Members Mark Packard and Michael Schumacher and city staff would identify areas of the Code other than Chapter 1.20 that need to be updated.

Based on the City Council's discussion at this workshop, staff will return at a later date with suggested modifications to the Municipal Code for the City Council's consideration.

Fiscal Analysis

Council adopted Resolution No. 2017-095 authorizing the Administrative Services Director to transfer and appropriate \$80,000 from Council Contingency to the City Attorney's budget for use in updating the city's municipal code.

Next Steps

Staff will return to Council with a proposed Ordinance reflecting changes requested at this workshop. In addition, staff will be creating a website where all draft code updates will be posted so the public can review and provide input.

Environmental Evaluation (CEQA)

Pursuant to Public Resources Code Section 21065, this action does not constitute a "project" within the meaning of CEQA in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Public Notification

This item was noticed in accordance with the Ralph M. Brown Act and was posted and distributed at least 24 hours prior to the meeting date.

Exhibits

1. Carlsbad Municipal Code Chapter 1.20

Chapter 1.20

CITY COUNCIL PROCEDURE

Sections:

- 1.20.010 Regular meetings.
- 1.20.020 Special meetings.
- 1.20.025 Emergency meetings.
- 1.20.030 Adjourned meetings.
- 1.20.050 Meetings to be public—Exceptions—Closed sessions.
- 1.20.060 Council agenda.
- 1.20.070 Correspondence—Availability to the public.
- 1.20.080 Correspondence—Authority of city manager.
- 1.20.090 Quorum.
- 1.20.100 Conduct of business.
- 1.20.110 Order of business.
- 1.20.120 Call to order—Presiding officer.
- 1.20.130 Roll call.
- 1.20.140 Reading of minutes.
- 1.20.150 Minutes.
- 1.20.160 Distribution of minutes.
- 1.20.170 Recordings of meetings.
- 1.20.180 Consent calendar.
- 1.20.190 Presiding officer.
- 1.20.200 Powers and duties of presiding officer.
- 1.20.210 Gaining the floor.
- 1.20.220 Questions to the staff.
- 1.20.230 Interruptions.
- 1.20.240 Points of order.
- 1.20.250 Point of personal privilege.
- 1.20.260 Privilege of closing debate.
- 1.20.270 Calling the question.
- 1.20.280 Protest against council action.
- 1.20.290 Request to address the council on items other than listed public hearing.
- 1.20.300 Purpose and intent—Addressing the council.
- 1.20.302 Addressing the council—Spokesperson for group of persons.
- 1.20.305 Opportunity for public to address the council—Nonagenda items.
- 1.20.310 Decorum and order—Council and city staff.
- 1.20.320 Public attendance and audience—Decorum and order.
- 1.20.330 Enforcement of decorum.
- 1.20.340 Voting procedures.
- 1.20.350 Disqualification for conflict of interest.
- 1.20.360 Failure to vote.
- 1.20.370 Tie vote.
- 1.20.380 Changing vote.
- 1.20.390 Reconsideration.
- 1.20.400 Preparation of ordinances.
- 1.20.410 Reading of ordinances and resolutions.
- 1.20.420 Public hearings—When held.
- 1.20.430 Public hearings—Procedure.
- 1.20.440 Public hearings—Evidence.
- 1.20.450 Public hearings—Continuation.

- 1.20.460 Public hearings—Closing.
- 1.20.470 Public hearings—Reopening.
- 1.20.480 Public hearings—Decision.
- 1.20.490 Motions.
- 1.20.500 Precedence of motions.
- 1.20.510 Particular motions, purpose and criteria.
- 1.20.520 Resolutions.
- 1.20.530 Legislative action.
- 1.20.540 Resolutions—Adoption.
- 1.20.550 Ordinances—Adoption.
- 1.20.560 Correction of documents.
- 1.20.570 Robert’s Rules of Order.
- 1.20.580 Council policy manual.
- 1.20.590 Failure to observe procedures—Waiver.
- 1.20.600 Appeals procedure.
- 1.20.610 Ordinances—Effective date.

1.20.010 Regular meetings.

The city council shall hold regular meetings on the dates and times specified by resolution of the city council. If by reason of fire, flood or other emergency, it is unsafe to meet in the council chambers, the meetings may be held for the duration of the emergency at such other place as is designated by the mayor, or, if the mayor should fail to act, by three members of the city council. When the day for any regular meeting falls on a legal holiday, such meeting shall be held at the same hour and place on the next succeeding day not a holiday or such other time as designated by the city council. (Ord. CS-195 § 1, 2012; Ord. NS-534 § 2, 2000; Ord. 1273 § 1, 1984; Ord. 1213 § 2, 1979)

1.20.020 Special meetings.

Special meetings may be called at any time by the mayor or three members of the city council by delivering personally or by mail, facsimile, or electronic mail, written notice to each council member and to each local newspaper of general circulation, radio or television station having filed written request for such notice. Such notice must be delivered personally, or by mail, facsimile, or electronic mail, at least 24 hours before the time of such meeting as specified in the notice. The notice of the special meeting shall also be placed on the city’s website. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any council member who at or prior to the time the meeting convenes files with the city clerk a written waiver of notice. Such waiver may be given by telegram, facsimile, or electronic mail. Such written notice may also be dispensed with as to any council member who is actually present at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting on the council chambers door. (Ord. CS-195 § 1, 2012; Ord. NS-744 § 2, 2005; Ord. 1292 § 1, 1986; Ord. 1213 § 2, 1979)

1.20.025 Emergency meetings.

Notwithstanding anything in this code to the contrary, the city council may hold an emergency meeting pursuant to and in accordance with the provisions of Section 54956.5 of the California Government Code. (Ord. 1292 § 2, 1986)

