

**HANDBOOK
OF
RULES AND PROCEDURES**

**CITY OF FREMONT
CITY COUNCIL**

PREFACE

As provided by California Government Code Section 36813, the City Council of the City of Fremont establishes the Handbook of Rules and Procedures contained herein. The Handbook shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended, or new rules are adopted in the manner provided herein.

In addition to the Handbook of Rules and Procedures, the City Council has included in this document other information which may be useful to the City Council, administrative staff, the general public and is to be known as “The Handbook of Rules and Procedures of the Fremont City Council.”

*Adopted December 1997
Resolution No. 9233, dated December 9, 1997*

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Resolution No. 9684, dated July 17, 2001*

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**CITY OF FREMONT
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 2. Be mindful of how Councilmember conduct can promote or hamper teamwork of governing
 3. Councilmembers will acknowledge that Council actions/decisions represent City policy once a decision is made
 4. Councilmembers will listen to one another, communicate respectfully with each other and seek to understand one another
 5. Find consensus with Councilmembers when possible; find areas of agreement within the areas of disagreement
 6. Respect other Councilmembers’ opinions.
 7. Never assume intent regarding other Councilmember actions.
 8. Maintain confidentiality of confidential matters.
 9. Respect the roles of the Mayor, Council and staff in creating policy and in implementing policy.
 10. Respect the Council/Manager form of government.
 11. Communicate concerns about staff to the city manager. Do not criticize staff in public.

- B. Accepted Protocols for City Councilmembers
 1. Craft clear City Council motions so that staff and Councilmembers all understand what is intended.
 2. Seek to be efficient in comments at City Council meetings.
 3. Provide reports and other information to City Council colleagues and staff about committee assignments in written summary format and/or at City Council meetings under Councilmember communications, especially when something is time-sensitive.
 4. Participate in the League of California Cities, National League of Cities, US Conference of Mayors and other organizations that relate to City of Fremont work in order to enhance personal professional development as governing body members, and to learn about new approaches and common issues being addressed by other local governments.
 5. When foreign dignitaries request official City of Fremont events with members of the City Council in the Councilmembers’ official capacity, courtesy invitations should be extended to all members of the City Council.
 6. During City Council campaign seasons, the city attorney will remind Councilmembers of their obligations and limitations, including prohibitions on use of any City resources including, but not limited to, City equipment, City employees,
 7. Refrain from using technology to communicate with others during City Council meetings.
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CHAPTER I - GENERAL, POWERS and DUTIES

A. **Legislative Body:**

The governing legislative body of the City of Fremont is a City Council consisting of six Councilmembers and a Mayor. The Mayor is elected by the qualified voters of the city at large. The Councilmembers are elected from one of six districts. When reference to all the members of the City Council, inclusive of the Councilmembers and Mayor, is intended, use of the terms "Councilmembers" or "City Council" are appropriate substitutes for the term "Council Members and Mayor."

B. **City Council Basic Power:**

All powers of the City are and shall be vested in the City Council, subject to the provisions of the Fremont Municipal Code and to the Constitution and statutes of the State of California.

C. **City Council:**

1. **Mayor:** The Mayor shall hold office for a term of four years. The Mayor shall be sworn into office following certification of the general municipal election and continue in office until a successor qualifies.
2. **Councilmembers:** Councilmembers shall hold office for a term of four years. Three Councilmember offices shall be elected at each general municipal election. Each Councilmember elected shall be sworn into office following certification of the general municipal election and continue in office until a successor qualifies.

D. **Mayor as Presiding Officer:**

The Mayor shall be recognized as the official head of the City of Fremont for all ceremonial purposes. Requests for ceremonial recognition shall be made to the Mayor in accordance with the procedures set forth in Appendix D – Ceremonial Document Request Procedure.

The Mayor shall be the Presiding Officer of the City Council and shall preside at the meetings of the City Council. The Mayor may move, second, and debate from the Chair, subject to such limitations of debate as are imposed on all Councilmembers by these rules and shall not be deprived of any of the rights and privileges of a Councilmember as such Presiding Officer. The Mayor shall possess no veto power.

E. **Vice Mayor:**

In the absence of the Mayor, the Vice Mayor shall possess and perform the powers and duties of the Mayor.

