



City of Calistoga
CITY COUNCIL CIVIC OPERATING AGREEMENTS
July 2025

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1. AUTHORITY

The City Council has established these Civic Operating Agreements to provide for continuity of responsibility in the City Council's decision-making process and to allow sufficient time and opportunity for full consideration and public discussion of important issues which the City Council must review and decide. Adopting Civic Operating Agreements that establish rules for matters such as the election of Council Officers (Mayor and Vice Mayor) and the manner of conducting City Council meetings facilitates these goals.

The following provisions will be in effect upon their adoption by the City Council and until such time as they are amended, or new provisions are adopted in the manner provided by these Civic Operating Agreements.

2. ROLE OF CITY COUNCIL

The City Council is the highest-level decision-making body for the City of Calistoga. In performing its duties, the Council represents all Calistoga citizens.

In executing its duties, the City Council examines a variety of considerations, such as the needs and desires of the community, financial, legal, health, environment, and safety impacts. The City Council welcomes new ideas and innovative approaches, as appropriate, and aims to provide frequent and clear communications and transparency on its activities and decision making. Furthermore, the members of the City Council treat each other, staff, and other parties with dignity and respect.

2.1 Responsibilities

The City Council's responsibilities include following types of considerations:

- a. Prior to making decisions, performs appropriate diligence in consideration of the topic;
- b. Communicates with residents as appropriate to receive comment from and provide information to residents.
- c. Develops policies that guide the City Manager in her/his management of the City, taking into consideration the value of promoting efficiency and effectiveness in operations while maintaining a reasonable level of service;
- d. Develops Calistoga's annual goals for each calendar year, and monitors those annual and multi-year goals, reporting progress and achievement of those goals to the City at mid-year and year-end;
- e. Reviews and revises as necessary, and approves the annual Operating and Capital Improvement Program budgets as prepared by the City Manager by July 1 of each calendar year;
- f. Faithful application of Calistoga's Approved General Plan and Municipal Code and enacts revisions to the General Plan and Municipal Code as needed;
- g. Reviews and approves/denies/revises Ordinances, Resolutions, community planning decisions and Minutes;
- h. Recruits, hires, and/or terminates the City Manager as necessary, and conducts an annual City Manager performance review as set forth in Section 4.1;
- i. Recruits, hires, and/or terminates the City Attorney as necessary, and conducts an annual City Attorney performance review as set forth in Section 4.1;

2.2 Considerations

The Council considers any matter it deems relevant, material, and/or helpful in performing its duties, such as:

- a. Consistency with the City Council's annual and multi-year goals and priorities;
- b. Consistency with the Council's projects as established at its annual workshop/budget process, subject to change by the full city council if new projects are proposed throughout the year;
- c. Consistency with the Calistoga General Plan and Municipal Code and all applicable laws;
- d. Comment provided by applicants, citizens, staff and other stakeholders on each issue;
- e. Availability of City funds if needed, and impact on the City's financial health;
- f. Availability of required City resources, especially personnel;
- g. The City's resilience and tolerance for risk, and the potential impacts of safety, environmental, commercial and operational activities.

2.3 Fiscal/Negotiating Authority

Only a quorum or more of the City Council, in a duly noticed meeting, may provide direction to the City Manager regarding budget, authorize expenditures, and approve agreements and contracts. No individual Councilmember, subcommittee or ad hoc committee shall have any authority to do any of the following on behalf of the City unless expressly granted that authority by the City Council:

- a. expend (or authorize the expenditure of) funds, or
- b. negotiate or approve the drafting or execution of agreements, contracts or Memorandums of Understanding.

2.4 Civility

City Councilmembers will conduct themselves in an appropriate, polite, respectful and civil manner when dealing with each other, staff and all parties. Except as otherwise set forth in these Civic Operating Agreements, City Council meetings will be governed by Rosenberg's Rules of Order for the purpose of maintaining proper decorum and order during meetings.

3. COUNCIL OFFICERS

3.1 Role of Mayor and Vice Mayor

The Mayor will be recognized as the official head of the City for all ceremonial purposes. The Mayor presides over Council meetings and ensures sufficiently broad and in-depth communications on agenda items. The Vice Mayor will serve all functions of the Mayor when the Mayor is unable or unavailable to fulfill those functions.

3.2 Vice Mayor Appointment

Effective January 1 of each year, the position of Vice Mayor shall rotate annually among the four councilmembers. The intent of this rotation is to ensure each councilmember an opportunity to serve as Vice Mayor at least once during a full four-year term of elected office.

The rotation shall follow a predetermined order based on the longest length of continuous service. In cases where two or more councilmembers share the same length of continuous service, the order shall be determined alphabetically by first name, starting with the letter closest to "A." If multiple first names begin with the same letter, subsequent letters shall be used to determine the order.

If a council vacancy occurs and a new councilmember is appointed or elected to fill a partial term of office, the new councilmember's personal length of continuous service shall be used to determine their position in the rotational sequence.