1.20.030 Adjourned meetings.

All meetings may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened. Meetings may be adjourned by the mayor by a simple declaration thereof in the absence of a protest by any council member. Meetings may also be adjourned upon the making and seconding of such a motion in accordance with the procedures on motions established by this chapter. If a quorum is not present, less than a quorum may so adjourn a meeting. If all members of

the council are absent, the city clerk shall declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 1.20.020 for special meetings. When any meeting is adjourned, the city clerk shall post notice of such adjournment on the council chamber door within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting meeting is a regular meeting for the purpose of transacting business. (Ord. 1292 § 3, 1986; Ord. 1213 § 2, 1979)

1.20.050 Meetings to be public—Exceptions—Closed sessions.

- A. All meetings of the city council shall be open to the public provided, however, the city council may hold closed sessions during any meeting from which the public and any person or entity having filed written request for notice of meetings, may be excluded for the purpose of considering the matters, as authorized by Title 5, Division 2, Part 1, Chapter 9, Sections 54950 through and including 54961 of the Government Code of the State of California or other applicable law.
- B. No member of the city council, employee of the city or any other person present during a closed session of the council shall disclose to any person the content or substance of any discussion which took place during said closed session unless the city council first authorizes the disclosure of such information by a majority vote. (Ord. 1292 § 5, 1986; Ord. 1213 § 2, 1979)

1.20.060 Council agenda.

- A. An agenda shall be prepared for each council meeting containing the time and place of the meeting, the order of business and a general description, including the specific action requested to be taken by the council, for each item of business to be transacted or discussed at the meeting. Items of business may be placed on the agenda by the direction of a member of the council, the city manager or the city attorney. Council originated items shall be submitted to the city manager by Friday, 12 days prior to the scheduled council meeting. The city manager shall promptly give copies to the other members of the city council for their review and comment. Comments must be returned to the city manager by Wednesday, seven days prior to the scheduled council meeting. The city manager shall include any such comments as a part of the agenda item. If time constraints require it the mayor may approve expedited processing for a council originated item provided copies are made available to the other members of the council, the city attorney and the city manager as soon as the item is prepared and, to the extent possible, any comments received shall be incorporated. Agenda items, including ordinances, resolutions, contracts, staff reports or other matters to be submitted to the council, shall be delivered to the city clerk not later than 5:00 p.m. on the Wednesday preceding the regular meeting. The clerk shall thereafter prepare an agenda packet under the direction of the city manager. The agenda packet shall be delivered to the council members on the Friday preceding the regular meeting and shall be made available to the public at the office of the city clerk and shall be posted on the city's website.
- B. Any writings provided to all or a majority of all of the council members in connection with a matter subject to discussion or consideration at an open council meeting, are disclosable public records unless specifically exempted from disclosure pursuant to California Government Code Sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6154.22 or any other provision of law.
- C. Any writings or documents, which relate to an open session of a regular council meeting and are distributed to the council members less than 72 hours prior to that meeting, shall be made available for public inspection at the office of the city clerk at the time the writing is distributed to all or a majority of all of the council members. The agenda for each council meeting shall specify that writings described by this section are available at the office of the city clerk and shall list the address for the office of the city clerk.
- D. A binder containing all agenda related writings and documents, including those described in subsection C of this section will be held by the deputy city clerk at each council meeting and will be available for public review.

- E. All agenda items, ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or authorized representative, and shall have been examined and approved for administration by the city manager or authorized representative, where there are substantive matters of administration involved.
- F. At least 72 hours before a regular meeting, the city clerk shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted at City Hall and at the meeting place if not City Hall. The agenda shall also be placed on the city's website. The city clerk shall prepare and file a signed declaration of the time and place of posting and a certified copy of the posted agenda. Except as provided in subsection I of this section no business shall be transacted or discussed at the meeting on any item not appearing on the posted agenda. A direction of the mayor with the consent of the council to refer a matter raised by a member of the public to staff for a report or to place a matter on a future agenda shall not constitute action.
- G. The order of business established on the agenda shall be followed unless the mayor, with the consent of a majority of the council permits a matter to be taken out of the regular agenda order.
- H. An agenda may be prepared for adjourned meetings in the same manner as for regular meetings, as set forth in subsection A of this section.
- I. The city council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions:
 1. An item has been continued by the council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item.
 2. Upon a determination by a two-thirds vote of the council, or if less than two-thirds of the members are present a unanimous vote of those present that the need to take action arose after the agenda was posted.
 3. Upon a determination by the council that an emergency exists. For purposes of this section "emergency" means a crippling disaster, work stoppage or other activity which severely impairs public health, safety or both, where prompt action is necessary due to the disruption or threatened disruption of public facilities as determined by a majority of the members of the council. (Ord. CS-195 § 1, 2012; Ord. NS-887 § 1, 2008; Ord. NS-22 § 1, 1988; Ord. 1292 § 6, 1986; Ord. 1233 § 1, 1980; Ord. 1213 § 2, 1979)

1.20.070 Correspondence—Availability to the public.

Correspondence addressed to the city council which is received by the city clerk or any other officer or employee of the city shall not be a matter of public record unless it is received and filed by the council at a regular, special, or adjourned meeting of the council. Correspondence shall not be read aloud at a council meeting unless requested by majority vote of the council. (Ord. 1213 § 2, 1979)

1.20.080 Correspondence—Authority of city manager.

- A. The city manager is authorized to open and examine all mail or other written communications addressed to the city council, except correspondence addressed to individual council members, and to give it warranted attention to the end that all administrative business referred to in said communications and not requiring council action may be acted upon between council meetings; provided, that all communications and any action taken pursuant thereto shall be reported to the city council.
- B. The city manager's office and city clerk's office shall coordinate on mail received by the city clerk's office in order to effectively accomplish the purposes of this section.
- C. Correspondence concerning a matter on an agenda for consideration by the council, which is received prior to 12:00 noon on Thursday preceding the meeting, shall be made a part of the agenda item.

