

Resolution No. **2024-09-10-1208**

STOCKTON CITY COUNCIL

RESOLUTION ADOPTING A REVISED CITY COUNCIL POLICY CHAPTER 4.06, SECTION 4.06.010, RELATING TO THE USE OF ELECTRONIC DEVICES

Chapter 4.06, Section 4.06.010, subsection 2, of the Council Policy Manual addresses the use of electronic devices during meetings; and

In December 2023, the Legislation/Environmental Committee reviewed and discussed revisions to the entire council policy manual. Staff was directed to revise Section 4.06.010(2) regarding the use of electronic devices; and

On August 28, 2024, the Council Legislation/Environmental Committee, discussed proposed changes to Section 4.06.010(2) of the Council Policy Manual and recommended changes be forwarded to Council, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

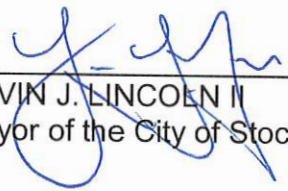
1. The City Council approves the revisions to City Council Policy 4.06.010(2) entitled "Use of Electronic Communication Devices" attached hereto as Exhibit 1 and incorporated by this reference.
2. The City Manager is hereby authorized to take appropriate and necessary actions to carry out the purpose and intent of this Resolution.

PASSED, APPROVED and ADOPTED: September 10, 2024.

ATTEST:


KATHERIN ROLNAD, CMC, CPMC
Interim City Clerk of the City of Stockton




KEVIN J. LINCOLN II
Mayor of the City of Stockton

CHAPTER 4.06
ROLES AND RULES

§ 4.06.010. Policy.

1) ROSENBERG'S RULES OF ORDER

The City Council adopts Rosenberg's Rules of Order unless provided otherwise in this Policy.

2) USE OF ELECTRONIC COMMUNICATION DEVICES

The Council's use of electronic communication devices during a City Council meeting, may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving, either one of which is inimical to good government and transparency.

Electronic Communication Devices means products designed to electronically process, transmit, or store information and includes but is not limited to devices such as cell phones, smart watches, ipads, tablets, and laptop computers.

The Council's use of electronic communication devices shall be restricted as follows:

- a. Councilmembers are prohibited from using electronic devices during a public meeting except when accessing agenda materials that are on a Councilmember's city issued ipad, tablet, or laptop computer.
- b. Councilmembers are not prohibited from communicating with family members or family care givers, on urgent personal matters or from communicating with outside parties on business related matters that do not address and are not related to City business. A councilmember wishing to respond to such a message during a meeting shall do so during a recess or shall excuse themselves from the meeting to place the return call or text in a manner that does not disrupt the meeting.
- c. Councilmembers are prohibited from using electronic devices during closed session. No electronic devices shall be allowed in the location where closed session is held. The Presiding Officer shall ensure that all members comply with this prohibition.

3) DUTIES OF PRESIDING OFFICERS

- A) The Presiding Officer—Election and Duties. The presiding officer of the Council shall be the Mayor who shall be elected as provided in the Stockton City Charter. The Mayor shall preserve strict order and decorum at all meetings, announce the decisions of the Council and decide all questions of order consistent with Rosenberg's Rules of Order subject, however, to an appeal to the Council, in which event a two-thirds vote of the Council shall govern and conclusively determine such questions of order.
- B) Call to Order—Presiding Officer. The Mayor or, in his or her absence, the Vice Mayor shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Vice Mayor, the City Clerk, or his or her deputy, shall call the Council to order, whereupon a temporary chairperson shall be elected by the members of the Council present. Upon the arrival of the Mayor or Vice Mayor, the temporary chairperson shall immediately relinquish the chair upon the

City of Stockton, CA

§ 4.06.010

§ 4.06.010

conclusion of the business immediately before the Council.

4) RULES OF DEBATE

- A) Except as provided below, the City Council will follow the latest version of Rosenberg's Rules of Order.
- B) Presiding Officer May Debate and Vote. The Mayor or Vice Mayor or such other member of the Council as may be presiding may move, second, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of these rights and privileges of a Councilmember by reason of acting as the presiding officer.
- C) Getting the Floor—Improper References. Every member desiring to speak shall address

the Chair, and, upon recognition by the presiding officer, shall confine all remarks to the question under debate, avoiding all personalities and indecorous language.

- D) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call said member to order, or as herein otherwise provided. If a member, while speaking, be called to order, said member shall cease speaking until the question of order is determined, and, if in order, he/she shall be permitted to proceed.
- E) Time Limit. Every member, once recognized, shall be limited in their debate to five minutes and shall, upon expiration of said time, relinquish the floor.
- F) Privilege of Closing Debate. The Councilmember making the motion shall have the privilege of closing the debate.
- G) Remarks of Councilmembers—When Entered in Minutes. A Councilmember may request, through the presiding officer, the privilege of having a written abstract of said member's statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

5) ADDRESSING THE COUNCIL

Any person desiring to address the Council shall first secure the permission of the presiding officer to do so; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested person shall have the right to address the Council upon obtaining recognition by the presiding officer.

