

RESOLUTION NO 2021-39

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH AMENDING SECTION 3 OF THE CITY COUNCIL
MANUAL REGARDING THE DAY OF REGULAR COUNCIL MEETINGS

WHEREAS, Resolution No. 2019-09 re-adopted the City Council Manual on March 18, 2019 wherein it sets the time and day for regular City Council meetings; and

The City Council Manual currently provides that regular meetings of the City Council/Public Financing Authority are held on the first and third Mondays of each month, and typically begin on or preceding the hour of 4:00 p.m. in the Council Chambers.

The City Council desires to change the day of the meeting to be held on the first and third Tuesday of each month.

The City Council reaffirms that meetings which continue beyond 11:00 p.m. require a majority vote to do so; and

NOW THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

Regular meetings of the City Council of the City of Huntington Beach shall be held on the first and third Tuesday of each month at the hour of 6:00 p.m. in Room B-8 of the Civic Center in the Council Chambers. If a regularly scheduled meeting falls on a holiday, the meeting will be held the next business day; and

No meeting shall continue beyond 11:00 p.m. without a majority vote of the Council, and items not acted upon will be carried forward to the following Tuesday if scheduling permits.

Resolution No. 2019-09 is amended as set forth above.

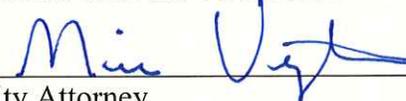
PASSED AND ADOPTED by the City Council at a regular meeting thereof held on the 1st day of June, 2021.

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:



City Attorney

INITIATED AND APPROVED:

City Manager

Council Meetings

(All meetings are subject to the Brown Act)

Regular Council Meetings. Regular meetings of the City Council/Public Financing Authority are held on the first and third ~~Mondays~~ **Tuesdays** of each month, and typically begin on or preceding the hour of 4:00 P.M in the Council Chambers. A Study Session used to present information to Council for discussion purposes only with no objection being taken or Closed Session may be convened subject to the Brown Act, and may be scheduled prior to the main, public meeting that convenes at 6:00 P.M. in the Council Chambers. If a regularly scheduled meeting falls on a holiday, the meeting will be held on the next business day.

Special Council Meetings. Special meetings including meetings to adjourn to Closed Session may be called by the Mayor or a majority of the members of the Council, and noticed accordingly to identify the time and place of the special meeting.

Public Input. Each regular meeting shall provide an opportunity for members of the public to address the Council on items that are within the subject matter jurisdiction of the Council. The Mayor, subject to appeal as a decision of the chair, may establish time limits for particular issues and individual speakers. Members of the public wishing to speak shall fill out a form provided by the City Clerk, and will be called to the podium at the appropriate time to provide comments within a 3-minute time limit. No person may donate his or her time to another speaker.

Parliamentary Procedure

Roberts Rules of Order. In all matters of parliamentary procedure not expressly provided for in the City Charter or the ordinances or resolutions of the City of Huntington Beach, the procedure contained in the current edition of Roberts Rules of Order, as it now exists or future revisions thereof, shall control. Failure to comply with technical procedural rules shall not affect the Council's ultimate decision except to the extent the failure violates due process.

Parliamentarian. The City Attorney is parliamentarian for the City Council, and upon the request of the Mayor or upon his own initiative, shall make rulings on points of parliamentary procedure.

Motions. Motions may be made by any member of the Council and require a second, except when a second is not required by Roberts Rules of Order. A motion may be withdrawn by the mover with the consent of the second and in the absence of objection from any other member of the Council.

The Vote. The vote on all motions shall be by roll call, and recorded by electronic or other means necessary to record the vote.

