

**RESOLUTION NO. 2698**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER  
CREATING THE RULES OF PROCEDURE  
FOR THE CITY COUNCIL OF THE CITY OF FOWLER**

**WHEREAS**, having written rules of procedure is typical for a legislative body; and

**WHEREAS**, the City Council of the City of Fowler does not currently have written rules of procedure; and

**WHEREAS**, having written rules of procedure are essential for efficient and transparent public meetings; and

**WHEREAS**, there are a number of procedures and protocols as it relates to the operation of the City Council and its meetings that should be codified; and

**WHEREAS**, Staff reviewed model rules from various other legislative bodies; and

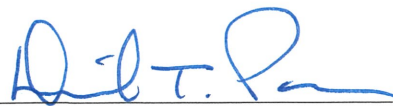
**WHEREAS**, these rules should be revisited from time to time to ensure the Council is conducting its business in an efficient and transparent manner; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fowler that the Rules of Procedure for the City Council of the City of Fowler are hereby adopted and effective immediately.

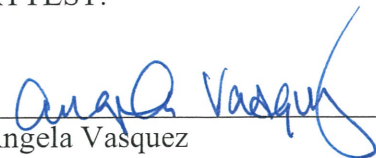
**PASSED, APPROVED AND ADOPTED** this 6th day of February 2024, at a regular meeting of the Fowler City Council by the following vote:

AYES: Parra, Mejia, Hammer, & Kazarian  
NOES: None  
ABSTAIN: None  
ABSENT: Gill

APPROVED:

  
\_\_\_\_\_  
Daniel T. Parra  
Mayor

ATTEST:

  
\_\_\_\_\_  
Angela Vasquez  
City Clerk

**RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF FOWLER  
AS ADOPTED BY RESOLUTION NO. 2698 ON FEBRUARY 6, 2024**

**RULE 1 – EFFECT OF RULES**

- a. These Rules of Procedure (“Rules”) shall serve as a guide for the conduct of all Fowler City Council meetings, but the failure to strictly follow these Rules shall not invalidate or call into question any decision of the City Council.
- b. Unless superseded or prohibited by State Law or the Fowler Municipal Code (“FMC”), these Rules may be suspended by the affirmative vote of a majority of the entire membership of the Council. The suspension shall be in effect only during the City Council meeting or for the specific Council meeting agenda item(s) for which the Rules were approved to be suspended.
- c. To the extent a matter is not covered by these Rules, the Presiding Officer at any City Council meeting, in consultation with the City Attorney, may make a determination so long it is not inconsistent with State Law, the FMC, or other statutory provisions that may govern a particular matter.

**RULE 2 – COUNCIL AGENDA**

- a. Development. The City Clerk, in conjunction with the City Manager, has the overall responsibility for the creation of the Council meeting agenda. Each City department shall work with the City Clerk to schedule items to be heard by the Council.
  1. Items relevant to, and necessary for, the ongoing governance and administration of the City, as determined by the City Manager, shall be placed on the agenda.
  2. The Mayor and City Manager shall meet prior to the release of the final agenda to confirm it reflects necessary business and previous Council direction.
  3. The agenda shall be sent to the City Attorney for review and approval as to form before it is posted.
- b. Placing items on the Agenda by Councilmembers. During a Council meeting, any Councilmember, including the Mayor and Mayor Pro Tem, may request to have an item added to a future meeting agenda. Such a request is authorized by the Brown Act (Gov. Code section 54954.2(a)(3)) and must be approved by a majority vote of the total membership of the Council. The only action that may be taken is deciding whether to direct staff to place the item on a future Council meeting agenda. No Councilmember, including the Mayor and Mayor Pro Tem, has authority to individually direct the City Manager or City Clerk to place an item on a Council meeting agenda.
- c. Invocation. Invocations at City Council meetings may be provided by representatives of any faith group with a presence in the community of Fowler. The City Clerk shall maintain a list of individuals interested in providing Invocations at Council meetings, and those on the list and others so requesting shall be rotated based on availability without giving preference to a particular faith or individual over another.
- d. Approval of Agenda. After a Council meeting is called to order and roll is called, the City Clerk shall announce any changes to the agenda and provide Councilmembers the opportunity to introduce motions regarding the agenda. If none, then the agenda is deemed approved by unanimous consent without objection and without the need for a vote.

- e. Printed Agenda Availability. During Council meetings, paper copies of the Agenda shall be made available to the public at no charge, sufficient to ensure public participation, as consistent with State Law. One copy of the entire printed Agenda packet shall be made available for public inspection at the City Clerk's Office. Printed copies of the entire agenda packet shall be available for purchase at the rate specified in the City's Master Fee Schedule.