F. Vice Mayor Selection and Duties:

1. ***General Provisions:***

The purpose of these provisions is to make the designation of the Vice Mayor a ministerial action, while at the same time providing an opportunity for each Councilmember elected at a general municipal election to have the opportunity of serving as Vice Mayor during his or her term of office. No Councilmember who is appointed or elected to fill the unexpired term of a vacant office of Councilmember shall be appointed as Vice Mayor.

2. ***Regular Order of Selection:***

The Councilmember who received the highest number of votes during the previous general municipal election shall be appointed Vice Mayor for the first eight months following the next general municipal election. The Councilmember who received the second highest number of votes during the previous general municipal election shall be appointed Vice Mayor for the next eight months. The Councilmember who received the third highest number of votes during the previous general municipal election shall be appointed Vice Mayor for the next eight months.

For example, the Vice Mayor rotation for the six Councilmembers based on the 2018 and 2020 general municipal elections would proceed as follows:

Vice-Mayor Term	“Previous General Municipal Election” Year	Councilmember to Be Appointed Vice Mayor
Nov. 2019-July 2020	2018	Highest number of votes in 2018 election
July 2020-March 2021	2018	Second highest number of votes in 2018 election
March 2021-Nov. 2021	2018	Third highest number of votes in 2018 election
Nov. 2021-July 2022	2020	Highest number of votes in 2020 election
July 2022-March 2023	2020	Second highest number of votes in 2020 election
March 2023-Nov. 2023	2020	Third highest number of votes in 2020 election

3. ***Order of Selection Upon Vacancy:***

If a vacancy occurs in an office of a Councilmember, the order of selection pursuant to the above section shall be modified if necessary, as follows: If the vacancy is in the office of a Councilmember and is the incumbent Vice Mayor, then the Councilmember who was the last previous Vice Mayor shall be appointed Vice Mayor for the remainder of that eight month term. If the vacancy

is in the office of a Councilmember who has not yet served as Vice Mayor during his or her term of office, then the Councilmembers next in the order of selection pursuant to the above section shall each have their appointment as Vice Mayor advanced, notwithstanding that as the result of such vacancy or prior or future vacancies, the order of selection will be modified with the effect that a subsequent Vice Mayor will be only in the second or first year of his or her term of office as a Councilmember.

4. ***Other Instances:***

In the event a situation occurs, resulting from a vacancy in an office of a Councilmember, which is not addressed in these rules, the City Council shall promptly consider what revision to the rules, if any, are necessary prior to the appointment of the Vice Mayor.

5. ***Appointment of Vice Mayor:***

The City Clerk shall schedule the appointment of the Vice Mayor for the last regular City Council meeting of the current Vice Mayor's term (or at the next regular meeting following a vacancy), and shall publish in the agenda the name of the Councilmember to be appointed. At the meeting the Mayor shall make a motion nominating the Councilmember to be designated as the Vice Mayor.

6. ***Vice Mayor as Presiding Officer:***

While performing in the absence of the Mayor as the Presiding Officer at meetings of the City Council, the Vice Mayor may be addressed as Mayor (however, documents executed by the Vice Mayor in the absence of the Mayor shall be signed as Vice Mayor. (G.C. 34904 & 36801)

G. Rules of Procedures:

1. The City Council shall determine its own rules of procedures and amend them from time to time, or adopt new rules as it deems necessary. Amendment to or adoption of new City Council Rules shall be accomplished by majority vote.
2. Any Councilmember may move the Mayor to enforce the rules and a majority vote of the City Council shall require the Mayor to so act.

H. Interference in Staff Functions:

The City Council shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry and neither the City Council nor any member thereof, shall give orders to subordinates of the City Manager. No member of the City Council shall publicly criticize or censure any staff member of the City, and shall instead relay any criticism of a staff member privately through the City Manager.

I. Council Position on Ballot Measure(s):

A 5/7 vote will be required for support or opposition on a ballot measure.

