

City Council Meeting: May 9, 2017
Agenda Item: 3.J

To: Mayor and City Council
From: Gigi Decavalles-Hughes, Director, Finance Department
Subject: Adoption of Audit Subcommittee Rules of Conduct and Recommendation to Create an Ad Hoc Committee

Recommended Action

Staff recommends that the City Council:

1. Approve the establishment of a limited term ad hoc committee to take part in Audit Subcommittee discussions on a staff compensation study conducted by Moss Adams, LLP; and
2. Approve the attached Audit Subcommittee Rules of Conduct.

Executive Summary

Consistent with the mandate of our ongoing internal efficiency audits, staff and the City Council Audit Subcommittee have scheduled a review of staff compensation and public safety overtime. Both topics have sparked significant community scrutiny in recent months. At its April 20, 2017 meeting, the Audit Subcommittee reviewed a preliminary scope of work for the compensation review and recommended that an ad hoc committee, made up of interested community members selected by the City Manager, be assembled to take part in the Audit Subcommittee discussions on the compensation study. The review would be completed by Moss Adams, LLP, the City's Internal Auditor. As the Audit Subcommittee is a subcommittee of the City Council, it is necessary for the Council to approve changes to its structure and protocol. Staff recommends that the Council approve the creation of an ad hoc committee and direct the City Manager to select members of the committee, and adopt the Rules of Conduct for the Audit Subcommittee in order to provide clear expectations for staff, Audit Subcommittee members, ad hoc committee members, and members of the public.

Background

By law, the City commissions an annual financial audit of its financial balance sheet and accounting practices by an independent accounting firm (characterized as the "outside" auditor.) In addition, the City also employs an independent auditing firm to conduct studies and make recommendations regarding the City's internal financial and operational practices to improve efficiency and ensure compliance with best financial and managerial practices (characterized as our "internal" auditor.)

On January 17, 2017, in response to concerns raised by a number of community groups related to news stories about City of Santa Monica staff compensation, and calls by these groups that an “independent” audit be conducted, the Audit Subcommittee discussed a proposed scope of work for a compensation audit to be completed by the independent firm that acts as the City’s Internal Auditor, Moss Adams, LLP.

The initial scope of work included a review of the City’s wage and benefit setting process as well as an overtime utilization review. Among community members’ areas of concern were the cost of compensation, overtime, and other pay and total compensation for City staff, the methodology used to set compensation levels, how the City compares to peer cities, the size of the City government, and whether sufficient internal controls exist to manage these areas.

The Audit Subcommittee expressed an interest in an expanded scope of work that would also cover a comprehensive comparison of wages and benefits across peer cities and an understanding of the factors that determine the number of staff providing services. In the weeks that followed the meeting, several community members met with the City Manager to discuss their concerns about compensation and the objectivity of any study overseen by the City. Various neighborhood and civic groups also expressed concerns about staff compensation.

Discussion

At its April 20, 2017 meeting the Audit Subcommittee received and reviewed a revised preliminary scope of work for the compensation study, agreed to the establishment of an ad hoc committee that would take part in discussions regarding the compensation study, and approved Rules of Conduct for the Audit Subcommittee.

The preliminary scope of work presented by Moss Adams, LLP includes a review of the methodology used for setting compensation levels, a comparison of wages and benefits across peer cities, the factors that determine the number of staff providing services, and the use of overtime by public safety employees (Attachment A).

Staff is seeking to provide an additional layer of transparency and understanding to the review to be conducted by Moss Adams, and to merge the conversations that community members have been having with the City Manager into this review. In the past, the Council has appointed special-purpose committees (Civic Center Working Group, Promenade Uses Task Force, Civic Auditorium Working Group) or directed the City Manager to appoint special working groups (Minimum Wage Working Group) to facilitate public participation in the development of special plans and strategies.

A limited-term, ad hoc committee made up of residents could assist the Audit Subcommittee and staff in critically reviewing and objectively considering the City's methodologies related to compensation. For this reason, the Audit Subcommittee approved staff's recommendation that the City Council direct the City Manager to appoint an ad hoc committee of five to seven residents that would join Subcommittee discussions specifically related to the scope, findings, and final report of the compensation review. The Council could direct the City Manager to seek applications from members of the public who would be interested in serving on the committee, and then make appointments from those applications. The Subcommittee also agreed that at least one of the ad hoc committee members must have substantial work experience working in the public sector. Additionally, Audit Subcommittee members expressed an interest in inviting City bargaining unit representatives to provide their input on the initial findings of the study.