### RULE 3 – WRITTEN MATERIALS

Any writing or document that is a public record and provided to a majority of the Council regarding an open session item on the agenda will be made available for public inspection at City Clerk's Office in Fowler City Hall, during normal business hours. In addition, such writings and documents may be posted on the City's website, where feasible.

### RULE 4 – WAIVING OF READING OF RESOLUTIONS AND ORDINANCES

With respect to the approval of resolutions and ordinances, the reading of the title thereto shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

### RULE 5 – VOTING PROCESS

- a. Every vote taken by the Council in open session shall be done consistent with State Law.
- b. Whenever the "yes" and "no" votes are called, a Councilmember shall clearly announce his/her vote. A Councilmember may provide a brief explanation with his/her vote if desired. Abstentions are disfavored unless a conflict of interest is announced. After the announcement of the result, a Councilmember shall not be permitted to vote or to change a vote or an abstention, except as provided in Rule 9.
- c. Unless any Councilmember or the City Clerk or City Attorney calls for separate votes in advance, any item on the Agenda with related sub-parts shall be treated as one agenda item and voted on in one motion. If the item with related sub-parts does not receive sufficient votes for approval, at the immediate request of any Councilmember, the Council shall then, without discussion, vote on each sub-part separately.

### RULE 6 – PUBLIC COMMENT

- a. Members of the public have a fundamental right to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council.
- b. The public has a right at every regular meeting to provide oral testimony in accordance with State Law, subject only to the following:
  - 1. Discussion Items.
    - i. Each speaker shall limit their remarks on any specific item of business listed on an Agenda to three (3) minutes.

- ii. A speaker's time may not be transferred, reserved, or combined with another speaker's time.
  - iii. In situations in which more than ten (10) people wish to speak on an item, the Presiding Officer may place reasonable limits on the public comment period, including reducing the time allotted to each speaker to two (2) minutes and/or a specific time limit for the total presentation. Such time limits shall allow for full discussion of the item by interested parties or their representative(s). The purpose of this limitation is to ensure the Council can address all the items on the meeting agenda and avoid repetitious presentations.
2. Consent Calendar.
- i. Items on the Consent Calendar are considered routine and include a recommended action from Staff and shall be acted on by one motion of the Council.
  - ii. A Councilmember may pull a specific item from the Consent Calendar for separate discussion. The public must be allowed an opportunity to comment on any item on the Consent Calendar before a motion is considered for the Consent Calendar. Councilmembers may also record a "no" vote or abstention as to one or more items on the Consent Calendar in advance of the vote. Council may then approve the Consent Calendar by one motion, and any "no" vote(s) or abstention(s) will be reflected in the meeting minutes for individual items.
  - iii. Items pulled for separate discussion by Councilmembers will be heard under "Contested Consent." The Council may hear public comment on Contested Consent items at the time that item is heard.
  - iv. Ordinances which received a unanimous vote of the Councilmembers present at introduction may be placed on the Consent Calendar for final adoption at a subsequent meeting.
3. Staff Updates and Council Comments. These items are brief announcements for informational purposes only and are not considered specific items of business on the agenda for City Council discussion, consideration, or deliberation. Public comment is not required to be allowed, but may be allowed at the discretion of the Presiding Officer as consistent with State Law and these Rules.
4. Nature of Comment. Speakers shall confine their remarks to those which are relevant to the subject under consideration and are encouraged to present new evidence and points of view not previously addressed, to avoid repetition of statements made by previous speakers. This is a time for speakers to make their remarks to the City Council, not ask questions of City staff or engage individual officials on the dais. If speakers do have questions, the speaker should be informed to finish their comments and questions and be seated before any response(s) will be provided. After the speaker has concluded their remarks any Councilmember may respond or ask a staff member to respond, or Council may direct that a staff member meet with the speaker following the speaker's remarks.
5. Written Comments. Comments may be submitted in writing or via email to the City Clerk. Written comments should include the commentor's name and reference the agenda item the comments pertain to, if any. Written comments received that do not

specify an agenda item will be marked for the Unscheduled Communications portion of the agenda. Written comment received by 8:00 am on the date of the meeting will be provided to the Council at the meeting and made part of the record of proceedings but will not be read aloud except at the request of a Councilmember.

6. Special Meetings. At any special meeting of the Council, the public has a right to speak on any item listed on the Special Meeting Notice or Agenda within the prescribed time limits. The public does not have the right and shall not be provided an opportunity to address the Council on matters not listed on the Special Meeting Notice or Agenda.
7. Unscheduled Communications.
  - i. A member of the public may address the Council on any item of interest within the subject matter jurisdiction of the Council, under Unscheduled Communications. Comments shall be limited to three minutes per speaker and no more than 15 minutes per topic. The Presiding Officer may limit the total testimony under this section to ensure the Council can address its agenda and avoid repetitious presentations, as consistent with State Law. Councilmembers may ask follow-up questions of any speaker and make brief comments at that time, consistent with State Law.
  - ii. Council may not take action on Unscheduled Communications except to place the matter on a future agenda or provide staff direction, if desired.
8. Translation. When simultaneous translation systems are not available, a speaker addressing the Council through a language interpreter shall be granted twice the allotted time for comment to ensure non-English speakers the same opportunity to directly address the Council.
9. Accommodations. Persons addressing the Council who require reasonable accommodations shall be provided time consistent with applicable State and Federal Law.