Any councilmember scheduled to serve as Vice Mayor may voluntarily decline the role. In such cases, the next eligible councilmember in the rotation shall be offered the position. The declining councilmember shall remain in the rotational order and may be offered the role again in the future. Under normal circumstances, this offer would be made in another four years should the person continue serving on the city council.

If the Vice Mayor position becomes vacant mid-term for any reason, the next eligible member in the rotation shall assume the role and serve both the remainder of the current term and their subsequent full term beginning the following January 1st.

4. COUNCIL APPOINTMENTS

4.1 City Manager and City Attorney

The City Council shall appoint the City Manager in accordance with Calistoga Municipal Code Section 2.08.010 and approve the employment contract and any amendments. The City Council will evaluate the City Manager's performance at least annually, and additionally as may be agreed upon by the City Council and the City Manager. As part of each evaluation, the City Council and City Manager will agree upon goals and objectives for the City Manager's performance for the following one to two years. or as otherwise determined by the City Council and the City Manager.

The City Manager's responsibilities are set forth in Calistoga Municipal Code Section 2.08.070, including without limitation:

- a. managing the day-to-day operations of the City,
- b. developing and presenting the annual budget,
- c. executing the direction, goals and priorities adopted by and approved by the City Council,
- d. has principal responsibility for all official communications from the City to the public,
- e. directs City staff in the performance of their duties, and
- f. other duties as assigned by the City Council during duly noticed meetings.

Councilmembers may ask informational questions from city staff. Councilmembers shall in no way direct or influence staff action or speak on behalf of the entire City Council. This section applies to Councilmembers and does not prevent staff members from addressing a Councilmember.

The City Council shall appoint and approve the contract for City Attorney Services and make any amendments and will review the City Attorney's performance as needed. The Council and Councilmembers may interface with the City Attorney through the City Manager, and directly with the City Attorney on an as needed basis.

4.2 Councilmember Appointments

As soon as practicable following the annual reorganization meeting, the Mayor will announce the Mayor's nominations of Councilmembers to represent the City on entities requiring a Council representative. The nominations will be noticed at a regular City Council meeting. At any time of the year, by a majority vote, the City Council may create additional commissions,

committees, or other groups to advise the council after establishing the purview and desired outcome of the advisory body and identifying the necessary resources to support the newly created body.

4.3 Ad Hoc Committees

From time to time, the City Council may create Ad Hoc committees. These committees are temporary committees, generally 18 months or less, established by the Council to address a specific issue and bring a recommendation to the Council as a whole.

Ad Hoc committees generally automatically dissolve once the assigned project has been completed. Membership of an Ad Hoc committee is at the discretion of the Council and must contain less than a quorum of Councilmembers.

The Council will provide direction at the time of creation of Ad Hoc committees to identify the composition, scope of authority, duties, expected output, report-back schedule, term, staff liaison and budget (if any) of the Ad Hoc committee.

Councilmembers may also want to discuss methods for Ad Hoc committees to report back to the City Council on their progress. No Ad Hoc committee will operate outside the original scope of authority granted at its creation, except upon a formal vote of approval by the City Council during a duly noticed meeting.

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5. MEETINGS

The City Council is subject to the Ralph M. Brown Act Open Meetings Law ("Brown Act") (Government Code Section 54950 et seq). All meetings of the City Council are open to the public, except for Closed Sessions which are authorized to be held in private under the Brown Act.

To the extent possible, Councilmembers will contact the City Manager with questions about Council meeting items after reviewing the Agenda Packet and at least 24 hours in advance of the meeting, so she/he can prepare appropriate responses.

5.1 Meeting Dates and Times

5.1.1 Dates

Regular meetings will be established annually by the City Council by resolution. Once meeting dates are established, meetings may be canceled by a majority vote of the City Council or due to a lack of agenda items or a quorum, as determined by the Mayor and/or City Manager. If a meeting is cancelled due to lack of agenda items or a quorum, the meeting will be publicly noticed as to the reason for the cancellation.

Special meetings or continued meetings may be called by the Mayor, City Manager. or a majority of the Council. If the meeting date should fall on a legal holiday, the Council may cancel the meeting or reschedule for an alternate date and time designated by the Council. All meetings of the City Council (except Closed Sessions) shall be open to the public.

5.1.2 Starting Time and Location

All Regular meetings will begin at 6:00 p.m. Meetings may be preceded or followed by Special meetings, including Closed Sessions.

5.1.3 Ending Time

Unless otherwise adjourned, all meetings of the City Council will automatically be adjourned at 9:00 p.m., except that a majority vote of the City Council may extend the automatic adjournment to 9:30 p.m. Adjournment of the meeting may be further postponed after 9:30 p.m. only by unanimous consent to adjourn not later than a specified time. More than one such unanimous postponement of adjournment may be adopted.

5.2 Closed Sessions

A Closed Session may be held before, during, or after any Regular or Special meeting for any purpose authorized by the Brown Act, and must be noticed at least twenty-four (24) hours in advance, also as authorized by the Brown Act. It is a violation of the Brown Act and the City Council's Civic Operating Agreements to disclose information obtained or presented in anticipation of or during a Closed Session, which shall be confidential. Public comment will be received in open session prior to a closed session.