The ad hoc committee would only convene during the time that the Audit Subcommittee is discussing the compensation study agenda item. As noted in the attached Rules of Conduct, the ad hoc committee would not have a vote, but would be able to ask questions of staff and the Internal Auditor, and make suggestions regarding scope, initial findings and the final report. The ad hoc committee would convene three times alongside the Audit Subcommittee to discuss the scope of the project, to discuss the initial findings of the review, and to receive the final report.

Staff has prepared draft Rules of Conduct for the Audit Subcommittee (Attachment B). Section 5 of the Rules specifies the parameters by which an ad hoc committee may function alongside the Subcommittee.

If the Council were to approve the establishment of a limited term ad hoc committee, a public application and selection process would be completed in May and the ad hoc committee would convene for the first time at the June 15, 2017 Special Meeting of the Audit Subcommittee. At that time, the Subcommittee would confirm the final scope of the audit with the input of the ad hoc committee and staff.

Staff anticipates that the Subcommittee will consider initial findings at its October 17, 2017 Regular Meeting, and receive the final report at its January 16, 2018 Regular Meeting. Community members applying for a seat on the ad hoc committee would be required to be available for the three meetings.

One alternative approach to having an ad hoc committee would be to proceed without one under the purview of the Audit Subcommittee which includes two citizen members in addition to the three Councilmembers. The Council could also choose to select the members itself, which would take a little more time. Finally, the Council could expand the Audit Subcommittee on a permanent basis as some community members have advocated.

Financial Impacts and Budget Actions

The cost of this review is not to exceed \$210,000 and may be carried out within the existing budget and scope authority of the Moss Adams internal audit services contract. Staff will propose, as part of the FY 2017-19 Biennial Budget, one-time budget adjustments using Finance Department expenditure control savings funds to accommodate the additional budget needed to carry out the project in FY 2017-18.

Prepared By: Gigi Decavalles-Hughes, Director

Approved

Forwarded to Council



Gigi Decavalles-Hughes, Director 5/1/2017



Rick Cole, City Manager 5/2/2017

Attachments:

- A. City of Santa Monica Compensation Review - Moss Adams Work Plan
- B. Resolution_Proposed Rules of Conduct for the Audit Subcommittee



City of Santa Monica Compensation and Staffing Review Work Plan

I. Project Objectives

- Perform a review of the City of Santa Monica's overall a) wage setting process, b) wage and benefits packages, c) staffing methodology and levels, and d) use of overtime for public safety services.

II. Scope of Work

Phase 1 – Project Initiation and Ongoing Management

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| 1.1 | Conduct kickoff meeting with Audit Subcommittee and Ad Hoc Committee (citizens committee appointed by City Manager) to confirm objectives, participants, schedule, and deliverables. |
| 1.2 | Submit document request list to City and 10 peers. Peers include Beverly Hills, Burbank, Culver City, El Segundo, Gardena, Glendale, Inglewood, Pasadena, Redondo Beach, and Torrance. |
| 1.3 | Schedule interviews with City stakeholders, including City Manager's Office, department heads, and bargaining unit heads. |
| 1.4 | Schedule interviews with peers. |
| 1.5 | Conduct project management and progress reporting. |
| 1.6 | Perform quality assurance. |

Phase 2 – Fact Finding

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| 2.1 | Obtain and review relevant documents from the City for the selected years (see III. Areas of Focus for the years that apply to each component of the project objective), including, but not limited to, budgets and CAFRs, service level agreements and reports, organizational charts, staffing lists, HR wage setting policies and procedures, labor agreements, overtime usage reports for Public Safety employees. |
| 2.2 | Conduct interviews with City stakeholders. |
| 2.3 | Gather information from peers through website searches, online survey, and interviews. |
| 2.4 | Develop preliminary findings (see III. Areas of Focus). |
| 2.5 | Present preliminary findings to Audit Subcommittee and Ad Hoc Committee. |
| 2.6 | Revise preliminary findings as necessary. |

MOSS ADAMS_{LLP}

II. Scope of Work	
Phase 3 – Analysis	
3.1	Compare City Santa Monica's a) overall wage setting process, b) wage and benefits package, c) staffing methodology and levels, and d) use of overtime for public safety services with that of peers.
3.2	Determine gaps between current City and peer practices and, to the greatest extent possible, reasons for gaps.
3.3	Conduct alternatives analysis to define solutions.
3.4	Prepare draft findings and recommendations and review with City to verify facts and test the practicality of recommendations.
3.5	Revise draft findings and recommendations as necessary.
Phase 4 – Reporting	
4.1	Submit draft report.
4.2	Submit final report.
4.3	Present final report to Audit Subcommittee and Ad Hoc Committee.