CHAPTER II – CITY COUNCIL NORMS AND PROTOCOLS

A. Norms Regarding City Councilmember Conduct

1. Maintain a citywide perspective while being mindful of districts
2. Be mindful of how Councilmember conduct can promote or hamper teamwork of governing
3. Councilmembers will acknowledge that Council actions/decisions represent City policy once a decision is made
4. Councilmembers will listen to one another, communicate respectfully with each other and seek to understand one another
5. Find consensus with Councilmembers when possible; find areas of agreement within the areas of disagreement
6. Respect other Councilmembers' opinions. Accept that Councilmembers will not always agree. Disagree respectfully and professionally. Do not make things personal.
7. Never assume intent regarding other Councilmember actions. Do not ascribe motives.
8. Maintain confidentiality of confidential matters.
9. Respect the roles of the Mayor, Council and staff in creating policy and in implementing policy.
10. Respect the Council/Manager form of government.
11. Communicate concerns about staff to the city manager. Do not criticize staff in public. Do not apologize on behalf of the staff or other members of Council.

B. Accepted Protocols for City Councilmembers

1. Craft clear City Council motions so that staff and Councilmembers all understand what is intended. If staff needs clarification, the city manager or city attorney will ask for clarification and/or recap and summarize the motion to ensure it is understood.
2. Seek to be efficient in comments at City Council meetings. It is unnecessary for Councilmembers to speak on every item or to repeat an opinion that has already been stated by another Councilmember.

Chapter II – City Council Norms and Procedures (Continued)

3. Provide reports and other information to City Council colleagues and staff about committee assignments in written summary format and/or at City Council meetings under Councilmember communications, especially when something is time-sensitive.
4. Participate in the League of California Cities, National League of Cities, US Conference of Mayors and other organizations that relate to City of Fremont work in order to enhance personal professional development as governing body members, and to learn about new approaches and common issues being addressed by other local governments.
5. When foreign dignitaries request official City of Fremont events with members of the City Council in the Councilmembers' official capacity, courtesy invitations should be extended to all members of the City Council. For those contacts and invitations extended to individual Councilmembers that are not official City of Fremont events, it will be at the discretion of the individual Councilmember to determine who, if anyone, to extend an invitation to. City property can be used for official business with foreign dignitaries, with alternate locations considered for unofficial business.
6. During City Council campaign seasons, the city attorney will remind Councilmembers of their obligations and limitations, including prohibitions on use of any City resources including, but not limited to, City equipment, City employees, City logo or other official City designations in campaign literature, signs, social media or other communications.
7. Refrain from using technology to communicate with others during City Council meetings.
 9. Refrain from using the City's logo or any photos with City staff in ways inconsistent with City laws and policies.

C. Town Hall Meetings

1. Councilmembers shall be permitted to hold one Town Hall meeting within their district per year. Town Hall meetings require the use of City resources, including staff, for scheduling, advertising, setting up, recording and otherwise managing the Town Hall. Councilmembers may hold additional Town Hall meetings within their districts if they do not request the assistance of city staff or the use of city resources.

CHAPTER III - CITY COUNCIL MEETINGS

A. Duties of Presiding Officer:

The Mayor shall act as the Presiding Officer at all meetings of the City Council and shall preserve strict order and decorum at all times. The Mayor shall state each question coming before the City Council, and shall restate each question immediately prior to calling for the vote. Following the vote, the Mayor shall announce the results of the vote. The Mayor is eligible to vote on all questions, and shall direct the order of participation of Councilmembers. The Mayor shall, in all instances, have the last chance to speak.

B. Call to Order:

The meetings of the City Council shall be called to order by the Mayor, or in the Mayor's absence, by the Vice Mayor. In the absence of the Mayor and the Vice Mayor, the meeting shall be called to order by the most senior Councilmember present. This person shall serve as the Council's presiding officer until the arrival of the Mayor or Vice Mayor, or until adjournment of the meeting.

C. Roll Call:

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers and the names of those present and those absent shall be entered in the minutes of the meeting. The Presiding Officer shall announce that a late Councilmember has arrived for the benefit of the television audience.

D. Quorum:

Four Councilmembers shall constitute a quorum for the transaction of business. A majority of a quorum shall be sufficient to pass any action taken by the City Council except on such matters which, by law, require a greater majority.

E. Lack of Quorum:

If a majority of Councilmembers are absent from any meeting the City Clerk may declare the meeting adjourned to a stated time and place and shall prepare a written notice of the adjournment and conspicuously post it at the entrance to the Council Chambers.