5.3 Special Meetings

Special meetings may be called by the Mayor, a majority of the Councilmembers, the City Manager or the City Attorney. The call for a Special meeting must specify the day, hour, and place and the subject(s) to be considered. Twenty-four hours' notice must be given prior to a Special meeting, and the agenda for the Special meeting must be made available to members of the public consistent with the requirements of the Brown Act. Only matters specified in the notice may be discussed at Special meetings. The public will be given an opportunity to address the Council before or during consideration of any matter described in the notice for the Special meeting.

5.4 Quorum

A quorum of Councilmembers must exist for the City Council to conduct business. Three (3) members of the Council shall constitute a quorum. In the event a quorum is not in attendance within 30 minutes after the time noticed for commencement of the meeting, no meeting will be held on the noticed date, and the noticed meeting will adjourn to the next Regular meeting or to a later set date, at a time and place declared by the City Clerk.

5.5 Teleconferencing

Teleconferencing during City Council meetings to conduct noticed agenda topics and to allow Councilmembers who wish to participate from a remote location will be permitted in accordance with the procedures set out in Government Code Section 54953(b), as amended. The teleconferencing location will be placed on the agenda and noticed and posted at the site at least 72 hours in advance of said meeting. The public is welcome to attend and participate in the meeting at the site. The City may elect to follow modified teleconferencing procedures as authorized by existing state law which apply during a declared emergency, and based on future adopted state legislation. The public will be informed of all such modified teleconferencing procedures, and the duration the procedures remain in effect.

5.6 Adjournment

The Council may adjourn any Regular, Adjourned Regular, Special or Adjourned Special meeting to a time and place specified in the order of adjournment, and in accordance with Rosenberg's Rules of Order. If all Councilmembers are absent from any Regular or Adjourned Regular meeting, the City Clerk may declare the meeting adjourned to a stated date, time and place. The City Clerk shall post a copy of the order or notice of adjournment at City offices and other places designated by the Council as required by law.

Whenever a Regular or Adjourned Regular meeting is adjourned as provided in this section, the resulting Adjourned Regular meeting is a Regular meeting for all purposes. When an Order of Adjournment of any meeting fails to state the hour at which the adjourned meeting will be held, it will be held at the hour specified for Regular meetings.

5.7 Minutes of Proceedings

Action minutes of all public proceedings of the City Council shall be recorded by the City Clerk and entered into City records as official meeting minutes following approval by the Council, and shall thereafter be kept, published, and or distributed in compliance with State law and applicable City policy.

5.8 Councilmember Attendance

Councilmembers are encouraged to inform the City Clerk when they are unable to attend an upcoming meeting.

5.9 Recording of Meetings

All Regular meetings of the City Council will, to the extent feasible, be recorded by electronic recording device and streamed live during the meeting. The recording will be made by the City Clerk and retained in accordance with the City's records retention schedule. The City Clerk will post the electronic recording of meetings, as available, on the City's website.

The use of other recording, videotaping or television equipment by members of the audience is permitted from the back row of the Council Chambers or side aisles against each wall of the Council Chambers, as designated by City staff, in a manner so as not to obstruct the view of the presenters and/or members of the public in attendance, or create consistent noise or illumination that would constitute a persistent disruption of the proceedings. The City Council may further restrict or prohibit the recording of proceedings upon a finding by the Council that the recording cannot continue without noise, illumination, or obstruction of view that constitutes a persistent disruption of the proceedings.

5.10 Avoiding Brown Act Violations

Relating to Meeting Attendance

Members of the Council shall comply fully with the requirements of the Brown Act, including those in Government Code Section 54952.2 to avoid potential violations relating to attendance at meetings such as conferences; meetings conducted by City staff/consultants; meetings presented by organizations other than the City; and meetings of other legislative bodies.

6. AGENDA

6.1 Order of Business

The business for a Regular meeting will generally be shown on the Agenda in the following order and may be modified by either the Mayor or City Manager when circumstances warrant a one-time change:

6.1.1 Call to Order/Roll Call/Pledge of Allegiance and Optional Patriotic Activity
The Mayor may determine the Patriotic Activity.

6.1.2 Report from Closed Session (if any)

6.1.3 Public Comments and Suggestions

This item is intended to permit the public an opportunity to advise the Council of items of interest in the community. The Council will consider brief comments from the audience on items that are not listed on the Agenda. The Council cannot discuss details or vote on issues raised that are not agenda items. Any concerns may be referred to staff or placed on a future agenda (as set forth in Section in 6.1.12).

6.1.4 Adoption of Meeting Agenda

The Council, by majority vote, will adopt the Agenda as final before proceeding to the consideration of the first matter. Following adoption, Agenda items may not be added or removed, or their order changed unless by consent of three (3) or more of the members of the Council present at the time the Agenda was adopted as final. An Agenda item not considered or completed for lack of time will become an Agenda item at the following meeting unless the item is expressly continued to another time.