## RULE 7 – ORDER AND DECORUM

- a. Expectations of Councilmembers. While the Council is in session, the Councilmembers must preserve order and decorum. A Councilmember shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Councilmember while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided. No person shall be permitted to interrupt a speaker who has the floor, except for a Councilmember to raise a question of order.
- b. Sergeant at Arms. The Chief of Police, or such member(s) of the Police Department as designated, shall be sergeant-at-arms for Council meetings, and shall be in attendance when requested by the Presiding Officer. The sergeant-at-arms shall carry out all lawful orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting.
- c. Recognition of Speaker. A Councilmember or other person properly before the Council shall address the Presiding Officer, be recognized by the Presiding Officer before proceeding, and confine remarks to the matter under discussion.

- d. Points of Order. If a Councilmember or other person, in speaking or otherwise, transgresses these rules, the Presiding Officer or any Councilmember may raise a Point of Order, consistent with Rule 12.
- e. Approaching the Dais. While Council is in session, no person, except authorized City officials and their representatives, may be permitted beyond the podium in the Council Chamber without the express consent of City officials.
- f. Expectations of the Public. While the Council is in session, all persons in attendance in person, by teleconference, or by video conference must preserve order and decorum. A person who addresses the Council under public comment for a specific agenda item or under the Unscheduled Communications section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant to the item or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet, or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting.
- g. Handling Disruptions at City Council Meetings. Disruptions at City Council meetings shall be addressed in accordance with the Brown Act. The Presiding Officer shall ask any person(s) causing the disruption to immediately cease the disruption and warn the person(s) that further disruption(s) may result in an order of removal from the Council Chambers.

## RULE 8 – MOTIONS

- a. Only Councilmembers may make Motions. Motions and amendments may be verbal. The City Clerk shall record all motions and read them back when requested. Upon request, the City Attorney shall assist in the formation of motions.
- b. Unless stated otherwise, motions require a simple majority vote of the quorum for approval.
- c. Unless stated otherwise, motions are subject to debate.
- d. There are three motions that are most common and are usually subject to debate:
  - 1. The Main Motion. This motion puts forward a substantive decision for Council consideration. Only one main motion may be on the floor at one time.
  - 2. The Motion to Amend. This motion seeks to modify the main motion before the Council. A motion to substitute a motion with another motion shall be treated as a motion to amend. Only one motion to amend may be on the floor at one time, unless the Presiding Officer allows Councilmembers to state two or more motions to amend, which may be accumulated and then voted upon in series in the order made. All motions to amend shall be resolved prior to voting on the main motion.
  - 3. The Procedural Motion. This motion is to address a rule of procedure, postpone, or take some other action. Procedural motions take priority over main motions and motions to amend. Only one procedural motion may be on the floor at one time.
  - 4. Point of Order. See Rule 12.
- e. Any motion that does not receive a second shall die, and then another motion may be made.
- f. The following common procedural motions related to meetings shall be handled as follows:

1. Motion to Adjourn. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. It is not subject to debate. It is the highest priority motion.
  2. Conclusion of Meeting. At the end of a Council meeting, after all listed agenda items have been heard, a motion to adjourn is not required. The Presiding Officer may adjourn the meeting by announcing the adjournment.
  3. Motion to Recess. This motion, if passed, requires the Council to immediately recess. The Presiding Officer determines the length of the recess. It is not subject to debate. The Presiding Officer may announce a recess without a motion unless a point of order and appeal is timely raised in accordance with Rule 12.
- g. The following common procedural motions related to agenda items shall be handled as follows:
1. Motion to Table. This motion, if passed, requires the discussion of the agenda item to be halted and the agenda item placed on hold. A motion will have to be made at a future Council meeting to bring the item back to the Council.
  2. Motion to Continue. This motion, if passed, requires the discussion of the agenda item to be halted and the agenda item to be placed on a future Council meeting agenda. If the motion does not contain a specific date for the item to return, it will be placed on a future Agenda by the City Manager consistent with Rule 2(a)(1).
  3. Friendly Amendment. A Friendly Amendment is not a motion. It is a request to the maker of the main motion to amend their motion, as suggested. If agreed, and if the Councilmember providing the second also agrees, or another second is offered, then the main motion is replaced with the amended motion. If an offer for a “friendly amendment” is rejected, then a formal motion to amend is still allowed.