1.20.090

- D. Correspondence requiring council action shall be placed on an agenda as soon as practicable, together with a report and recommendation from the city manager. (Ord. 1292 § 7, 1986; Ord. 1213 § 2, 1979)

1.20.090 Quorum.

Three members of the council shall constitute a quorum for the transaction of business. Motions and resolutions may be passed by a majority of the quorum but ordinances shall require a majority of the membership of the city council. Less than a quorum may adjourn from time to time. Where there is no quorum, the mayor, mayor pro tem or any member of the council shall adjourn such meeting, or if no member of the council is present, the city clerk shall adjourn the meeting. For the purpose of considering any item subject to vote of the council, when a member of the council is disqualified due to a conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. Consideration on such item shall be deferred until a quorum of noninterested council members are present to discuss and vote on them if a disqualification reduces those in attendance to less than a quorum. (Ord. CS-001 § 1, 2008; Ord. NS-709 § 1, 2004; Ord. NS-597 § 2, 2001; Ord. 1213 § 2, 1979)

1.20.100 Conduct of business.

At the time set for each regular meeting, each member of the council, the city manager, city clerk, city attorney and such department heads or others as have been requested to be present shall take their regular places in the council chambers. The business of the council shall be conducted in substantially the order and in the manner provided in this chapter. (Ord. 1213 § 2, 1979)

1.20.110 Order of business.

The business of the council shall be taken up for consideration and disposition in the following order:

- A. Call to order;
- B. Roll call;
- C. Invocation;
- D. Pledge of allegiance;
- E. Approval of minutes;
- F. Special presentations;
- G. Consent calendar;
- H. Ordinances for introduction;
- I. Ordinances for adoption;
- J. Public hearings;
- K. Adjournment to other agency meetings;
- L. Departmental and city manager reports;
- M. City council additional business;
- N. City attorney additional business;
- O. City manager additional business;
- P. Announcements;
- Q. Adjournment.

Public comment as provided in Section 1.20.305 will be taken during the regular order of business at such time as the city council by motion shall determine. All other business shall be considered in the order shown above unless modified as provided for in this chapter. (Ord. NS-744 § 3, 2005; Ord. 1298 § 1, 1987; Ord. 1292 § 8, 1986; Ord. 1213 § 2, 1979)

1.20.120 Call to order—Presiding officer.

The mayor, or in the mayor's absence, the mayor pro tem, shall take the chair at the hour appointed for the meeting and shall call the council to order. In the absence of the mayor and mayor pro tem, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the council members present. Upon the arrival of the mayor or the mayor pro tem, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the council. Whenever the term "mayor" is used in this chapter, and the mayor is absent, it shall apply equally to the mayor pro tem, and if the mayor is also absent, to the presiding officer elected pursuant to this section. (Ord. NS-597 § 3, 2001; Ord. 1213 § 2, 1979)

1.20.130 Roll call.

Before proceeding with the business of the council, the city clerk shall call the roll of the council members and the names of those present shall be entered in the minutes. (Ord. 1213 § 2, 1979)

1.20.140 Reading of minutes.

Unless the reading of the minutes of a council meeting is requested by a member of the council, the minutes may be approved without reading if the clerk has previously furnished each member of the council with a copy thereof. (Ord. 1213 § 2, 1979)

1.20.150 Minutes.

- A. The minutes of the council shall be kept by the city clerk and shall be electronically produced, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided, that the city clerk shall be required to make a record only of such business as was actually passed upon a vote of the council and shall not be required to make a verbatim transcript of the proceedings; and provided further, that a record shall be made of the names and addresses of persons addressing the council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.
- B. A council member may request, through the mayor, the privilege of having an abstract of the council member's statement on any subject under consideration by the council entered in the minutes. If there is no objection from any member of the council, such statement shall be entered in the minutes. (Ord. NS-744 § 4, 2005; Ord. 1213 § 2, 1979)

1.20.160 Distribution of minutes.

As soon as possible after each meeting, the city clerk shall furnish a copy of the minutes to each council member, the city manager, city attorney, and any other individuals designated by the city manager. (Ord. 1213 § 2, 1979)

1.20.170 Recordings of meetings.

- A. The city clerk may record city council meetings as an aid in the preparation of minutes. If recordings are made, they shall be retained by the city clerk until such time as the minutes have been approved by the city council. Upon such approval of the written minutes by the city council, the city clerk may reuse or erase such recordings unless specifically requested by the city council or the city attorney to retain such recordings at the time the minutes are approved.
- B. While the city clerk has the recordings in his or her possession, members of the public may hear the recordings of the city council meetings during office hours when it will not inconvenience the ordinary operation of the clerk's office; brief or shorthand notes may be made; mechanical recordings may be made from the recordings until the minutes are approved unless the recording is retained according to subsection A of this section; and in this connection, the city clerk is further authorized to allow the equipment to be used by the public for listening or recording purposes when such equipment is not

necessary for use by the city clerk in the ordinary function of the office. Except as provided for in Chapter 1.16, unless a request to prepare a transcript is timely submitted and accepted, the city clerk is not authorized to provide a transcript of any recording. The city clerk may establish rules and regulations necessary to protect the safety of the records against theft, mutilation or accidental damage, to prevent inspection or recording from interfering with the orderly function of the office, and to ensure that the integrity of the records is maintained. The city clerk may charge a fee to cover the cost, including labor and materials, of but not limited to providing records and administering this provision.