III. Areas of Focus	
A.	Wage Setting Process: Document the current wage setting process for each bargaining unit, and assess processes for opportunities for improvement.
B.	Wages and Benefits: Understand the terms of bargaining unit agreements, compare to peers for the past three fiscal years (FY 14, FY 15, and FY 16), and document results for a representative sample set of positions (levels and types of positions) for each City department.
C.	Staffing Methodology and Levels: Document the City's staffing philosophy and related policies; document staffing levels for the selected number of years (see VI. Budget for optional years ranges); and document results. Compare to peer service offerings and insourcing versus outsourcing practices. Compare to peer key performance indicators (e.g., efficiency measure such as cost per FTE or capita and effectiveness measure such as service delivery outputs or outcomes).
D.	Public Safety Overtime: Document overtime utilization for the past three fiscal years (FY 14, FY 15, and FY 16) by department, unit, and person. Compare to staffing levels, turnover, and key performance indicators (e.g., efficiency measure such as cost per FTE or capita and effectiveness measure such as crime rate or response time).

IV. Schedule

- May 2017 project start and January 2018 project completion
- Committee Meetings (Audit Subcommittee with Ad Hoc Committee): project kickoff on June 15, 2017, briefing on preliminary findings on October 17, 2017, and delivery of final report on January 16, 2018

V. Budget

- Professional fees \$190,000 to \$210,000, plus expenses
- Budget range reflects years covered by staffing analysis:
 - 3 years, FY 14 through FY 16
 - 6 years, FY 07, FY 09, FY 11, FY 13, FY 15, and FY 16
 - 10 years, FY 07 through FY 16
- Work will be performed in accordance with AICPA consultancy standards

VI. Staffing

- Colleen Rozillis, PMP, Manager (PM)
- Mark Steranka, Partner (QA)
- Tammy Lohr, Consultant (Analysis)
- Emily Oxenford, Senior Research Analyst (Benchmarking)

RESOLUTION NUMBER _____ (CCS)

(City Council Series)

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SANTA MONICA ADOPTING RULES OF CONDUCT FOR THE
CITY COUNCIL AUDIT COMMITTEE

WHEREAS, the City Council of the City of Santa Monica (the "City Council") recognizes the importance of transparency and accountability in the administration of public resources, and the City Council is ultimately responsible for ensuring that the City of Santa Monica (the "City") is meeting its internal control and financial reporting responsibilities; and

WHEREAS, on July 28, 2015, the City Council adopted Resolution Number 10901 (CCS) ("Resolution 10901"), establishing an Audit Subcommittee of the City Council ("Audit Committee"), in accordance with financial management best practices; and

WHEREAS, the City Council also established the Audit Committee to ensure regular and direct communication between the City's independent auditors and the City Council and further the City Council's goals of transparency and accountability in the administration of public resources; and

WHEREAS, Resolution 10901 defines the purpose of the Audit Committee, its composition, length of member appointments and guidelines for scheduling its Regular Meetings; and

WHEREAS, on April 20, 2017, the Audit Committee recommended that the City Council adopt Rules of Conduct for the Audit Committee in order for the Committee to efficiently conduct its meetings in compliance with all State and local laws; and

WHEREAS, the City Council now desires to adopt Rules of Conduct for the Audit Committee.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. Open Meeting Laws. Audit Committee meetings shall be held in compliance with the State's Open Meeting Laws. Notice of meetings, including adjournment, shall also be given in accordance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 *et seq.* (the "Brown Act"). In the event of a conflict between the provisions of the Brown Act or any other law and any provision of these Rules of Conduct, the Brown Act, or other law, shall prevail. The noticing provisions shall further be subject to any amendments of the Brown Act.

SECTION 2. Quorum. A majority of Committee Members shall constitute a quorum for the transaction of business, except to adjourn. All three Council Committee members must be present for a meeting to occur.

SECTION 3. Officers Powers and Duties. Each year at its first meeting, the voting members of the Committee will elect a Chair and a Vice-Chair. Until new officers are elected, the outgoing officers shall continue to serve, when a quorum is needed and no officers are available.

The Chair shall be the Presiding Officer at all meetings. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the City Clerk or designee shall call the Committee members present to serve until the arrival of the Chair or Vice Chair or until adjournment.

SECTION 4. Conduct of Meetings. Except as otherwise provided, the Audit Committee shall follow the City Council Rules of Order and Procedures, Resolution Number 10928 (CCS) ("Resolution 10928"), as applicable, and as may be amended from time to time, in the conduct of its meetings. A copy of Resolution 10928 is attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 5. Regular Meetings. Regular meetings of the Audit Committee shall be held at least quarterly on such dates, such locations and at such times as may be fixed by the Committee.