F. Recognition to Speak, Councilmember:

Every Councilmember desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine his or her remarks to the question under debate.

1. ***Interruptions:***

A Councilmember, once recognized, shall not be interrupted while speaking unless called to order; unless a motion to raise a point of order is raised by another Councilmember, or unless the Councilmember speaking chooses to yield to questions from another Councilmember.

2. ***Challenged While Speaking:***

A Councilmember, challenged while speaking, shall cease speaking until the point of order is determined. The Councilmember shall be permitted to proceed if ruled to be in order. Conversely, the Councilmember shall remain silent or alter any remarks to comply with rules of the City Council if found not to be in order.

3. ***Public Hearings:***

Councilmembers should not speak to the merits of an issue, other than to ask questions, until the public hearing has been closed. If the agenda item is an appeal of other than a legislative matter, Councilmembers should acknowledge and state the substance of any prior discussion of the item with any person (other than personal consultants not having an interest in the matter) at the beginning of the hearing.

G. Councilmember Obligation after Absence:

When a Councilmember is absent from an earlier meeting at which a matter was discussed, it shall be the duty of that Councilmember to become acquainted with the issues discussed by reading the documents presented and when possible, listening to or viewing the taped recording of the meeting missed.

H. Deadline for New Business:

Generally, no new item of business will be discussed or considered after 11:30 p.m. unless approved by the City Council.

I. Business Items out of Order:

The Mayor may, with the consent of the City Council, modify the order of the agenda.

J. Recordings:

All meetings (except closed sessions) of the City Council shall be recorded and stored electronically.

K. Agenda Format for Regular Meetings:

Order of Business: The business of the City Council shall be taken up for consideration and disposition in the following order:

1. ***Preliminary:***

Call to Order
Salute to the Flag
Roll Call
Announcements-Mayor and/or City Manger

2. ***Consent Calendar:***

Approval of Minutes

3. ***Ceremonial Items***

4. ***Public Communications:***
 - Written
 - Oral
5. ***Scheduled Items:***
 - Public Hearings
 - Appeals
 - Reports from Boards, Commissions, and Committees
6. ***Reports from City Attorney***
7. ***Other Business***
8. ***Items Referred by Councilmembers:***
 - Councilmember Referrals
 - Appointments to Boards, Commissions, Committees
 - Legislative Actions
 - Events and Meetings
9. ***Adjournment***

L. Components of a Regular Meeting:

The published agenda shall consist of an agenda and summary reports providing sufficient information needed for deliberation and action.

1. ***Consent Calendar:***

Items of a routine, non-controversial nature, may be placed on the consent calendar at the Mayor’s discretion. All items may be approved by one motion and one vote. Any Councilmember or member of the public or their representative may request any item be withdrawn from the consent calendar for separate consideration in its regular order of business.
2. ***Minutes:***
 - a. ***Description:***

The minutes of a City Council meeting shall be “action minutes” which include the motions made, actions taken, and a brief summary of public comments.
 - b. ***Reading of Minutes:***

If each Councilmember has been furnished with a copy of the minutes prior to the meeting, the minutes may be approved without reading. If a Councilmember raises a point of correction to the minutes of a City Council meeting, those minutes will not be approved at that meeting.

Consideration of such minutes will be continued to the next regular meeting.

c. *Remarks of Councilmember- When Entered into the Minutes:*

A Councilmember may request, through the Mayor, the privilege of having an abstract of a Councilmember’s statement on any subject under consideration by the City Council entered into the minutes. If the City Council consents, the statement shall be entered. If a Councilmember voted in the minority, however, that Councilmember has the right to an abstract of such dissent entered into the minutes which explains an affirmative vote on a ministerial or other routine action on an underlying project or other matter as to which the Councilmember voted in the minority. An “abstract” is defined here as “a statement summarizing the important points of a given text.” The Councilmember requesting an abstract shall succinctly summarize his or her position to be entered into the minutes. The request must be made and acted upon prior to hearing another item. The abstract must be submitted the to the City Clerk the following business day.