6.1.5 City Manager's Report

The City Manager will use this section of the Agenda to provide brief reports on activities undertaken in her/his official capacity since the last scheduled Council Meeting and other items of significant interest to the Calistoga community.

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6.1.6 Proclamations/Presentations/Awards

These items include presentations by staff, community members, or organizations as well as recognition of individuals, groups and events of significance by proclamation, award or other action of the City Council. These items are placed on the agenda by the City Manager, and may be placed on the agenda at the direction of the Mayor and/or a quorum of the City Council, and in the manner described in Section 6.1.12 below.

The Mayor or City Manager have discretion regarding scheduling of presentations, proclamations and awards. Presentations are limited to five (5) minutes per topic, with an up to five (5) minute extension if requested in advance. Councilmembers may utilize up to an additional ten (10) minutes for questions. No single presentation, including questions will extend beyond a total of twenty (20) minutes. The City Clerk will be responsible for time management of presentations during the meeting.

6.1.7 Adoption of Consent Calendar

- a. The Council may adopt a Consent Calendar as part of the regular meeting Agenda. A Consent Calendar consists of items of a non-controversial and/or routine nature submitted by the City Manager. The City Manager will propose specific action on each Consent Calendar item and her/his recommendation will become the action of the Council upon adoption of the Consent Calendar. Consent Calendar items are adopted in total and under one (1) motion by the Council and are not subject to individual debate and discussion.
- b. Consideration of Consent Items Removed for Discussion
Any member of the City Council may remove a Consent Agenda item therefrom for consideration and discussion by the Council. The removed item will be placed on the regular Agenda and recorded in the Minutes under "Consideration of Consent Items Removed for Discussion."

6.1.8 Public Hearings

The Public Hearings section of the Agenda is for official public hearings required by law or for which a hearing would be in the public interest. See Section 8 for information about conducting a Public Hearing.

6.1.9 Ordinances, Resolutions and Requests for Action

Ordinances, Resolutions and Requests for Action subject to City Council approval usually will be placed in this section of the Agenda. Occasionally, Resolutions and the first reading of Ordinances are placed under Public Hearings. When this is the case, the Council will consider these matters where appropriate.

6.1.10 General Government

Items presented under this section may require direction from City Council for formal consideration of the items at a future City Council meeting. Items under this heading are not considered for action.

6.1.11 Study Sessions

No formal action may be taken by the City Council concerning any study session agenda item other than to agree to, or to direct staff to, present the item on the regular agenda of a subsequent meeting. Any request for an agenda item which does not specifically include a description of the action of the item desired will be calendared as a study session item.

6.1.12 Council Reports

Any member of the City Council may deliver a report about a topic of interest or request that a matter be placed on the agenda of the City Council by making a request to the City Manager or the City Council, indicating her/his desire to have that item placed on a future City Council agenda. The sponsoring Councilmember will briefly deliver her/his report, or describe the subject sufficiently to inform the City Council and public of the nature of the request.

Should the Councilmember or City Manager seek the direction of the full city council, the City Council shall consider the request to place an item on a future agenda during a regular city council meeting. Staff reports shall not be prepared on Council member requested items until City Council discussion has occurred and direction to take up the matter has been provided by the City Council. No discussion of the subject or merits of the proposed agenda item may occur in connection with the request to add an item to the agenda, except to explain the general nature of the item. Future agenda items will be placed on an agenda as soon as reasonably feasible as determined by the City Manager in consultation with the Mayor.

Any member of the public may request during public comment or by prior correspondence with a Council Member, that the City Council consider an item on a future agenda. Any individual City Council member may then follow the procedures set forth above if the City Council desires to consider the request.

6.2 Preparation of the Agenda

The City Manager and City Clerk, in consultation with the Mayor as necessary, will prepare the City Council meeting Agenda, sequence of Agenda items and other procedural matters. Except as set forth in Section 6.1.4, this provision does not empower a Mayor to add any item to the Agenda without complying with the process described in Section 6.1.12. Items proposed for inclusion on the Agenda by anyone other than the City Manager or the City Council pursuant to Section 6.1.12 must be submitted to the City Manager and City Clerk in writing eleven (11) days preceding the regular meeting for consideration.

6.3 Agenda Materials

A staff report will be prepared for each Agenda item except in unusual circumstances or unless otherwise directed by the City Council. Attached to the staff report will be documents received by or developed by staff that are pertinent to the staff report.

Members of the public and other interested parties (i.e., developers) may submit documents related to an Agenda item to the City Clerk. Such documents will be included in the Agenda materials if they are received in time for inclusion in the packet.

Councilmembers will refrain from attempting to submit documents (or having relatives or other parties with potential and/or perceived conflicts of interest submit documents) to the City Clerk or City Manager for inclusion in the Agenda packet.

