

**CITY OF PACIFIC GROVE  
CITY COUNCIL POLICY**

<b>Policy Governing</b>	<b>Policy No.</b>	<b>Effective Date</b>	<b>Page</b>
Council Guidelines	000-9	February 3, 2010	1 of 4

**I. AGENDA PACKET PREPARATION AND DISTRIBUTION**

1. Agenda packets will be prepared and distributed in accordance with PGMC 2.04.050 and the Ralph M. Brown Act. However, the deadline for agenda submittals may be sooner to account for any scheduled workdays off that are necessary for publishing and distribution. Publishing/distribution of the agenda packet to Council is by email notification (preferred) unless otherwise instructed.
2. The goal is to have a complete agenda packet at the time of its distribution. If, however, staff receives substantiating information, reports, proposed emergency ordinances and other such information to the Council after packet distribution, including at the time of the Council meeting, staff may provide this material, so long as the public is correspondingly informed and is given access in accordance with the Brown Act.
3. Nothing contained in this policy shall prevent the normal flow of legally permissible information from staff to the Council needed to keep the Council informed.

**II. PUBLIC HEARING PROCEDURES**

PGMC Chapter 23.86 Public Meeting and Hearing Procedures shall be adhered to.

Action on Coastal Development Permit applications require adherence to PGMC 23.90.070 CDP application public notice and hearing.

For public hearings involving a quasi-judicial determination by Council the following procedure applies:

1. Council Ex parte communication is disclosed.
2. Staff provides a report on the public hearing item, including correspondence.
3. Public hearing is opened.
4. The applicant or appellant of the item shall be allocated a maximum of 10 minutes to speak. If a single designated spokesperson is provided to the City Clerk, in advance of the meeting, names of persons who request the spokesperson to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated an increased amount of time to speak, not to exceed an additional 10 minutes.
5. If a single designated spokesperson in opposition is provided to the City Clerk, in advance of the meeting, names of persons who request the spokesperson to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated a maximum of 10 minutes to speak.
6. Public speakers other than the applicant or appellant or designated spokesperson will each be allocated a maximum of 3 minutes or less to speak, whether in support or opposition.
7. Applicant or appellant of the item shall be allocated a maximum of 5 minutes to speak on rebuttal.

8. Opposition spokesperson shall be allocated a maximum of 5 minutes to speak on surrebuttal.
9. Public hearing is closed.
10. Council dialogue is followed by motion to adopt findings and decision.

### **III. RECOGNITION BY CHAIR**

All persons, including members of the Council, wishing to speak shall first be recognized by the Chair.

### **IV. APPEAL HEARING**

PGMC Chapter 23.74.050 (d) Processing of appeals and call-ups – Actions and Findings shall be adhered to.

PGMC Chapter 23.90.100 Appeals of CDP decisions shall be adhered to for Coastal Development Permit application appeals.

PGMC Chapter 12.70 Appeals shall be adhered to for tree decisions.

The Council shall hold a hearing *de novo* on appeals. A *de novo* hearing on appeal is not dependent on the record of the body from which an appeal is taken. Evidence is taken, witnesses appear and statements are made, all without regard to whether precisely the same evidence, witnesses and statements were recorded at the hearing below. Thus, although the Municipal Code labels it an appeal, it is in fact a second (or third, if it is a hearing on the Planning Commission's decision on appeal from the Architectural Review Board) full, *de novo* consideration of the issue.

Failure of the Council to reverse, uphold, or uphold with modifications the action appealed or called up, results in the Beautification and Natural Resources Commission or Planning Commission action standing as decided. (Such failure would occur, for example, in the event of a Council tie vote.)

### **V. APPOINTMENT OF COUNCIL COMMITTEES**

From time to time, the Council may see fit to appoint an *ad hoc* committee. When a Council committee is appointed, the Mayor will assign a maximum of three Council Members.

The Mayor designates the Council Member to serve as Committee Chair. In the event of a change in Council or committee assignments, the senior member of the Council will serve as Committee Chair. If there is a Council-Planning Commission committee, a member of the Council shall serve as Chair for the group.

### **VI. VOTES REQUIRED FOR ACTION**

Article 15 of the Charter provides that four affirmative votes of the Council are necessary to adopt ordinances, resolutions, or claims against the City. Except as specified elsewhere, it is also Council policy that all actions of the Council (except those calling for five votes, such as urgency ordinances) require the affirmative vote of four members, irrespective of the number in attendance when an action is taken.

## **VII. BROWN ACT PROCEDURES**

The City Council operates in accordance with the provisions set forth in the Ralph M. Brown Act (Brown Act). The City Attorney shall provide training and written materials on the Brown Act.

## **VIII. USE OF ELECTRONIC COMMUNICATION DEVICES DURING CITY COUNCIL MEETINGS**

The City Council's use of electronic communication devices during a City Council meeting may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving, either one of which is inimical to good government and transparency. Therefore, a Councilmember's use of electronic communication devices (i.e., cell phones, tablets, laptop computers), other than for the purpose of (1) accessing agenda materials, (2) facilitating ADA access, and (3) using teleconferencing software, is prohibited during City Council meetings.

This policy does not prohibit using an electronic communications device in the event of an urgent matter. A Councilmember wishing to respond to such a message during a meeting shall do so during a recess or shall excuse him or herself from the meeting to place the return call or text in a manner that does not disrupt the meeting.

City employees shall not communicate with Councilmembers via electronic communication devices during City Council meetings.

Adopted: March 6, 1991 (Resolution No. 6151)  
Amended: February 17, 1993 (Resolution No. 6329)  
Amended: December 6, 1995 (Resolution No. 6492)  
Amended: February 3, 2010 (Resolution No. 10-014)  
Amended: December 16, 2020 (Resolution 20-039)  
Amended: March 22, 2023 (Resolution 23-007)  
Amended: May 10, 2023 (Resolution 23-012)