SECTION 6. Ad Hoc Committees. The City Council may approve the creation of an ad hoc committee to take part in Audit Committee discussions. Any such ad hoc committee shall serve for a limited time and scope of work, as approved by the City Council. Any ad hoc committee formed shall be subject to the Open Meeting Laws and shall only convene during public meetings of the Audit Committee. Any ad hoc committee formed may not:

- (a) take any final action on matters which also require Audit Committee members' approval;
- (b) fill vacancies on the Audit Committee; or
- (c) make any appointments to the ad hoc committee.

Members of any ad hoc committee formed may not meet except as allowed in accordance in the Brown Act.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:



JOSEPH LAWRENCE
Interim City Attorney

Exhibit A Resolution 10928

Exhibit A

City Council Meeting: December 15, 2015

Santa Monica, California

RESOLUTION NO. 10928 (CCS)

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SANTA MONICA AMENDING THE RULES OF ORDER AND
PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS AND
REPEALING RESOLUTION NUMBER 10921(CCS)**

THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES RESOLVE AS
FOLLOWS:

SECTION 1. The City Council Rules of Order and Procedure are hereby
established as follows:

RULES FOR CITY COUNCIL MEETINGS

RULE 1. RULES OF ORDER.

Except as otherwise provided by these rules, the City Charter, the Municipal Code, or applicable provisions of state law, the procedures of the City Council shall be governed by the latest revised edition of Roberts Rules of Order.

The City Council rules, or any one thereof, may be suspended by a vote of two-thirds (2/3) of the Councilmembers present.

RULE 2. TIME AND PLACE FOR HOLDING REGULAR MEETINGS.

Pursuant to the provisions of Section 611 of the Santa Monica City Charter, the City Council establishes the second and fourth Tuesdays of each month as the days for holding regular meetings of the City Council. The regular meeting shall commence at 5:30 p.m., for the Closed Session. It is the intention of the City Council that all other agenda items shall commence at 6:30 p.m., following the Closed Session. If any such Tuesday falls on any day designated by law by the City Council as a day for public feast,

Thanksgiving or holiday, such regular meeting shall be held on the date of the regular meeting next following said Tuesday at the hour heretofore fixed or at such other day as may be fixed. The City Council Chamber in City Hall is established as the place for holding its regular meetings.

RULE 3. QUORUM AND ACTION

In accordance with Section 614 of the Santa Monica City Charter, four Councilmembers shall constitute a quorum for the transaction of business. Except as otherwise provided in the Charter, or other law or these rules action shall be taken by a majority vote of the entire membership of the City Council. However, in the case of a quasi-judicial hearing, if only four Councilmembers are participating, the applicant or appellant shall be entitled to request and receive a continuance of the hearing, until such time as five Councilmembers are participating.

Whenever any Councilmember questions the presence of a quorum, the presiding officer shall forthwith direct the City Clerk to call the roll, each Councilmember shall respond when his or her name is called and the Clerk shall announce the result. Such proceedings shall be without debate, but no Councilmember who is speaking may be interrupted by a question as to the presence of a quorum.

The Council may also establish standing subcommittees of its members to address designated areas of City business on the Council's behalf and may establish ad hoc committees to formulate reports or recommendations on particular matters.

RULE 4. MEETINGS TO BE PUBLIC - EXCEPTION FOR CLOSED SESSIONS.

As required by the Ralph M. Brown Act (the "Brown Act"), California Government Code Sections 54950, et seq all regular, adjourned regular and special meetings of the City Council shall be public, provided, however, the City Council may meet in a Closed Session from which the public is excluded, for those purposes authorized by the Brown Act.

No Councilmember, employee of the City, or any other person present during a Closed Session of the City Council shall disclose to any person the content or substance of any communication which took place during the Closed Session unless the City Council specifically authorizes the disclosure by majority vote or unless the disclosure is required by law.

RULE 5. AGENDA.

The City Clerk shall prepare the Agenda under the direction of the City Manager as follows:

(a) The City Manager shall consult with the Mayor and Mayor Pro Tempore in the preparation of the Agenda.

(b) The Agenda and all available supporting documents shall be delivered to Councilmembers on the Tuesday preceding the Tuesday City Council meeting to which it pertains or as soon thereafter as possible.

(c) Any Councilmember or the City Manager may direct that any matter within the City Council's jurisdiction be placed upon the Agenda. Councilmembers should endeavor to submit agenda items by 3:00 p.m. on Thursday in order to ensure that matters will be agendized for the following Tuesday. Subject to Brown Act requirements, items submitted after 3:00 p.m. Thursday will be agendized for the following Tuesday if possible.