To facilitate the efficient progression of the City Council through the Agenda, and to maintain a clear distinction between Staff presentations and recommendations and individual Councilmember opinions, during the staff presentation of a staff report Councilmembers will not utilize the City's technological infrastructure to broadcast or present materials on a display screen to either the City Council or the public except during the discussion period for an agenda item.

Late correspondence pertaining to an agenda item received after the Agenda packet has been distributed, but before 5:00 p.m. on Council meeting day, will be copied and presented to the Council and the public at the meeting, if practicable.

Councilmembers will refrain from circulating or causing to be circulated to more than one (1) other Councilmember any written or recorded information relating to any agenda item before that agenda item is publicly heard at a Council meeting, though such information may be distributed during the discussion period for such item.

The only exception to this rule is for communications received by a Councilmember from residents not serving on the City Council, which may be forwarded to the City Clerk (without amendment) for circulation to the rest of the City Council. For clarity, this prohibition also precludes City Councilmembers from drafting and submitting communications regarding an agenda item to the City Clerk or City Manager for inclusion in the Agenda packet for a meeting at which the Councilmember will be absent.

Copies of materials distributed by City staff and others at the meeting will be made available to members of the public as soon as practicable. Changes and additions to staff reports and correspondence received will be provided to Councilmembers before the meeting, when possible, and made available to the public at the meeting, when possible.

6.4 Agenda Posting

The City Clerk will post the Agenda and Agenda Materials seven (7) calendar days or five (5) business days in advance and no less than 72 hours before a Regular meeting, and at least 24 hours before a Special meeting in the following locations, which are freely accessible to members of the public: Calistoga City offices and Calistoga Library and posted on the City's website. At the meeting, a public copy will be available for review.

The Agenda Packet will be delivered, no later than the Tuesday preceding each Regular meeting or no later than Wednesday following a Monday holiday, to the Mayor and other Councilmembers and made available to members of the public consistent with the requirements of the Brown Act. The Agenda shall specify the time and location of the meeting and contain 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.

7. PUBLIC PARTICIPATION

7.1 Safety and Order

When the City Council is in session, all persons present must preserve safety and order and should conduct themselves in a civil manner. 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 silence audible equipment when in the Council Chambers (including cellular telephones). Members of the public may not enter the open area directly in front of the dais or speak from the audience except when testifying on or participating in an Agenda item.

The audience will conduct themselves with civility and courtesy toward the Council, Staff and other members of the public, and refrain from conduct which is disruptive to the meeting through deed or comment. Disruptions include, although are not limited to, speaking without being recognized by the Presiding Officer, clapping, booing, cheering, jeering, interrupting a speaker with the floor, yelling, physically assaulting another person (or threatening to do so), inciting others to disruptive conduct, and blocking the audience or camera view of the proceedings.

Any person who disrupts the meeting will be called to order by the Presiding Officer. If disruptive conduct continues, the Presiding Officer may request 1) restraint and civil behavior from all members of the public; 2) a short break in the proceedings; or 3) if the member of the public continues to disrupt the proceedings, the removal of the disruptive person from Council Chambers by the Sergeant at Arms.

7.2 Addressing the Council

Only persons who have been recognized and granted permission by the Presiding Officer or a majority of the quorum may address the Council.

A person addressing the Council will be asked, but is not required, to complete a form (a speaker card to the City Clerk) providing her/his name and city of residence in writing as well as stating so orally for the record during their presentation. Each person addressing the Council will do so from the lectern, speaking into the microphone for the record. When speaking from the lectern on an Agenda item, members of the public will address only the Council, and not the audience or staff. A Councilmember, through and at the discretion of the

Presiding Officer, may request staff to answer questions or address issues raised during public comment.

7.2.1 Public Comments

During the “Public Comments and Suggestions” portion of the meeting, any person may address the Council on an item not on the agenda. Public comment will be allowed during each item on the agenda.

7.2.2 Council Questions

Following the remarks of each speaker upon an agenda item, Councilmembers, through and at the discretion of the Presiding Officer, will have the opportunity to question the speaker. However, the Council will not comment or question a speaker about an item that is not on the Agenda.

7.2.3 Limits

Public participants are encouraged to limit their comments to three (3) minutes. The Presiding Officer may impose strict time limits (including reduced time limits) on persons addressing the Council when appropriate and in the spirit of permitting all present an opportunity to address the Council. In the event a public participant desires to make a presentation which exceeds three (3) minutes, any such speaker must make a formal request in writing to the City Manager prior to the day of the City Council meeting at which the public participant desires to speak.

Whenever any group of persons wishes to address the Council on the same subject matter, the Mayor will have the right to request each such group or each faction of such group to choose a spokesperson to avoid unnecessary repetition. If any such group refuses to choose a spokesperson, the Mayor may limit the total time for public comment on any agenda item to assure that the Council can conclude posted agenda items.

The Presiding Officer will then determine at the time of the City Council meeting how much additional time will be allotted for such presentations and speakers, if any, depending upon the number of requests and number of persons desiring to speak at a meeting.