3. ***Public Communications:***

a. *Written:*

Subject to the time limits described in this document, any member of the public or their authorized representative may address the City Council by written communications.

b. *Oral:*

Subject to the time limits described in this document, any member of the public or their authorized representative, may address the City Council on any matter concerning the City’s business, or any matter over which the City Council has control, whether on its posted agenda or not. Comments on items included on the agenda shall be reserved until the Council considers those items. However, the City Council is prohibited from extensively discussing or taking action on an item not appearing on its posted agenda under the provisions of the Brown Act. Any issue raised under “Oral Communications” will therefore be limited to a determination whether it should be placed on a future agenda for discussion, action, or report. Exceptions to this rule are set forth in the Brown Act.

c. *Special Meeting-Work Sessions:*

Subject to the time limits described in this document, any member of the public or their authorized representative may address the City Council on matters contained on a Special Meeting-Work Session agenda.

Chapter III – City Council Meetings (Continued)

4. ***Legislative Matters:***
Generally, public hearings shall be conducted in the following order:
- a. ***Regular Hearings:***
Staff presentation
Questions of staff by Councilmembers
Hearing opened by Mayor
Public Comments
Hearing closed by Mayor
Questions by Councilmembers
Discussion by Councilmembers
Action by City Council
- b. ***Appeals:***
Staff presentation
Questions of staff by Councilmembers
Hearing opened by Mayor
- Appellant’s comments
 - Public comments
 - Rebuttal-Appellant comments
- Hearing closed by Mayor
Questions by Councilmembers
Discussion by Councilmembers
Action by City Council
5. ***City Council Referrals:***
- a. Any Councilmember may, prior to any regular City Council meeting, bring any matter to the attention of the City Council which is not otherwise scheduled on a City Council agenda. The matter will be placed on the next available agenda in the Council Referral section. The sponsoring Councilmember shall give the City Manager a brief description of the subject to be printed in the agenda, sufficient to inform the City Council and public of the nature of the referral. All referrals shall be submitted to the City Manager, with a copy to the City Clerk, no later than five business days before the next City Council meeting.
- b. The City Council, after considering the referral, may do any of the following:
- (1) Take no action;
 - (2) Refer the matter to staff to schedule as a future City Council agenda item;
 - (3) Take dispositive action if Council finds that sufficient notice to the Council and the public has been provided by the published agenda,

sufficient information has been received by the Council, and no formal published notice of a public hearing is required.

- c. The Councilmember who requested the referral has the privilege of speaking first on the item.

6. ***Appointments:***

Appointments to the City Boards, Committees and Commission shall be made as described in Chapter V of this document.

M. Addressing the City Council:

1. ***Speaker Card and Speaker Time:***

A person desiring to address the City Council is encouraged to complete a “Request to Address the City Council” (speaker card). Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the Mayor may limit the time for individual comments. When deemed necessary, the mayor may allocate a longer speaker time without objection from the City Council. The following time limits apply unless modified by the Mayor.

Oral Communications

Individual speakers -3 minutes

Public Hearings

Applicant/appellant - 10 minutes

Individual speakers - 3 minutes

Rebuttal by applicant/appellant - 5 minutes

2. ***One Speaker at a Time:***

No person, other than the person having the floor, shall be permitted to enter into any discussion without the permission of the Mayor. All discussions shall be through the Mayor, and no question shall be asked of a Councilmember except through the Mayor.

3. ***Questions and Comments from the Public:***

Questions and comments from the public shall be limited to the subject under consideration.

4. ***Addressing the City Council after a Motion is made:***

No person in the audience may address the City Council after a motion is made. without first securing permission to do so. Upon recognition by the Mayor and permission being granted by the City Council, the person so recognized shall confine him or herself to the question under discussion.

N. Continued Agenda Items:

It is City Council practice and policy that matters scheduled on an agenda will be heard at the meeting scheduled. When unforeseen circumstances mandate a request for continuance of an agenda item by an applicant, appellant, or other interested parties, the request must be made to the City Council at the outset of the consideration of the item. In addition, any person intending to make a request for a continuance shall inform the City Clerk, orally or in writing, as soon as possible prior to the meeting that such a request for continuance will be made. The City Clerk shall inform the Mayor. The City Council will consider the request for continuance prior to discussing the substance or merits of the agenda item. The interested parties may speak to the issue of a continuance without forfeiting the right to speak later to the merits of the issue if a majority of the Council so rules. Comments may be presented by persons not able to attend the meeting for which the item is finally scheduled if the City Council agrees to continue the item.