Councilmember items may only be combined with other items on the agenda by a vote of the Council. A Councilmember who wishes to combine his or her item with another item on the agenda may direct that the following language be included with the agenda item: "This item may be considered with Item ." The City Manager may combine staff items on the agenda in order to ensure that the public's business is handled efficiently and conveniently.

(d) The City Clerk shall post the Agenda as required by the Brown Act. Copies of the Agenda shall be posted in the lobby of City Hall and the Police Department. The

City Clerk shall maintain on file in his or her office declarations establishing compliance with the posting requirements.

(e) No action shall be taken on any item not appearing on the posted Agenda unless the item is added to the Agenda in the manner required by the Brown Act.

(f) Matters directed to be placed on the Agenda at the direction of Councilmembers shall be listed on the Agenda in the order of receipt by the City Clerk.

(g) Written requests to the City Council shall be received and opened by the City Clerk and referred to the City Manager or his or her designee and either shall be transmitted to the appropriate board, commission or staff member or shall be placed on the Agenda if City Council consideration is deemed appropriate by the Mayor or City Manager. Written requests being agendized shall be scheduled for Council consideration at the earliest convenient meeting, taking into consideration the length and content of meeting agendas. Members of the public submitting written requests shall be advised of how their request is being handled. Councilmembers shall receive copies of those written requests which are not agendized. Agendized communications shall be listed on the Agenda in order of receipt. No communication shall be placed on an Agenda if it contains material that:

(1) Is profane.

(2) Is potentially slanderous or libelous.

(3) Advocates or opposes the candidacy of any person or party for any elective office.

(4) Is primarily an advertisement or promotion or has as a substantial purpose, the advancement of any cause the major benefit of which is private and not public.

Members of the public submitting written requests to the Council are encouraged to limit their submissions to one per meeting.

RULE 6. CATEGORIES AND ORDER OF BUSINESS.

The business of the City Council shall be conducted in the order and manner specified below. The order may be changed by a majority vote of those present. The following is the order of business:

(a) Call to Order.

(b) Salute to the Flag.

(c) Roll Call.

(d) Closed Session.

(e) Special Agenda Items. This item includes the City Manager's Report, proclamations, commendations, introductions of special guests, special meetings, and presentations and reports by other non-City public entities or legislative bodies.

(f) Consent Calendar. The consent calendar shall consist of the approval of minutes of previous meetings and those other items such as contracts and routine resolutions which do not necessitate a separate public hearing and which are determined in the Agenda preparation process to be relatively non-controversial. Ordinances for second reading and adoption may be placed on the consent calendar if all members of the City Council were present when the vote for first reading and introduction took place and this vote was unanimous. The consent calendar shall be considered as one item regardless of the number of matters appearing on it and may be approved by a single vote. The title to the individual consent items need not be read unless a request to do so is made by any Councilmember. Members of the public shall have no more than one opportunity to address the City Council concerning any and all items on the consent calendar. Members of the public shall be heard prior to City Council consideration of the consent calendar. Councilmembers may request to have individual matters removed from the consent calendar so that they may be heard on those matters. All matters remaining on the consent calendar may be approved by a single vote. Any items removed from the consent calendar shall be considered separately in the order of their appearance

on the Agenda. Removed items may be heard immediately following the consent calendar or may be heard after the City Council concludes Closed Session or Study Session.

(g) Study Session. During Study Sessions staff will present information regarding a complex matter that will be subject to Council deliberation and decisions in the future. No Council action will be recommended or taken as part of the Study Session.

(h) Continued Items. This item includes agendized items of a previous City Council meeting not considered at such meeting. The City Council may vote by a majority of its members to have a carry-over item placed on a subsequent agenda as a continued item.

(i) Administrative Proceedings. This item includes proceedings requiring the City Council to make a quasi-judicial decision concerning an individual application or appeal.

(j) Ordinances.

(1) Second Reading and Adoption. No public discussion is permitted on second readings.

(2) Introduction and First Reading.

(k) Staff Administrative Items. This category will include policy matters to be considered by the City Council or at joint meetings of the City Council, Parking Authority, Housing Authority, the Public Financing Authority and/or Redevelopment Successor Agency.

(l) Public Hearings. This item consists of public hearings required by specific provisions of law.

(m) Reports of Boards and Commissions. Boards and commissions who may present reports under this item include, but are not limited to, all City boards, commissions

and task forces. Reports may also be provided by the Santa Monica Pier Corporation, Downtown Santa Monica, Inc., Santa Monica Convention and Visitors Bureau.

(n) Resolutions. A resolution will be considered under this item only if its substance makes extensive public input advisable, or if it should be considered after another item on the Agenda, otherwise the resolution will be considered on the Consent Calendar.