- C. If any person wishes a record of the city council meeting, or any portion thereof, a request therefor shall be filed with the city clerk 24 hours prior to the meeting. If such a request is received, the city clerk shall make arrangements to make and preserve such a record at the expense of the person making the request.
- D. If any person desires to have a matter reported by a stenographer reporter, such person may employ one directly at the person's expense. (Ord. NS-744 § 5, 2005; Ord. NS-4 § 1, 1988; Ord. 1240 § 1, 1981; Ord. 1213 § 2, 1979)

1.20.180 Consent calendar.

Certain items for inclusion on the agenda which have been reviewed by the city manager, delivered to the city council and made available to the public prior to the council meeting, shall be grouped together for action and listed under the consent calendar, when such matters are considered to be noncontroversial and in the nature of housekeeping items by the city manager, requiring only routine action by the council. Actions recommended by the city manager shall be in summary form and be a part of that item. Adoption of the consent calendar may be made by one motion approved by the council; provided, however, that the mayor should first advise the audience that the consent calendar matters will be adopted in total by one action of the council unless any council member or any individual or organization who has so requested wishes to be heard on one or more consent items. In that event, the mayor may defer action on the particular matter or matters and place them on the regular agenda for consideration in any order deemed appropriate. A request from the public to discuss an item must be filed with the city clerk in writing prior to council consideration of the consent calendar.

The written agenda available to the public and to the city council shall provide the following notice of explanation to the public concerning the consent calendar:

All matters listed under CONSENT CALENDAR are considered by the council to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the City Clerk in writing prior to Council consideration of the Consent Calendar.

Members of the public who have requested permission to discuss a Consent Calendar item should come forward to the lectern upon invitation by the Mayor, state their name, address and Consent Calendar item number. (Ord. 1213 § 2, 1979)

1.20.190 Presiding officer.

The mayor shall be the presiding officer at all meetings of the city council. (Ord. 1213 § 2, 1979)

1.20.200 Powers and duties of presiding officer.

The presiding officer may move, second, debate, and vote from the chair. The presiding officer shall not be deprived of any of the rights and privileges of a council member by reason of acting as presiding officer. The presiding officer or such person as the presiding officer may designate may verbally restate each question immediately prior to calling for the vote. Following the vote, the presiding officer shall announce whether the question carried or was defeated. The presiding officer shall be responsible for the maintenance of order

and decorum at all meetings. He or she shall decide all questions of order and procedure, subject, however, to an appeal to the council in which case the matter shall be determined by majority vote of the council. The presiding officer shall sign all ordinances, resolutions, contracts, and other documents necessitating the presiding officer's signature which were adopted in his or her presence, unless the presiding officer is unavailable, in which case an alternate presiding officer may sign such documents. (Ord. 1213 § 2, 1979)

1.20.210 Gaining the floor.

Every council member desiring to speak shall first address the chair, gain recognition by the presiding officer, and shall confine him or herself to the question under debate, avoiding reference to character and indecorous language. (Ord. 1213 § 2, 1979)

1.20.220 Questions to the staff.

Every council member desiring to question the city staff shall, after recognition by the presiding officer, address his or her questions to the city manager, or the city attorney, who shall be entitled either to answer the inquiry him or herself or to designate a member of his or her staff for that purpose. (Ord. 1213 § 2, 1979)

1.20.230 Interruptions.

A council member, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, or unless a point of order or personal privilege is raised by another council member, or unless the speaker chooses to yield to a question by another council member. If a council member while speaking is called to order, the council member shall cease speaking until the question of order is determined, and if determined to be in order, the council member may proceed. Members of the city staff, after recognition by the presiding officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer. (Ord. 1213 § 2, 1979)

1.20.240 Points of order.

The presiding officer shall determine all points of order subject to the right of any council member to request full council ruling, and the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order. (Ord. 1213 § 2, 1979)

1.20.250 Point of personal privilege.

The right of a council member to address the council on a question of personal privilege shall be limited to cases in which the council member's integrity, character or motives are questioned or where the welfare of the council is concerned. A council member raising a point of personal privilege may interrupt another council member who has the floor only if the presiding officer recognizes the privilege. (Ord. 1213 § 2, 1979)

1.20.260 Privilege of closing debate.

Subject to the provisions of Section 1.20.270, the council member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate, subject to a council majority ruling that debate should continue. (Ord. 1213 § 2, 1979)

1.20.270 Calling the question.

A member of the council who wishes to terminate discussion of a motion may call for the question. If the call is seconded, the presiding officer shall ask for a vote. If the call carries, the council shall then vote on the motion without further discussion. (Ord. 1213 § 2, 1979)

1.20.280 Protest against council action.

Any council member shall have the right to have the reasons for his or her dissent from, or protest against, any action of the council entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons..." (Ord. 1213 § 2, 1979)

1.20.290 Request to address the council on items other than listed public hearing.

- A. It is the policy of the council to permit limited presentations by members of the public on nonpublic hearing agenda items. The presiding officer may, in the absence of objection by a majority of the council members present, decline to permit such presentations on any particular nonpublic hearing item.
- B. Any person or group of persons desiring to address the council on a nonhearing matter must file a written request for permission to address the council which must be filed with the city clerk in advance of the council's consideration of that item. The presiding officer, with the unanimous consent of the council, may allow a person who has not filed such a request to address the council.
- C. Each person desiring to address the council shall approach the podium, state the subject that the person wishes to discuss, city of residence, and the person's name and/or party he or she is representing (unless otherwise determined by the city attorney to be unnecessary). A speaker's remarks are limited to five minutes but may be shortened to three minutes or such shorter time as appropriate under the circumstances and when announced by the mayor or at the commencement of the item when, in the opinion of the mayor or majority of the city council, the length and duration of public comments on a public hearing item would be unduly burdensome and prevent or frustrate the city council from reaching a timely decision on the matter. All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the mayor. The mayor shall not permit any communication, oral or written, to be made or read where it does not bear directly on the agenda item then under discussion.
- D. After a motion has been made, no member of the public shall address the council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the city council.
- E. No person shall address the council without first securing the permission of the presiding officer. (Ord. CS-96 § 1, 2010; Ord. NS-770 § 1, 2005; Ord. 1222 § 1, 1979; Ord. 1213 § 2, 1979)