O. Public Hearing Closed:

Once a hearing is closed it is inappropriate for the public to speak except to answer an inquiry of a Councilmember addressed through the Mayor. However, a public hearing may be re-opened by the Mayor to hear new information.

P. Special Meeting-Work Sessions:

The City Council may meet in a “work session/study session” called as a Special Meeting for the purpose of acquiring information on a particular subject (s). Study sessions shall be open to the public but are not public hearings, Public input, however, will be received.

Q. Scheduled Recesses:

The City Council will recess from any regularly scheduled City Council meetings during the entire month of August. Prior to a scheduled recess, the City Manager shall submit to the City Council any recommended matters anticipated to require Council approval during the recess. The City Council may, by resolution, authorize the City Manager to approve any recommended matters on behalf of the City of Fremont.

R. Cancellation of Meeting:

If the City Council considers and then decides to cancel a future regularly scheduled or special meeting it should take such action at the earliest prior meeting possible. If the action to cancel a meeting is taken more than one regular meeting prior to the date of the canceled meeting, the fact of any such cancellation shall also appear as an informative item on the agenda for the meeting immediately preceding the canceled meeting date.

CHAPTER IV - DECORUM

A. **Enforcement of Decorum:**

The City Manager shall assign a sergeant-at-arms when necessary to attend City Council meetings for the purpose of maintaining order and decorum in the City Council Chambers and in the lobby. Upon instructions from the Mayor, the sergeant-at-arms shall eject any person from the City Council Chambers, in conformance with State law

B. **Courtesy:**

1. ***Councilmembers:***

Councilmembers shall accord the utmost courtesy to each other, City employees and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statements as to motives and personalities.

2. ***City Employees:***

Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

3. ***Public Speakers:***

Members of the public attending a City Council meeting shall be encouraged to observe the same rules of order and decorum applicable to the City Council. Any person who becomes boisterous while addressing the City Council or while attending the City Council meeting, or behaves in such a way as to be disruptive of the meeting, shall be removed from the room if the sergeant-at-arms is so directed by the Mayor and such person may be barred at that meeting from further audience before the City Council.

4. ***Appointed Members of Boards, Commissions and Committees:***

Appointed members of Boards, Commissions and Committees of the City shall observe the same rules of order and decorum applicable to the City Council.

C. **Noise in the Lobby:**

Noise emanating from the lobby outside the City Council Chambers which disrupts City Council meetings shall not be permitted.

D. **Crowd Control in Council Chambers:**

If the City Manager, or the City Manager's designee, anticipates in advance a crowd larger than the maximum number of attendees allowed in the City Council Chambers, he or she shall provide for appropriate crowd control.

Chapter IV – Decorum (Continued)

E. Smoking, Food and Drink:

It is unlawful for any person to smoke in the City Council Chambers (FMC 4-6100).

No one shall bring food or drink into the public area of the City Council Chambers at any time.

F. Distribution of Literature and Other Materials in City Council Chambers:

No person shall distribute flyers, leaflets, placards or other literature or circulate any petition within the City Council Chambers. Such literature may be displayed or distributed outside the City Council Chambers area.

CHAPTER V - PROCEDURAL RULES

A. Rules of Order:

The City Council shall determine its own rules of order and amend them from time to time, or adopt new rules as it deems necessary. Amendment to or adoption of new City Council procedures shall be accomplished by majority vote. A set of procedural rules, which is derived from Roberts Rules of Order, and which is attached to this handbook as Appendix A, shall govern the Council's processing of motions.

B. Rules of Discussion:

1. *Division of Question:*

If the question contains two or more propositions, each of which is capable of standing as a complete proposition if the others are removed, the Mayor may, and upon request of a Councilmember shall, divide the question.

2. *Withdrawal of Motion:*

A motion may not be withdrawn by the maker of the motion without the consent of the Councilmember who seconded the motion.

3. *Voting:*

On every motion the vote shall be taken by electronic voting device and entered in the record. If the device is inoperable, the vote shall be taken by voice and recorded by the City Clerk. The Mayor shall announce the result of the vote.