Division of Question (“Split Vote”). If the question contains two (2) or more divisible propositions, the Mayor may, and at the request of any Councilperson shall, divide the question (also called “split vote”). Example:

1. Waive further reading of ordinance/resolution (requires unanimous vote)
2. Adopt

Tie votes. If a vote results in a tie, the motion fails except that on appellate matters a tie vote on a motion to sustain the lower body’s decision has the effect of sustaining the decision of the lower body. A tie vote on a negative motion does not approve the affirmative side of the motion. Thus, a tie vote on a motion to disapprove or not to do something does not automatically adopt the opposite. After such tie vote, the question should be made in the affirmative mode.

Rights of Mayor. Each member of Council including the Mayor may make motions, second motions and vote on motions. The practice of some deliberative bodies where the Chairman does not vote except to break a tie does not apply to the Council.

Other Actions. Actions which are not required by the City Charter or City ordinances to be in the form of ordinances or resolutions may be effectuated by minute action.

Minute Actions. In all situations where an action of the Council under the express provisions of the City Charter or ordinances shall or may be by resolution, a “minute action” of the Council adopted by at least four (4) affirmative votes shall be deemed a resolution for all purposes, and such action shall not fail merely because it lacks the form or title of a resolution.

Minute actions require the affirmative votes of a majority of Councilpersons present and voting, but not less than three (3), except when less than a quorum is present, the lesser number may adjourn from time to time.

Motion to Reconsider. A motion to reconsider, when appropriate under the Brown Act and Roberts Rules of Order, may be made at the same meeting or no later than the next regular meeting if the item is placed on the agenda of the City Council by a Councilperson who voted on the prevailing side of the motion to which it applies.

- The vote required to adopt a motion to reconsider shall be a simple majority of Councilpersons present and voting, except that such motion shall require four (4) affirmative votes in order to reconsider any motion which required four (4) affirmative votes for adoption.
- A motion to reconsider may be made only once with respect to any motion to which it applies. However, a motion to reconsider a main motion does not preclude the making of a motion to which it applies.

- A motion to reconsider a main motion does not preclude the making of a motion to reconsider the main motion as amended.
- A motion to amend may be reconsidered.
- A motion to reconsider a motion to reconsider is not permitted. The vote on the motion to reconsider shall be taken at the time the motion to reconsider is made except that the vote on a motion “to reconsider and enter upon the minutes” shall be taken at the next regular meeting of the City Council if said minutes are on the agenda.
- The effect of the adoption of a motion to reconsider is to vacate the vote taken on the motion to which it applies and to present the motion to which it applies to the body for action as if no vote had been taken on it. The new vote on the motion to which it applies neither sustains nor overrules such motion because the old vote is vacated, and the new vote is taken as though no previous vote had been taken.

Vote Required on Appellate Matters. Where action has been taken by a lower body that would be final if not appealed, such as decisions by the Zoning Administrator or the Planning Commission, and is subsequently appealed to the higher body, the following procedure applies:

1. If the motion is to sustain the lower body’s decision, a majority of those present and voting is sufficient (four (4) affirmative votes not required). It is not necessary to make a motion to overrule. When there is a tie vote, the lower body is sustained. However, if the motion to sustain gets less than a tie vote, a motion to overrule must be made.
2. If the motion is to overrule the decision of the lower body, four (4) affirmative votes are required. If there are less than four (4) affirmative votes, the decision of the lower body is deemed sustained and no further vote is required.
3. If a motion is made to modify the decision of the lower body, two separate steps must be taken:
 - a) First, the motion to modify requires four (4) affirmative votes.
 - b) Second, if the motion to modify is adopted, a motion to sustain the decision of the lower body as modified requires the same vote as the motion to sustain.
 - c) A motion to overrule the decision of the lower body, as modified, requires four (4) affirmative votes. If there are less than four affirmative votes, the decision of the lower body, as modified, is deemed sustained without further vote.
 - d) If a motion to modify fails, the next motion is either to sustain or to overrule the

subordinate body.

Doing Business After 11:00 P.M. No meeting shall continue beyond 11:00 P.M. without a majority vote of the Council (Resolution No. 2015-46).