(o) Written Communication. This item allows the Council to consider issues raised by written submissions from the public.

(p) Councilmember Discussion Items. Staff items as deemed necessary.

(q) Public Input. This item allows members of the public to address the City Council on matters that are within the Council's subject matter jurisdiction. No formal action may be taken on any matter under this item unless the item is specifically agendized.

RULE 7. PREPARATION OF MINUTES.

The City Clerk shall have exclusive responsibility for preparation of the Minutes, and any directions for corrections in the Minutes shall be made only by majority vote of the City Council.

RULE 8. APPROVAL OF MINUTES.

Minutes of a City Council meeting may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy and unless a reading is ordered by a majority vote of the Council.

RULE 9. PRESIDING OFFICER.

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of both the Mayor and Mayor Pro Tempore, the City Clerk shall call the City Council to order and a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

RULE 10. POWERS AND DUTIES OF PRESIDING OFFICER.

(a) Participation. The Presiding Officer may move, second, and debate from the chair, subject only to such limitations of debate as are imposed upon Councilmembers by these rules, and shall not be deprived of any of the rights or privileges of a Councilmember by reason of his or her acting as the Presiding Officer.

(b) Duties. The Presiding Officer shall:

- (1) preserve order at all meetings of the City Council
- (2) state (or cause to be stated) each question coming before the City Council
- (3) announce the decisions of the City Council on all subjects
- (4) decide all questions of order subject to the right to appeal rulings on questions of order to the entire City Council and
- (5) encourage all persons present at the meeting to conform their conduct to the City's Civility Policy.

RULE 11. SWORN TESTIMONY AND SUBPOENA POWER.

Any Councilmember may request that anyone appearing before the City Council on any matter shall be sworn. On receipt of such a request, all proceedings shall be suspended and the City Council will immediately vote on whether the individual should be sworn. A majority vote of the Councilmembers present shall determine whether the speaker shall be placed under oath. All oaths will be administered by the City Clerk.

The City Council shall have the power to issue subpoenas as provided in City Charter Section 614.

RULE 12. RULES OF DEBATE.

(a) Getting the Floor. A Councilmember desiring to speak shall gain recognition by the Presiding Officer.

(b) Questions to Staff. Every Councilmember desiring to question City staff shall address his or her questions to the City Manager, the City Attorney, the City Clerk or designated staff. 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.

(c) Interruptions. A Councilmember who has the floor shall not be interrupted when speaking unless he or she is called to order by the Presiding Officer, a point of order or a personal privilege is raised by another Councilmember or the speaker chooses to yield to a question by another Councilmember. If a Councilmember is called to order, he or she shall cease speaking until the question of order is determined.

(d) Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Councilmember to appeal to the City Council. If an appeal is taken, the question shall be: "Shall the decision of the Presiding Officer be sustained?" The Presiding Officer's decision may be overruled by a two-thirds vote of the Councilmembers then present.

(e) Point of Personal Privilege. The right of a Councilmember to address the City Council on a question of personal privilege shall be limited to cases in which the Councilmember's integrity, character, or motives are questioned or where the safety or welfare of the City Council is concerned.

(f) Privilege of Final Comment. The Councilmember moving the introduction or adoption of an ordinance, resolution, or motion, shall have the privilege of

speaking last on the matter after all other Councilmembers have been given an opportunity to speak.

(g) Motion to Reconsider Legislative Actions. A motion to reconsider any legislative action taken by the City Council may be made only by one of the Councilmembers on the prevailing side and may be seconded by any Councilmember. Such motion may be made at any time and shall be debatable. A motion by a non-prevailing Councilmember or a request by a member of the public for reconsideration may be made only if one year has passed since the action was taken.

(h) Calling for the Question. A question may be called by majority vote of those present. However, neither the moving party nor the party seconding any motion may call for the question, each Councilmember shall be afforded one opportunity to speak on each item before the question is called, and a question may not be called to interrupt or cut off a particular speaker.

(i) Limitation of Debate. Councilmembers shall limit their remarks to the subject under debate. No Councilmember shall be allowed to speak more than once upon any particular subject until every other Councilmember desiring to do so has spoken. Prior to beginning deliberation, the Council may, by a two-thirds vote of those present, limit the amount of time that each Councilmember may spend stating his or her views on a particular agenda item.

RULE 13. PROTEST AGAINST CITY COUNCIL ACTION.

Any Councilmember shall have the right to have the reasons for his or her opposition to any action of the City Council entered in the Minutes. Such opposition shall be made in the following manner: "I would like the Minutes to reflect that I opposed this action for the following reasons..."