4. *Failure to Vote:*

Absent a disqualification under State law, including conflict of interest provisions and prohibitions on participating when personal bias would prohibit a fair decision, it is the responsibility of every Councilmember to vote. Failure to vote that is not compelled by a legal disqualification shall constitute an affirmative vote. A Councilmember who fails to vote shall nonetheless be counted towards making up a quorum.

5. *Abstaining from Vote for Reasons Other than an Identified Legal Disqualification:*

A Councilmember who abstains determines not to vote "yes" or "no". A vote to "abstain" except for an identified legal disqualification shall be counted as an affirmative vote. A Councilmember shall state a reason for abstaining prior to doing so; failure to do so will constitute the same action as silence or failure to vote. A Councilmember who abstains from voting for other than an identified legal disqualification shall nonetheless be counted toward making up a quorum.

6. ***Abstention: Conflict of Interest:***
Councilmembers shall disqualify themselves and abstain from voting if they have a financial conflict of interest or any other disqualification prescribed by law in a matter before the City Council. In such event, they may not participate in the discussion or the vote. Councilmembers shall state the specific reason for such disqualification. Unless the matter is on the consent calendar, the abstaining Councilmember shall leave the Council dias until the conclusion of the agenda item. The matter will then proceed as though the member is not present, and the member shall not be counted toward making up a quorum.

7. ***Tie Votes:***
When one Councilmember is absent and a matter under discussion remains unresolved as the result of a tie vote on all motions made on such matter, the matter shall be automatically continued to the next Council meeting when it is reasonably known that all Councilmembers will be present, provided that this rule shall not apply to matters involving the appellate jurisdiction of the City Council. The Council exercises “appellate jurisdiction” when it considers matters in which a subordinate body such as the Planning Commission could, but for an appeal to the City Council, confer final approval.

8. ***Appeal From the Mayor’s Decision:***
When the rules are silent, the Mayor shall decide all questions of order, subject to appeal by any Councilmember. When in doubt, the Mayor may submit the question to the City Council. Any decision or ruling of the Mayor may be appealed by request of any Councilmember. The Mayor shall immediately call for a vote to determine if the Mayor’s ruling shall stand.

CHAPTER VI
BOARDS, COMMISSIONS and COMMITTEES
CITY REPRESENTATIVES and STANDING COMMITTEE

A. Boards, Commissions and Committees – City Representatives – Standing Committee:

1. ***Definitions:***

a. ***Boards, Commission and Committees:***

The City Council shall establish by ordinance all boards and commissions which shall advise the City Council and perform such other functions and duties as prescribed by the City Council. Unless otherwise directed, ad hoc committees shall be established by resolutions.

b. ***City Representatives:***

Councilmembers and citizens may be appointed to serve on County, regional or multi-purpose agencies, committees and commissions to represent the City.

c. ***Standing Committee:***

The only standing committee of the City Council may be the Committee of the Whole. The Mayor, or the Vice Mayor (in the Mayor's absence) shall be the Mayor of the Committee of the Whole. The Rules of Proceedings will be the same as the rules for the City Council.

2. ***Application and Appointment Process:***

The members shall be appointed by the Mayor with the approval of the City Council, in accordance with the following procedure:

a. ***Vacancy, Announcement, Interview and Applicant Pool:***

The City Clerk shall maintain records of membership status of boards, commissions and committees. The Clerk shall notify the Mayor of each vacancy.

When a vacancy occurs, the Mayor shall announce the vacancy at a Council meeting and invite the public to apply for the position or positions. When the Mayor determines that sufficient applications have been received, the Mayor shall announce, at a Council meeting:

- The final date for receipt of applications,
- The date of the Council meeting at which the City Council will receive all of the applications and make its decision whether to interview
- applicants, and

Chapter VI - Boards, Commissions and Committees (Continued)
City Representatives and Standing Committee

- The date of the Council meeting for making the appointment if no interviews are held.

The final date for receiving applications shall be at least one week following the Mayor's announcement.

At the meeting scheduled for the Council to consider interviews, the Clerk shall provide a copy of all applications received to the City Council. If, at that meeting, Council decides to hold interviews, it shall then determine the interview process, including which applicants will be interviewed and schedule the interviews. After the interview process is complete, the Mayor shall schedule the meeting for making the appointment.