## RULE 9 –RECONSIDERATIONS

A motion to reconsider any action taken by the Council may be made only during the meeting such action was taken. Such motion may only be made by a Councilmember who registered a vote on the prevailing side of the action to be reconsidered, but may be seconded by any Councilmember, and may be made at any time and have precedence over all other motions or while a Councilmember has the floor. Nothing herein shall be construed to prevent any Councilmember from making or remaking the same or any other motion at a subsequent meeting of the Council so long as the ability to make such motion meets the requirements of applicable laws.

## RULE 10 – PUBLIC HEARINGS

- a. Public hearings are matters that require a notice by publication or mail and are to be heard on a set date and time.
- b. Generally, public hearings shall be conducted in the following order:
  1. Hearing Opened by Presiding Officer
  2. Presentation by Staff
  3. Presentation by Applicant, Proponent, or Appellant
  4. Questions by Council
  5. Public Comment

6. Rebuttal or Response to Comments by Applicant, Proponent, or Appellant
  7. Questions by Council
  8. Hearing Closed by Presiding Officer
  9. Discussion by Council
  10. Action by Council
- c. Notwithstanding Rule 6, an Applicant, Proponent, or Appellant shall have sufficient time to provide fair and reasonable testimony and rebuttal in connection with the particular Public Hearing. The Presiding Officer shall be responsible for making this determination.
  - d. No main motions may be made until a hearing is closed for public comment.
  - e. Once the hearing has been closed, no additional public testimony should be taken without a majority vote of the Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to City staff, the applicant, or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event public testimony is reopened to allow additional information or additional speakers, the Council shall again permit a reasonable time for rebuttal.

#### RULE 11 – QUASI-JUDICIAL HEARINGS AND INDIVIDUAL CONTACTS

- a. Fair hearings are required in quasi-judicial matters. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the Council in this regard.
- b. Examples of quasi-judicial hearings include, but are not limited to, applications and revocations of entitlements such as variances, site plans, use permits, and appeal of competitive bid awards.
- c. Except as set forth herein, Councilmembers should refrain from discussing, reading about, or listening to discussion of the facts of any quasi-judicial matter while such matter is pending before the Council or any agency, board or commission of the City except at such time as that matter comes before the Council at a Noticed Public Hearing.
- d. Councilmembers should refrain from ex-parte contacts and discussions with any member of the public, including applicant(s), appellants(s), or opponent(s), of the facts of any such matter while such is pending before the Council.
- e. Any Councilmember who has ex-parte contacts or has received ex-parte information about the matter other than from City staff or attendance at a public meeting of a commission of the City before the Noticed Public Hearing shall announce such ex-parte contact or information at the start of the hearing. After making such announcement, the Councilmember may participate in the public hearing and any discussion and decision on the matter unless the Councilmember announces that his/her participation will deprive the applicant or the public of a fair hearing on the matter, in which case the Councilmember should recuse themselves from the matter and leave the Council Chambers and not participate in the public hearing or any discussion or decision on the matter, except for such participation as a member of the public as otherwise authorized by applicable law.



RULE 12 – POINTS OF ORDER AND APPEAL OF RULINGS MADE BY THE PRESIDING OFFICER

- a. A question of order may be raised at any time during a Council meeting, except during a calling of the roll. Such question shall be decided by the Presiding Officer, without debate, subject to an appeal to the Council.
- b. A ruling of the Presiding Officer shall not be subject to debate. However, the ruling may be appealed by any two Councilmembers, one Councilmember making the appeal and another seconding it. The question is then taken from the Presiding Officer and vested in the Council for final decision by majority vote of the entire membership of the Council.
- c. The City Attorney shall provide guidance in the administration of this Rule.

RULE 13 – SUBCOMMITTEES OF THE COUNCIL

*Reserved.*

RULE 14 – APPOINTMENT OF COUNCILMEMBERS TO OUTSIDE BOARDS, COMMISSIONS, COMMITTEES, AND OTHER OFFICIAL BODIES

From time to time, consistent with Rule 2(b), the City Council may appoint Councilmembers to serve on various boards, commissions, committees, joint powers authorities, or other official bodies in which the City maintains a membership. Such appointments shall be for a two-year period unless otherwise approved by the Council or stated in the governing documents of the outside body. An alternate Councilmember may also be appointed, unless otherwise stated in the governing document(s) of the outside body.

RULE 15 – PROCLAMATIONS AND CERTIFICATES

*Reserved.*

RULE 16 – USE OF CITY LETTERHEAD AND PUBLIC COMMUNICATIONS ON BEHALF OF THE COUNCIL

*Reserved.*