1.20.300 Purpose and intent—Addressing the council.

Our society has long recognized that it is important for citizens of any community to have the ability to address their elected officials. To that end, the City of Carlsbad has enacted decorum ordinances to facilitate such activities at council meetings. These ordinances are designed to allow for public input but retain the recognition that city business and the needs of all the people necessarily require some limitations. Clearly, the more orderly a meeting, the more time members of the council will have to adequately consider and address any issues raised. Dissent at public meetings is also a recognized concept in a free society. It is one of the ways in which concerns about pending issues can be expressed, and without which the nature or extent of those concerns might result in less than informed decisions. But it is equally important to recognize that dissent is not without limitations. If anyone who wished to move a public meeting toward a particular position could disrupt the proceedings whenever they felt moved to do so, the rights of all others and the business of a city would soon stagnate and the actions themselves would tend to imperil the very freedoms we all seek. It is therefore important to remember that no one has a constitutional right to disrupt a public meeting by attempting to impose their own voice or actions in a manner that is loud, boisterous, or unruly where such conduct is substantially disruptive of the meeting itself, not in compliance with the rules set forth for the governance of the such meetings, and continues after the mayor has requested the person or persons to stop. The issue in such cases is not about the content of speech, unless the content itself violates the law, but rather with the extent of disruption caused to the meeting itself by the manner and conduct of the speaker's actions. (Ord. CS-153 § 3, 2011)

1.20.302 Addressing the council—Spokesperson for group of persons.

- A. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to require that a spokesperson be chosen from the group to address the council. If additional matters are to be presented by any other members of the group, the presiding officer may limit the number of such persons and limit the presentation to information not already presented by the group spokesperson.
- B. For items other than those listed on the agenda for public hearing, groups of persons shall be limited to a total presentation period of 10 minutes. The presiding officer shall first call for representatives of groups in favor of the matter under consideration and then for those persons in opposition to the matter under consideration, and thereafter shall allow a rebuttal time limited to five minutes to the proponents who shall confine rebuttal remarks to answering comments made in opposition and not the introduction of new testimony. Further time may be granted by majority vote of the council. (Ord. CS-153 § 2, 2011; Ord. 1213 § 2, 1979)

1.20.305 Opportunity for public to address the council—Nonagenda items.

- A. Every agenda for a regular council meeting shall provide a period for members of the public to address the council on items of interest to the public that are not on the agenda but are within the jurisdiction of the city council.
- B. Speakers shall be limited to three minutes each with the total time for all speakers not to exceed 15 minutes unless additional time is granted by majority vote of the council. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the city clerk. Speakers will be called in the order reserved within the available time. The mayor with the consent of the council may, if time permits, allow persons to speak who have not filed a written request to reserve time.
- C. Each person desiring to address the council shall approach the podium, state the subject he or she wishes to discuss, city of residence, and person's name and/or party the person is representing (unless otherwise determined by the city attorney to be unnecessary). All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the presiding officer. The presiding officer shall not permit any communication, oral or written, to be made or read where it is not within the subject matter jurisdiction of the city council. (Ord. NS-770 §§ 2, 3, 2005; Ord. 1292 § 9, 1986)

1.20.310 Decorum and order—Council and city staff.

While the council is in session, the council members and city staff shall observe good order and decorum and shall not by conversation or otherwise, improperly delay or interrupt the proceedings nor refuse to obey the directives of the mayor as authorized under this chapter. (Ord. CS-153 § 4, 2011; Ord. 1213 § 2, 1979)

1.20.320 Public attendance and audience—Decorum and order.

Members of the public attending council meetings shall observe the same rules of order and decorum applicable to the city council and staff. Any person wishing to address the council is responsible for familiarizing him or herself with the rules and ordinances applicable to council meetings. Copies of those requirements are available on file in the office of the city clerk and on the city's website. (Ord. CS-153 § 5, 2011; Ord. 1213 § 2, 1979)

1.20.330 Enforcement of decorum.

- A. The chief of police or such member of the police department as the chief, or authorized agent, may designate, shall be sergeant-at-arms of the city council and said person shall attend meetings at the request of the mayor, the city manager, or a majority of the city council. The sergeant-at-arms shall be available to respond to all meetings immediately upon call. The sergeant-at-arms shall carry out all orders authorized under this chapter that are given by the mayor for the purpose of maintaining order

and decorum at the council meetings. The sergeant-at-arms may, at any time, request assistance from other members of the police department to accomplish that purpose. Any council member may move to require the mayor to enforce the rules, and the affirmative vote of a majority of the council members present shall require him or her to do so.

- B. Any person, including any member of the council or city staff, who by voice or conduct engages in loud, boisterous, or unruly behavior that substantially disrupts a council meeting, that does not comply with the rules of set forth in this chapter for governance of such meeting, and continues after the mayor has requested such person(s) to stop, is engaging in unlawful conduct and, except as set forth in subsections C and D of this section, shall constitute an infraction.
- C. Any person arrested under subsection B of this section and who thereafter returns to the same meeting and again violates the provisions of subsection B of this section, commits a misdemeanor.
- D. Any person previously convicted under subsection B of this section, who again violates the provisions of subsection B of this section, commits a misdemeanor. (Ord. CS-153 § 6, 2011; Ord. 1213 § 2, 1979)

1.20.340 Voting procedures.

- A. Voting shall be conducted by the use of the voting light system installed in the council chambers. A red light designates a "No or Negative" vote, a green light designates a "Yes or Affirmative" vote, and an amber light designates a vote to "Abstain."
- B. The council may at any time, or from time to time, dispense with the use of the voting light system by voice vote of the majority. In such an event, voting shall be conducted by voice vote until such time as a determination is made to again use the voting light system, or some other system.
- C. When the council is voting the voice vote, a negative vote shall be registered by the oral statement of "NO" by the council member voting. Affirmative vote shall be registered by the oral statement of "YES" or "AYE" by the council member voting. (Ord. 1213 § 2, 1979)

1.20.350 Disqualification for conflict of interest.

If a council member has reason to think a conflict of interest may exist, the council member shall give the facts of the matter to the city attorney and request advice thereon prior to the meeting. Any council member who is disqualified from voting on a particular matter by the reason of a conflict of interest or a potential conflict of interest and immediately prior to the consideration of matter, shall:

- A. 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.
- B. Recuse himself or herself from discussing and voting on the matter.
- C. 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 consent calendar.
- D. A council member may address the council notwithstanding a conflict during the time that the general public speaks on the issue.