7.3 Conduct of Speakers

Statements by a member of the public will be related to the Agenda item at hand, except during the Public Comments and Suggestions segment of the meeting. No person will use loud, profane, threatening, or personally abusive language, or engage in any other disorderly conduct to disrupt, disturb, or otherwise impede the orderly conduct of any Council meeting. Persons who violate this rule may be barred from attendance for the remainder of the Council meeting, provided that the Presiding Officer has notified the person to conduct herself/himself in a manner consistent with this provision, and warned the person that she/he will be removed if she/he continues to disrupt the Council meeting. If after notification and warning the person persists in disrupting the meeting the Presiding Officer will order the person to leave the Council meeting. If the person does not remove herself/himself, the Presiding Officer may request any law enforcement officer who is on duty at the meeting to remove that person from the Council Chamber.

7.4 Written Communications

The Council will consider any written communication submitted to the City Manager and/or Mayor at least 24 hours prior to the meeting. Correspondence received sufficiently in advance of a meeting, including communications relating to a specific matter on a Council agenda, will be handled as described in Section 6.3.

8. PUBLIC HEARINGS

8.1 Ex Parte Communications

When a Public Hearing is required for an Agenda item, the Presiding Officer will first ask Councilmembers to disclose on the record material communication (e.g., email, other written correspondence, conversations, and site visits) occurring outside the hearing that relate to the subject of the hearing. Councilmembers will identify with whom she/he had such communications and the general nature of the communication and if a site visit was conducted.

8.2 Procedures

Presentations at public hearings will be in the following order:

8.2.1 Item announced by Presiding Officer and Presiding Officer requests regarding Ex Parte Communications.

8.2.2 Presiding Officer reviews order of procedure for public hearing.

8.2.3 Staff summarizes issue before City Council.

8.2.4 Council asks questions of staff for the purpose of eliciting information relevant or useful to the City Council's determination of the item at hand.

8.2.5 Presiding Officer opens the Public Hearing

The purpose of this portion of the public hearing is to provide an opportunity for persons interested in the subject of the hearing to testify in support of or opposition to the matter being heard. The order of testimony will be as follows:

a) Applicant, and/or appellant, where appropriate, presents arguments in favor of application or appeal.

b) Statements from persons desiring to speak in support of or opposition to the application or appeal.

c) Applicant and/or appellant offers concluding remarks.

d) Questions from the City Council to applicant and/or appellant, and questions from the Council (where appropriate) to the opponent(s) to the application or appeal.

e) Subject to the discretion of the Presiding Officer, the Councilmembers may ask questions of speakers for clarification during the public testimony portion and during deliberations.

8.2.6 Presiding Officer Closes Public Hearing

Following the public portion of the hearing, the Presiding Officer will declare the public portion of the meeting closed.

8.2.7 Council Deliberates

After the Presiding Officer has closed the public comment period of the meeting for that agenda item, the matter will be taken up by the City Council. Each Councilmember will be given an opportunity to speak to the subject. When the Council discussion is concluded, the Council will make its decision.

8.2.8 Council Action by Continuation or Decision

Council may, at this time, continue a matter to a specific future date to obtain additional information. Continuing a public hearing to a specific date does not require additional notice. When the Council discussion is concluded, the Council

will make its decision and vote on the item making findings of fact as required by law.

8.3 Absence During a Public Hearing

A Councilmember otherwise qualified to vote may not vote on a matter if the Councilmember was absent from all or part of the public hearing on the matter, unless the Councilmember conducts the following actions, and announces the action for the record:

- a. reviews the minutes and the staff report or listens to the audiotape of the entire portion of the hearing he/she missed, if the minutes are not available, and
- b. reviews all physical and written evidence introduced at the hearing before the meeting at which the decision is to be rendered.

9. MEETING RULES OF CONDUCT

9.1 Presiding Officer

The Mayor, or Vice Mayor if the Mayor is absent or unavailable, will act as the Presiding Officer and will preside and call the meeting to order at the hour appointed. In the absence of the Mayor and Vice Mayor, the meeting will be called to order by the City Clerk and those Councilmembers present will proceed to elect a temporary Presiding Officer. The Presiding Officer may move, second, and debate from the Chair, and will not be deprived of any rights and privileges of a Councilmember. The Presiding Officer is responsible for maintaining order during the meeting and for facilitating efficient progression through the agenda by avoiding repetitive debate or the presentation of irrelevant matter.

9.2 Actions Limited to Posted Agenda

The City Council shall only act on an item appearing on the posted Agenda except when there is an emergency, there is a need for immediate action, or the item was posted for a prior meeting less than five (5) days before and was continued, as prescribed more fully in Government Code Section 54954.2.

9.3 Continuance of an Item

An Agenda item may be continued by the City Council by a majority vote.

9.4 Standards of Decorum

When an Agenda item is addressed, the Presiding Officer will first ask for a staff presentation. Next, the Presiding Officer will ask for clarifying questions from the Council of staff for the purpose of eliciting information relevant or useful to the City Council's determination of the item at hand. After that, the Council will receive public comment. After public comment, the Presiding Officer will close the public comment portion and open the item for discussion by the Council.