RULE 14. DISCLOSURE FOR QUASI JUDICIAL MATTERS.

On quasi-judicial matters, Councilmembers shall verbally disclose off the record contacts relating to the item, after the item is called and before Council consideration of

the matter. Disclosure shall include the identity of an individual(s) with whom the Councilmember had contact, and the nature of the contact.

RULE 15. PUBLIC TESTIMONY.

(a) Pursuant to the Brown Act, public testimony is permitted on all agenda items, except ordinances for second reading, and the public shall have an opportunity to comment on any matter which is not on the Agenda but is within the Council's jurisdiction. However, members of the public do not have the right to give testimony outside the scope of or unrelated to the agenda item under consideration. Additionally, members of the public should strive to avoid unduly reiterating their own or others' testimony.

(b) Registration. Any member of the public wishing to address the City Council regarding any item on the Agenda for public discussion shall register with the City Clerk prior to the start of the meeting, if possible, but no later than prior to the public hearing on that item. Except when donating time to another speaker, a request received after the start of the hearing shall be considered late and may only be heard with Council approval.

(c) Manner of Addressing the City Council. After being recognized by the Presiding Officer, each member of the public addressing the City Council shall go to the podium, state his or her name and whom he or she is representing, if he or she represents an organization or other person. Each member of the public is encouraged, but not required, to also state his or her address, neighborhood, or city of residence. All remarks shall be addressed to the City Council as a whole and not to any individual member thereof. After a public hearing has been closed, no member of the public shall address the City Council on the matter under consideration without first securing Council approval.

(d) Time Limits. Except on Written Communication, members of the public shall limit their remarks to two minutes per agenda item unless the City Council grants additional time by majority vote. For purposes of these Rules, the consent calendar shall be considered one item. Persons speaking on another's written communication and persons submitting late chits, who receive permission to speak shall be limited to one minute. On Written Communication, those speaking on another's item may speak only if

the person raising the matter appears and testifies. If the person who raises the item does not appear and testify, the matter shall be received and filed and persons wishing to speak on the matter may give their testimony during Public Input. A member of the public wishing to speak on more than one item shall limit his or her remarks to a total of six minutes per meeting unless the Council grants additional time by majority vote. A member of the public may allocate time between items in one minute increments up to two minutes. Testimony given as an applicant or appellant does not count toward the six minute maximum. A Board or Commission member reporting to the City Council on behalf of a Board or Commission shall not be subject to these rules on time limits; however, Council may limit the duration of such reports.

(e) Special Time Limits for Applicants and Appellants. Applicants and appellants on administrative items shall limit their remarks to ten minutes and may reserve some of their time for use for rebuttal at the conclusion of the public hearing. The appellant shall have the opportunity to address the City Council first and last.

(f) Special Time Limits for Special Agenda Items. Public testimony is permitted on the City Manager's Report. Proclamations, commendations and appearances by special guests are ceremonial items. In order to ensure adequate time for the Council's regular business, only honorees and guests may address the Council on such items. Groups of honorees or guests, who wish to speak, should appoint one or two representatives to speak for them.

Special Assistance for Those Who Cannot Wait to Speak. Members of the public, including those with special needs, who cannot wait to speak on an agenda item may request assistance from the City Clerk, and a member of the Clerk's office will provide assistance in preparing a written statement of testimony for distribution to the Council.

(g) Donating Time to Another Speaker. Except on Public Input, a member of the public may donate two minutes per agenda item to another speaker, and a speaker may accept one such donation from another per agenda item. The speaker and the person donating time shall turn in their chits together, notify the clerk of the donation, and go to the podium together. The speaker shall state both of their names and state that he

or she is speaking for both. Donated time shall not increase an individual speaker's total time limit of six minutes per meeting. Any request received after the start of the hearing shall be considered late and the donator will not be permitted to donate his/her time.

RULE 16. RULES OF CONDUCT AND SAFETY.

When the City Council is in session, all persons present must preserve safety and order and should strive to conform their conduct to the City's Civility Policy. Members of the public should sit in the audience seating area, unless addressing the Council or entering or leaving the Council Chambers, should not block the aisles with personal belongings and should not bring audible equipment into the Council Chambers including cellular telephones or pagers. Members of the public may not, except when testifying on or participating in an agenda item, enter the well area, which is the open area directly in front of the dais and extending outward from it to a line running between the points on the Clerk's desk and the podium nearest to the audience.

Any person who disrupts the meeting shall be called to order by the Presiding Officer. Disruption shall include but not be limited to, blocking the audience or camera view of the proceedings. If such conduct continues, the Presiding Officer may request the Sergeant at Arms to remove the person from Council Chambers.