A council member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter. (Ord. NS-659 § 1, 2003; Ord. 1213 § 2, 1979)

1.20.360 Failure to vote.

Every council member should vote unless disqualified by reason of conflict of interest. A council member who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon. (Ord. 1213 § 2, 1979)

1.20.370 Tie vote.

Tie votes or a vote lacking the required number of affirmative votes shall constitute "no action," and the matter voted upon remains before the council and is subject to further council consideration. If the city council is unable to take action on a matter before it because of a tie vote or the lack of the required number of votes, the city clerk shall place the item on the next regular meeting of the city council for further consideration except matters involving development applications which are before the council by virtue of a recommendation or appeal from the planning commission or design review board, in which case if a final decision of the city council is not reached within a reasonable time, not to exceed, 60 days, the matter shall be deemed denied. During this 60-day period, any council member may make a written request that the matter be restored to the council's agenda. (Ord. NS-626 § 1, 2002; Ord. 1213 § 2, 1979)

1.20.380 Changing vote.

A council member may change his or her vote only if a timely request to do so is made immediately following the announcement of the vote by the presiding officer and prior to the time the next item in the order of business is taken up. A council member who publicly announces that he or she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his or her abstention. (Ord. 1213 § 2, 1979)

1.20.390 Reconsideration.

- A. A motion to reconsider any action taken by the council may be made only at the meeting such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion may be made only by one of the council members who voted with the prevailing side. Nothing in this section shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.
- B. A motion to rescind, repeal, cancel or otherwise nullify prior council action shall be in order at any subsequent meeting of the council. The effect of such action shall operate prospectively and not retroactively and shall not operate to adversely affect individual rights which may have been vested in the interim. (Ord. 1213 § 2, 1979)

1.20.400 Preparation of ordinances.

All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless requested by a council member, the mayor, city manager, or prepared by the city attorney on his or her own initiative. (Ord. 1213 § 2, 1979)

1.20.410 Reading of ordinances and resolutions.

At the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the council. If any council member so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading. (Ord. 1213 § 2, 1979)

1.20.420 Public hearings—When held.

- A. Wherever by law the city council is required to hold a public hearing on any matter before it, such hearing will be held in accordance with the rules and procedures set forth in this chapter. Nothing in this chapter shall prohibit or limit the city council from holding a public hearing on any matter before it, whether required by law or not, and nothing in this chapter shall prohibit or limit any member of the public from addressing the council in accordance with the procedures provided for in this chapter, irrespective of whether or not a public hearing is being held.
- B. All public hearings shall be scheduled to begin at a time certain which shall be the hour the council convenes. The council shall hold such hearings in order, in accordance with the schedule on the agenda at that time, or as soon thereafter as practicable. If the hearing is continued to a time less than 24

hours after the time specified in the notice of such hearing a notice of continuance shall be posted immediately after the meeting on the council chamber doors. (Ord. 1292 § 10, 1986; Ord. 1213 § 2, 1979)

1.20.430 Public hearings—Procedure.

- A. The presiding officer shall announce that it is the time and place for a public hearing scheduled on the agenda.
- B. Prior to all city council public hearings, copies of the council's agenda with attachments, including the staff report, if any, shall be available at the office of the city clerk at least 24 hours prior to commencement of the hearing; provided, however, the council may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the hearing.
- C. The order of the hearing shall be as follows unless otherwise required by law:
 - 1. Presentation of staff and/or planning commission report;
 - 2. Questions from the council;
 - 3. Presentation by the applicant, if any;
 - 4. Testimony of people in favor;
 - 5. Testimony of people in opposition;
 - 6. Rebuttal of applicant.
- D. An individual speaker shall be allowed five minutes to address the city council except it may be shortened to three minutes or such other time limit as appropriate when announced by the mayor at the commencement of the public hearing when, in the opinion of the mayor or majority of the city council, the length and duration of the public testimony would be unduly burdensome and prevent or frustrate the city council from reaching a timely decision on the matter. In addition:
 - 1. A written request to speak shall not be required;
 - 2. The time limit for groups shall be 20 minutes;
 - 3. The applicant shall have 20 minutes.
- E. The presiding officer may, dependent upon the necessity for insuring adequate presentation of testimony and evidence to provide a fair hearing, set longer time limits than otherwise allowed by this chapter. The decision of the presiding officer may be appealed to the council. (Ord. CS-096 § 2, 2010; Ord. 1213 § 2, 1979)

1.20.440 Public hearings—Evidence.

- A. During the public hearing, the council shall receive oral or written evidence relevant to the matter being considered which shall become part of the record. The presiding officer, or any member of the council through the presiding officer, may require the city clerk to swear any person giving evidence at the time of the hearing on the matter under consideration, if in the opinion of the presiding officer or any member of the council, the oath is necessary. Evidence received at public hearings provided for in this ordinance shall be relevant and material to the issues before the council; provided, however, that the rules of evidence as established by the Evidence Code for the State of California shall be substantially relaxed in order to afford a full presentation of the facts essential for judicious consideration by the council of the matter which is the subject of the public hearing. Failure on the part of the city council to strictly enforce rules of evidence or to reject matters which may be irrelevant or immaterial shall not affect the validity of the hearing. Any procedural errors which do not affect the substantial rights of the parties shall be disregarded. The council may order the city clerk to issue, and the chief of police or representative to serve, subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled public hearing as provided for in this chapter. Any person, other than a member of the council, who wishes to direct question(s) to an opposing witness shall submit such question(s) to

the presiding officer, who will ask the question(s) to the witness. The presiding officer may at his or her discretion restrict the number and nature of any questions asked pursuant to this section.