The following additional standards of decorum will apply during every meeting:

9.4.1 Council

While the Council is in session, Councilmembers will preserve order and decorum, and a member will neither (by conversation or otherwise) delay or interrupt the proceedings or the peace of the Council, nor disturb a member while speaking, or refuse to obey the orders of the Presiding Officer.

9.4.2 Use of Electronic Devices

While the Council is in session, to satisfy due process requirements, Councilmembers will give their full attention to the proceedings. Councilmembers are permitted to use laptop computers and other electronic devices such as iPads while Council is in session. However, electronic devices may not be used while Council is in session to access the internet or to communicate with residents, staff or other Councilmembers regarding any item on the agenda for that meeting.

9.5 Debate

9.5.1 Right to the Floor

Every Councilmember desiring to speak on an agenda item will refrain from doing so until he/she gains recognition by the Presiding Officer and is given the floor, at which time he/she will confine himself/herself to the question under debate. The Presiding Officer will have the discretion, unless overruled by a majority vote of the City Council present at the meeting, to terminate a Councilmember's right to the floor upon the Presiding Officer's determination that doing so is reasonably necessary to enforce the Civic Operating Agreements set forth herein.

9.5.2 Interruptions

A Councilmember, once recognized, will not be interrupted when speaking except to be called to order by the Presiding Officer, unless a point of order has been raised by another Councilmember or unless the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, the Councilmember will cease speaking until the question of order is determined. If determined to be in order, the Councilmember will be permitted to proceed.

9.5.3 Points of Order

The Presiding Officer will determine all points of order subject to the right of any Councilmember to appeal to the Council. If an appeal is taken, the question will be, "Will the decision of the Presiding Officer be sustained?" A majority vote of the Council conclusively determines the question of order.

9.5.4 Result of a Vote

The Presiding Officer will announce the result of the vote. A roll call vote will be taken upon the request of any Councilmember or as legally required. No action shall be taken by secret ballot.

9.5.5 Appeals

Any ruling of the Presiding Officer may be appealed at the request of a Councilmember. The Presiding Officer will call for a roll call vote to determine if the ruling is upheld.

9.5.6 Precedence of Motions

When a motion is before the Council, no other motion will be entertained except:

a) Motion to Amend

A motion to amend, which modifies the original motion, is in order but is debatable only if it has been accepted by both the maker and seconder of the motion. Amendments are voted on first, and the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There will only be one (1) amending motion on the floor at any one time.

b) Substitute Motions

A substitute motion is for the purpose of taking out the main motion altogether and replacing it with a new and different motion. A substitute motion must be voted on before an amendment of the main motion. If the substitute motion is adopted the main motion dies and so does any amendment of the main motion.

c) Motion to Postpone

A motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set. A motion to postpone a public hearing must set a definite date for the hearing. If a motion to postpone indefinitely is adopted, the Agenda item will be carried forward by the City Clerk.

d) Motion to Table

A motion to table is not debatable and not subject to amendment. The purpose of a motion to table is to suspend the item for an indefinite time. If the agenda has been adopted, the motion to table should include a motion to amend the meeting agenda. If a motion to table passes, consideration of the matter during the same meeting may be resumed only upon the motion of a member voting with the majority on the motion to table.

e) Motion to Close Debate DRAFT

When a motion to close debate is made and seconded, there will be no further debate except on whether to close debate. If the question carries, the Presiding Officer will put pending amendments to a vote without debate in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the Council.

9.5.7 Motions Not Subject to Debate

All motions are debatable except for the following, which will be put to an immediate vote:

- a) Motion to adjourn, which requires a simple majority.
- b) Motion to recess, which requires a simple majority.
- c) Motion to table, which requires a simple majority.
- d) Motion to limit debate ("I move the question" or "I move to limit debate of this item to ___ minutes").

9.5.8 Reconsideration

Providing that no intervening rights will be prejudiced, a Councilmember who voted with the majority on that question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. After a motion for reconsideration is acted upon, no other similar motion regarding the same matter at the same meeting may succeed without unanimous consent.

9.5.9 Conflict of Interest and Bias

A conflict of interest or even the appearance of a conflict of interest can diminish the public's confidence in the integrity of the governmental process. Therefore, a Councilmember who has a conflict of interest under the Political Reform Act or Government Code §1090 et seq., may not participate in the Agenda item causing the conflict, unless an exception to the conflict exists which allows participation. Councilmembers should contact the City Attorney for advice if a potential conflict of

interest may exist, or if there is a question as to whether their participation in a particular agenda item is appropriate.

9.5.10 Protests

Following the success of a motion carried by the majority of the City Council, a dissenting Councilmember will have the right to enter into the public record any additional reasons for dissent or protests the motion which the Councilmember was precluded from articulating during debate on the motion. The Presiding Officer has the discretion to limit a Councilmember's entry into the public record of reasons for dissent or protests any motion carried by the majority when reasonably necessary to facilitate the efficient progression through the Agenda by avoiding unnecessarily cumulative or repetitive statements or the presentation of irrelevant matter.