The Chief of Police or such member or members of the Police Department as he or she may designate, shall be Sergeant At Arms of the City Council and shall carry out all orders given by the Presiding Officer through the City Manager for the purpose of maintaining order at City Council meetings. Any Councilmember may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the City Council shall require him or her to do so.

RULE 17. SEATING ORDER.

After each municipal election, the City Clerk shall determine City Council member seating order by drawing lots.

RULE 18. ENTITLEMENT TO VOTE AND FAILURE TO VOTE.

Every Councilmember is entitled to vote unless disqualified by reason of a conflict of interest. A Councilmember who abstains from voting consents to the decision made by the voting Councilmembers.

RULE 19. VOTING PROCEDURE.

Any vote of the City Council, including a roll call vote, may be registered by the members answering "Yes" for an affirmative vote or "No" for a negative vote upon his or her name being called by the City Clerk. Voting order shall be based on seating order with each roll call vote beginning at alternating ends of the dais and the Mayor voting last.

RULE 20. DISQUALIFICATION FOR CONFLICT OF INTEREST.

Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification and shall leave the dais prior to Council consideration of the matter. A Councilmember stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

RULE 21. TIE VOTE.

Tie votes shall be lost motions.

RULE 22. CHANGING VOTE.

The vote of a Councilmember may be changed only if he or she makes a timely request to do so immediately following the announcement of the vote by the City Clerk or the Presiding Officer and prior to the time that the next item in the order of business is taken up.

RULE 23. PROCEDURE ON AGENDA ITEMS REQUIRING A MOTION.

The following procedure shall be followed in connection with any Agenda item requiring a motion:

- (a) City Clerk reads the title.
- (b) Presiding Officer calls for a staff report.
- (c) Councilmembers question City staff.
- (d) Council conducts Public hearing.
- (e) Council deliberates.

(f) A Councilmember makes a motion, another Councilmember seconds the motion, and the Council debates it, with the maker of the motion having the opportunity to speak last.

- (g) The Presiding Officer or City Clerk restates the motion.
- (h) The Council votes on the motion.
- (i) The Presiding Officer or City Clerk announces result.

RULE 24. PRESENCE OF CITY STAFF AT CITY COUNCIL MEETINGS.

The City Manager, City Clerk, and City Attorney, or, in their absence, their authorized representatives, shall attend and be present during all City Council meetings and give necessary service and advice.

RULE 25. RECORD OF MEETINGS.

All public meetings of the City Council shall be recorded. The recording shall be made by the City Clerk and retained in accordance with the City's record retention schedule. The use of other recording or television equipment is permitted so long as it is not disruptive of the meeting.

RULE 26. INTERPRETATION AND MODIFICATION OF THESE RULES.

These rules shall be interpreted liberally in order to provide for the optimum in the free interchange of information and public debate without an unnecessary waste of time or duplication of effort. These rules may be amended by resolution.

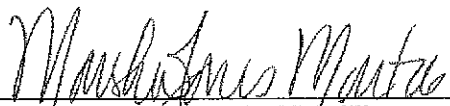
RULE 27. FAILURE TO OBSERVE RULES OF ORDER.

These rules of order and procedures govern the conduct of City Council meetings. These rules are intended to expedite the transaction of the business of the City Council in an orderly fashion and are deemed to be procedural only. Failure to strictly observe these rules shall not affect the jurisdiction of the City Council or invalidate any action taken at a meeting that otherwise conforms to law.

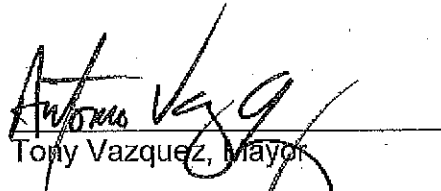
SECTION 2. Resolution Number 10921(CCS) and all other resolutions adopting, amending, or relating to City Council Rules of Order, are hereby repealed in their entirety.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution, and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AS TO FORM:


MARSHA JONES MOUTRIE
City Attorney

Adopted and approved this 15th day of December, 2015.


Tony Vazquez, Mayor


I, Denise Anderson-Warren, Acting City Clerk of the City of Santa Monica, do hereby certify that the foregoing Resolution No. 10928 (CCS) was duly adopted at a meeting of the Santa Monica City Council held on the 15th day of December, 2015, by the following vote:

AYES: Councilmembers O'Connor, O'Day, Himmelrich, Davis, McKeown,
Mayor Pro Tem Winterer, Mayor Vazquez

NOES: None

ABSENT: None

ATTEST:


Denise Anderson-Warren, Acting City Clerk