- A) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to matters then under discussion.
 - i) Material that is submitted to the City Clerk one business day before the regular meeting, special meeting or workshop will be transmitted to the City Council prior to the meeting or workshop and made available to the public.
 - ii) Material that is submitted to the City Clerk on the day of the meeting or workshop will be copied and placed on the dais prior to the meeting or workshop and made available to the public.
 - iii) Material that is presented at a meeting or workshop will be, to the extent practical, scanned and distributed to the City Council and made available to the public.
- B) Oral Communications. Persons may address the Council by oral communications on any matter concerning the City's business, or any matter over which the Council has control. Speakers may submit "Request to Speak" cards to the City Clerk who shall number them in the order in which they are received. The presiding officer shall call upon such persons to speak in such order, unless he or she determines that a different order is necessary to facilitate the conduct of the meeting.
- C) Visual Presentations. Members of the public wishing to use electronic media when addressing Council must provide the electronic file to staff for screening no later than noon six days prior to the meeting. For example, for the Tuesday meeting, the electronic

file must be provided to City staff by noon on the preceding Wednesday.

Screening ensures that the material is in a format capable of broadcast or presentation over the audiovisual system, assures that the material is germane to the agenda item and assures that the material is legally appropriate for broadcast over the audiovisual system and cable. No visual materials may be displayed through the audiovisual system that City staff has not screened.

- i) Visual materials include any visual or textual items that are to be displayed through the audiovisual system irrespective of their specific format or media. This includes, without limitation, photographs, audio and video presentations, charts, computer presentations, computer screen images, posters and flyers, whether in physical or electronic format.
- ii) The name of the person or the name of organization presenting the visual material must be included in the footer on every slide. If the presenter is representing a party to an appeal, the status of the party must also be included in the footer.
- iii) Visual Presentations during Public Comments are limited to five minutes, which includes the time necessary for oral remarks and all visual presentation.

Visual materials do not include items held or worn by a speaker at the podium or worn by a member of the audience, even though such items may be televised through the cameras that view the audience and the dais.

- D) Public Hearings and Protests, Etc. Persons may address the Council by reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.
- E) Addressing the Council After Motion is Made. After a motion is made by the Council, no person shall address the Council without first securing the permission of the Council to do so.
- F) Manner of Addressing Council—Time Limit. Persons addressing the Council shall step up to the podium and may give their name and address in an audible tone of voice.
 - i) All remarks shall be addressed to the Council as a body and not to any member. No person, other than the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked of a Councilmember except through the presiding officer.
 - ii) All comments, including visual presentations, presented to the Council under any agenda item shall be limited to a maximum of five minutes but the presiding officer may waive this limitation when deemed necessary to accommodate more fully a citizen's request to be heard.

6) MISCELLANEOUS

City of Stockton, CA

§ 4.06.010

§ 4.06.070

All reports and resolutions shall be filed with the City Clerk and entered on the minutes.

§ 4.06.020. Procedure.

- 1) Except as provided below, the City Council will follow the latest version of Rosenberg's Rules of Order.

- 2) ROLL CALL

Before proceeding with the business of the Council, the City Clerk or his or her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

- 3) QUORUM

A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting or study session of the Council.

- 4) ORDER OF BUSINESS

All meetings of the Council shall be open to the public, except for closed sessions as permitted by law. The Council shall provide by resolution the order of business for regular meetings of the Council, and shall provide therein for public comment as required by law. In attendance shall be the City Manager, the City Clerk, and the City Attorney or their authorized designees.

- 5) READING OF MINUTES

The Clerk will read a synopsis of the minutes of the previous Council meeting at each Council meeting. Such reading of the minutes may however be dispensed with provided that the Clerk has previously furnished each member with a synopsis thereof.

- 6) ADJOURNMENT

A motion to adjourn shall always be in order and decided without debate.

§ 4.06.030. Responsibilities.

City Clerk: File all reports and resolutions.

§ 4.06.040. Relevant authority.

City Charter Section 500;

Stockton Municipal Code Section 2.04.010.

§ 4.06.050. Related administrative directive, city policy, city procedure.

None applicable.

§ 4.06.060. Related forms, documents, or links.

None applicable.

City of Stockton, CA

§ 4.06.070

§ 4.06.080

§ 4.06.070. Frequently asked questions.

None applicable.

§ 4.06.080. Update history.

3/16/81 - Adopted by Resolution No. 38,095

2/22/82 - Amended by Resolution No. 38,894

4/21/86 - Amended by Resolution No. 86-0222

10/26/87 - Amended by Resolution No. 87-0583

5/7/90 - Amended by Resolution No. 90-0286

2/4/92 - Amended by Resolution No. 91-0110

6/7/93 - Amended by Resolution No. 93-0377

2/23/10 - Amended by Resolution No. 10-0041

12/17/13 - Amended by Resolution No. 2013-12-17-1213

1/26/16 - Amended by Resolution No. 2016-01-26-1203