9.5.11 Voting

At least three (3) affirmative votes are required to enact an Ordinance, adopt a Resolution, approve a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt, amend these Civic Operating Agreements, or place a new matter on a future agenda. The majority of the quorum present at a meeting is required to adopt other motions, except as otherwise indicated herein. A "majority" refers to a majority of the quorum present.

Every Ordinance will be adopted by a roll call vote. All other matters may be referred to a voice vote unless a roll call is requested by a member of the Council or is required by law. On all matters for which a voice vote is authorized, the Presiding Officer may ask for "all those in favor?", or words of similar import. The Presiding Officer will then request for "all those opposed?" The Presiding Officer will report out the results of the vote, and the name of those Councilmembers who opposed the item. If a Councilmember objects to the procedure, a roll call vote will be called in the normal manner and the ayes and noes recorded in the minutes.

9.5.12 Division of the Question

If a matter properly put before the Council contains two (2) or more separable propositions, any Councilmember may, with the consent of one other member of the Council, divide the question into its separable parts for consideration. Separable propositions will mean two separate questions or issues which if acted on together might create ambiguity as to the effect of the vote, and which if acted on separately, contain two or more separate issues or questions.

10. ADMINISTRATIVE MATTERS

10.1 Correspondence

10.1.1 Electronic Correspondence

Councilmembers will use accounts issued to them by the City for all email correspondence regarding City business. Councilmembers will not use accounts issued to them by the City for personal correspondence. Councilmembers may elect to forward (without editorialization) copies of emails they receive from non-Councilmember residents to the City Clerk, who will include such emails in the staff reports for relevant Agenda items as set forth in Section 6.3.

10.1.2 Other Correspondence

Written correspondence received by a Councilmember at the City offices by postal service, personal delivery, and messenger service will be opened by staff and handled consistent with the City of Calistoga Records Retention Program, which may require the City to retain a copy. Councilmembers may elect to forward copies of written correspondence they receive to the City Clerk, who will include such correspondence in the staff reports for relevant Agenda items.

10.2 Communications with the Public

The Mayor is the primary spokesperson for the City and City Council. When the Mayor is unavailable, the City Manager and/or the Vice Mayor assume spokesperson duties. Councilmembers will be clear in their communications with members of the public and the media when the opinions and positions they convey are their own individual positions and must clearly state whether they have been authorized by the Mayor or Council to speak for the Council on any topic of discussion. Councilmembers may wish to utilize a statement such as "This (article, letter) represents my personal opinion and does not reflect the position or policy of the City of Calistoga or the City Council of Calistoga."

In addition to the above, the City Council recognizes that there are inherent risks associated with the wide dissemination of information posted on social media platforms (e.g., Facebook, Nextdoor, and Twitter, etc...) and that Councilmembers have no ability to ensure their posts on social media platforms are understood by everyone in the way they were originally intended to be understood. Given these dangers, Councilmembers are encouraged to limit their posts on social media platforms regarding issues that may come before the City Council to providing relevant logistics or factual information pertaining to such issues.

10.3 Relations with Staff

Councilmembers may ask informational questions from city staff. Councilmembers shall in no way direct or influence staff action or speak on behalf of the entire City Council. The City Manager shall take her/his orders and instructions from the Council as a body only when the Council is sitting in a duly convened meeting, and no individual Councilmember shall give any orders or instructions to the City Manager outside of a City Council meeting, without approval of the City Council. Neither the Council as a whole, nor an individual Councilmember, shall give orders or instructions to subordinates of the City Manager. This section applies to Councilmembers and does not prevent staff members from addressing a Councilmember.

11. FAILURE TO OBSERVE CIVIC OPERATING AGREEMENTS

These Civic Operating Agreements govern the conduct of City Councilmembers and the conduct of meetings. These Civic Operating Agreements are intended to expedite the transaction of the business of the City Council and are deemed to be procedural only. Failure to strictly observe these Civic Operating Agreements will not affect the jurisdiction of the City Council or invalidate any action taken at a meeting that otherwise conforms to law.

The Chief of Police or such member or members of the Police Department as he or she may designate, will be Sergeant-At-Arms of the City Council and will 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 will require him or her to do so.

12. AMENDMENT OR SUSPENSION OF THESE CIVIC OPERATING AGREEMENTS

12.1 Amendment of Civic Operating Agreements

These Civic Operating Agreements may be amended by an affirmative vote of at least three (3) City Councilmembers except as follows:

Where a provision of these Civic Operating Agreements requires action by a specific affirmative vote which is greater than three (3) City Councilmembers, then an amendment to that provision requires the same vote required for that provision.

12.2 Suspension of Civic Operating Agreements

Any provision of these Civic Operating Agreements not required by State law, or the Calistoga Municipal Code may be suspended by a vote of at least three (3) City Councilmembers.

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