- B. If there is a staff report, it shall be considered as evidence and shall become part of the record of a public hearing. Such report need not be read in full as part of the staff presentation. A synopsis of such report may be presented orally by staff members to the council. In addition, any of the following may be presented to the city council and, if presented, shall also become part of the record:
1. Exhibits and documents used by the city staff and any persons participating in the hearing;
 2. Maps and displays presented for use at the hearing; provided that, whenever practicable, they shall be displayed in full view of the participants and the audience;
 3. All communications and petitions concerning the subject matter of the hearing; provided that, a reading of such matters only shall be had at the request of a council member;
 4. Information obtained outside the council chambers, such as a view of the site, provided such information, to the extent it is relied upon, shall be disclosed for the record.
- C. All exhibits, reports, maps and other physical evidence placed before the council shall be retained by the city clerk as public records. Such exhibits may be released by the clerk with the approval of the city attorney. (Ord. 1213 § 2, 1979)

1.20.450 Public hearings—Continuation.

At any time that it appears to the presiding officer or a majority of the council through the presiding officer, that inadequate evidence has been presented to afford judicious consideration of any matter before the council at the time of a public hearing, or for other just cause, a continuation of said hearing may be ordered to afford the applicant, his or her opponents, or the city staff adequate time to assemble additional evidence for the council's consideration. Any continuation ordered by the council through its presiding officer shall be to a date certain, which said date shall be publicly announced in the council chamber and shall constitute notice to the public of the time and place that further evidence will be taken. A public hearing may be continued in the event the matter is to be returned to the planning commission for further consideration. In this event, the presiding officer shall publicly state in open council meeting the fact that the matter has been returned to the planning commission for consideration and that the council hearing will be continued on a date certain. The public announcements provided for in this section shall constitute notice to the applicant and his or her opponents of time and place when further evidence will be taken by the council. The council shall also have the option to set the matter to a hearing de novo. (Ord. 1213 § 2, 1979)

1.20.460 Public hearings—Closing.

When neither the applicant, his or her opponents, nor the city staff have further evidence to produce, or when the opinion of the presiding officer or the majority of the council through the presiding officer sufficient evidence has been presented, the presiding officer shall order the public hearing closed, at which time no further evidence, either oral or written, will be accepted by the council; provided, however, that this rule may be relaxed by the presiding officer or the majority of the council through the presiding officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing. (Ord. 1213 § 2, 1979)

1.20.470 Public hearings—Reopening.

A public hearing on any matter once closed cannot be reopened on the date set for hearing unless the presiding officer determines that all persons who were present when the hearing closed are still present. Nothing in this section, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent regular or special meeting of the council. No public hearing may be reopened without due and proper notice being given to the applicant and his or her opponents designating the time and place of said reopening. (Ord. 1213 § 2, 1979)

1.20.480 Public hearings—Decision.

- A. The city council shall consider all evidence properly before them in accordance with this chapter. The council shall then indicate its intended decision and instruct the city attorney to return with the documents necessary to effect that decision, including findings as may be appropriate to the matter. Upon return of such documents, the council shall determine if the findings are supported by the evidence before it at the hearing, and if the decision is supported by the findings, and after making any changes render its decision by taking action on the documents. The city council's decision is not final until adoption of the documents.
- B. A council member who was absent from all or a part of a public hearing shall not participate in a decision on the matter unless the council member has examined all the evidence, including listening to a recording of the oral testimony or reviewing a videotape or other electronic medium of the proceedings and can represent that he or she has a full understanding of the matter. (Ord. NS-709 § 2, 2004; Ord. 1213 § 2, 1979)

1.20.490 Motions.

- A. A motion is the formal statement of a proposal or question to the council for consideration and action. Every council member has the right to present a motion. A motion is generally not to be considered as a legislative action of the council, but is in the nature of direction or instruction; however, a motion will generally suffice unless a resolution is specifically called for by law or unless there is some reason for desiring the particular action formalized by separate instrument.
- B. If a motion contains two or more divisible propositions, the presiding officer may divide the same.
- C. If a motion is properly made, the presiding officer shall call for a second. No further action is required on a motion which does not receive a second.
- D. When a motion is made and seconded, it shall be restated by the mayor before a vote.
- E. A motion once before the council may not be withdrawn by the maker without the consent of the second. (Ord. 1213 § 2, 1979)

1.20.500 Precedence of motions.

- A. When a main motion is before the council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:
 - 1. Adjourn;
 - 2. Recess;
 - 3. Table;
 - 4. Previous question;
 - 5. Limit or extend debate;
 - 6. Refer to committee or staff;
 - 7. Substitute;
 - 8. Amend;
 - 9. Postpone;
 - 10. Main motion.
- B. The order of preference in subsection A of this section is subject to the following restrictions:
 - 1. A motion shall not be in order which repeats a motion made previously at the same meeting unless there has been some intervening council action or discussion.
 - 2. A motion shall not be in order when the previous question has been ordered.
 - 3. A motion shall not be in order while a vote is being taken.

4. A motion shall not be in order when made as an interruption of a council member while speaking. (Ord. 1213 § 2, 1979)

1.20.510 Particular motions, purpose and criteria.

The purpose and salient criteria of the motions listed in Section 1.20.500 is as follows:

- A. Motion to adjourn:
 1. Purpose. To terminate a meeting.
 2. Debatable or Amendable. No, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.
- B. Motion to recess:
 1. Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.
 2. Debatable or Amendable. Yes, but restricted as to time or duration of recess.
- C. Motion to table:
 1. Purpose. To set aside, on a temporary basis, a pending main motion; provided that, it may be taken up again for consideration during the current meeting or at the next regular meeting.
 2. Debatable or Amendable. It is debatable but not amendable.
- D. Motion for previous question:
 1. Purpose. To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion passes, a vote shall be taken on the pending motion or motions.
 2. Debatable or Amendable. No.
- E. Motion to limit or extend debate:
 1. Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.
 2. Debatable or Amendable. Not debatable; amendments are restricted to period of time of the proposed limit or extension.
- F. Motion to refer to committee or staff:
 1. Purpose. To refer the question before the council to a committee or to the city staff for the purpose of investigating or studying the proposal and to make a report back to the council. If the motion fails, discussion or vote on the question resumes.
 2. Debatable or Amendable. Yes.
- G. Substitute motion:
 1. Purpose. To strike out the one main motion and insert another main motion in its place which may be done so long as it is related to the subject of the original motion.
 2. Debatable or Amendable. The substitute motion is left unacted on until the council members have the opportunity to perfect the main motion by amendments if desired. The substitute motion is debatable and subject to amendment. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion.
- H. Amend:
 1. Purpose. To modify or change a motion that is being considered by the council so that it will express more satisfactorily the will of the members. If the motion passes, then the main motion should be voted on as amended.

1.20.520

2. Debatable or Amendable. It is debatable unless applied to an undebatable main motion. It is amendable.

I. Motion to postpone:

1. Purpose. To prevent further discussion and voting on the main motion until a future date or event. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of the main motion shall not be brought up again until the specified date or event.
2. Debatable or Amendable. It is debatable but not amendable.

J. Main motion:

1. Purpose. The primary proposal or question before the council for discussion and decision.
2. Debatable or Amendable. Yes. (Ord. 1213 § 2, 1979)

1.20.520 Resolutions.

In most cases, a resolution is little more than a formal motion set forth in a formal document. In some matters, such as an assessment proceeding, general plan amendment or the grant or denial of variances, a resolution is required. A resolution should be required under any circumstances where it is desirable that the action be formally recorded in the office of the city clerk as a numbered document which can be used for future reference. Legislative actions as set forth in Section 1.20.530 should be by ordinance or resolution. A majority of the quorum shall be competent to adopt any resolution. (Ord. CS-001 § 1, 2008; Ord. 1213 § 2, 1979)

1.20.530 Legislative action.

All legislative action undertaken by the city council shall be by means of an ordinance or resolution. Legislation of a permanent nature which is to remain in force until amended or repealed, which establishes rights and obligations and the failure to comply with which may result in a penalty, shall be by ordinance. (Ord. 1213 § 2, 1979)

1.20.540 Resolutions—Adoption.

- A. Where a particular resolution has been prepared and is before the council, it shall be adopted by motion, second, discussion and vote. It is not necessary to read the resolution by title or in full; provided it is identified by the presiding officer. Upon request of any member of the council, the resolution shall be read by title or in full.
- B. Where a particular resolution has not been prepared, a motion to direct the city attorney to prepare the document and return it to the council is in order.
- C. Where necessary, a resolution may be presented verbally in motion form together with instructions for written preparation. Upon execution of such a resolution, it shall become an official action of the council. (Ord. 1213 § 2, 1979)

1.20.550 Ordinances—Adoption.

An ordinance shall be introduced by motion after a reading of the title. If passed, it shall be returned for further council action at least five days thereafter. Adoption shall be by motion after reading by title. Unless a council member requests reading in full, the council shall be deemed to have voted, by majority vote, to waive such reading. (Ord. NS-275 § 1, 1994; Ord. 1213 § 2, 1979)

1.20.560 Correction of documents.

Upon occasion, ordinances or other documents are submitted in draft form, or on the spot amendments occur, or typographical or other technical errors are found which necessitate retyping of the document; such

redraft, when properly executed, shall become the original document, to be effective and to be retained in the files of the city clerk. (Ord. 1213 § 2, 1979)

1.20.570 Robert's Rules of Order.

If a matter arises at a council meeting which is not covered by this chapter or applicable provisions of federal or state law or the Carlsbad Municipal Code, the procedures of the council shall be governed by the latest revised edition of Robert's Rules of Order. (Ord. 1213 § 2, 1979)

1.20.580 Council policy manual.

The city manager shall maintain a council policy manual to contain such written policies as the council may adopt. The purpose of council policies are to indicate how the council intends to rule in the future on particular matters of a recurring nature which are subject to their discretion. Policies shall be numbered and dated and shall remain in effect until rescinded. (Ord. 1213 § 2, 1979)

1.20.590 Failure to observe procedures—Waiver.

- A. The provisions of this chapter are adopted to expedite the transaction of the business of the council in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise held in conformity with law.
- B. A failure on the part of any person to register a timely objection to the procedures of this chapter at the public hearing or other proceedings shall constitute a waiver of all such objections. (Ord. 1241 § 1, 1981; Ord. 1213 § 2, 1979)

1.20.600 Appeals procedure.

Where no specific appeals procedure exists for any decision of a commission, committee or person which substantially affects the rights, duties or privileges of an aggrieved person, such decision may be appealed to the city council by filing a written notice of appeal with the city clerk within 10 calendar days of the date of the decision. Fees for filing an appeal shall be established by resolution of the city council. The decision of the city council shall be final. (Ord. NS-176 § 1, 1991)

1.20.610 Ordinances—Effective date.

Ordinances will take effect 30 days after their final passage. An ordinance may take effect immediately upon passage if it is an ordinance:

- A. Relating to an election.
- B. Relating to street improvement proceedings.
- C. Relating to taxes for the usual and current expenses of the City of Carlsbad.
- D. Covered by a particular provision of law or charter prescribing the manner of its passage and adoption.
- E. In any other instance, if a majority of the city council determines that there is an urgent need to adopt an ordinance which is effective immediately and a delay in the effective date would constitute an unnecessary expenditure or loss of city funds or otherwise adversely affect the public health, safety or general welfare then the ordinance will take effect immediately upon its final passage. (Ord. CS-009 § 1, 2008)