- b. *Application Required:*
No person shall be appointed to a board, commission or committee without filing a written application for appointment with the City Clerk prior to 5:00 p.m. on the date of the deadline for receipt of applications.
- c. *Scheduling of Appointment:*
The City Clerk will schedule, on the regular City Council meeting agenda, as designated by the Mayor, a notice of the Mayor's intention to make an appointment to a board, commission or committee.
- d. *Publishing Names of Appointees:*
The name of the intended appointee shall be included on the agenda for the meeting at which the appointment will be made.
- e. *All Applications Provided to All Councilmembers:*
The City Clerk shall include in the City Council's agenda packet for the Council meeting at which the Mayor's appointment is scheduled, all current applications filed for appointment to the board, commission or committee designated in the Council Referral section of the Agenda. In the event there are multiple vacancies on the same board, commission or committee the Mayor shall schedule the appointment and name the appointees of all vacant positions of any one board on the same Council meeting.
- f. *Nomination and Approval of Mayor's Appointment:*
The Mayor shall place in nomination the name of the person intended to be appointed from among the persons in the final applicant pool. No second to the nomination shall be made, but debate is allowed. The Council may, by a majority vote, open the discussion to include any or all applicants in the applicant pool. It is out of order for any Councilmember to place in nomination any other person other than the person placed in nomination by the Mayor. Upon approval of the nomination by the City Council, the Mayor's appointment is confirmed and approved. Prior to the

Chapter VI - Boards, Commissions and Committees (Continued)
City Representatives and Standing Committee

vote by the City Council, the Mayor may, without debate or vote, withdraw the nomination and or continue the matter to a further Council meeting.

g. *Procedure in Event Mayor's Nomination Not Approved:*

If the Mayor's intended appointment is not approved, the Mayor shall at the same or subsequent meeting place in nomination another person's name from the pool. The process continues until an appointment by the Mayor is approved, in accordance with the procedure set forth in this document.

h. *Councilmember Prohibition:*

Unless the legislation adopted by the City Council for a particular board, commission or committee expressly provides otherwise, no Councilmember shall be eligible for appointment as a member of, or representative or liaison to a City board, commission or committee.

i. *Applications: Current List:*

A current list of applicants is established each year. Applications may be submitted to the City Clerk at any time between January 1 and December 31. These applications may be considered for various vacancies throughout the year; however, on December 31, any remaining applications of these persons not appointed will be void. In order to be considered in the following year, new applications will need to be submitted starting January 1.

B. Appointment to Outside Agencies

1. *Citizen Appointments:*

Any appointment of any person, except a Councilmember, as a member of a County, regional, multi-purpose agency, or other outside agency shall be accomplished in the same manner as appointments to boards, commissions and committees. Any appointment of any person, except a Councilmember, as a representative or liaison of the City to any board, commission or committee, shall be in the same manner as appointments to boards, commissions and committees.

2. *Councilmember Appointment:*

The Mayor shall, instead of nominating, announce the appointment of the designated Councilmember as a member of a County, regional, multi-public agency, or other outside agency, at the time the matter is considered at the City Council meeting. If no motion is made by a Councilmember, immediately following the Mayor's announcement, to submit the Mayor's intended appointment to formal vote of the City Council, the Mayor's announced appointment is deemed approved.

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City Representatives and Standing Committee

- C. Removal of member of board or commission or committee or City representative.**
Any member of a board, commission or committee and any City representative or liaison to a outside agency, may be removed by a vote of not less than four (4) Councilmembers, initiated by either the Mayor or a Councilmember. Any proposed removal shall be scheduled as a Council Referral on the agenda of a regular Council meeting, with the name of the person proposed to be removed printed on the agenda.
- D. Waiver of Requirements:**
In the event compliance with any of the above requirements would seriously interfere with or interrupt the important business of the City, the City Council may, with the approval of five Councilmembers, waive one or more of said requirements.

PROCEDURAL RULES**A. Rules of Order:**

The following rules shall be used as a guide to the conduct of the meetings of the City Council; provided, however, that the failure of the City council to conform to said rules shall not, in any instance, be deemed to invalidate the action taken. It should be noted here the identities of some of the motions listed in these Rules differ from the same or equivalent rules identified in Robert's Rules of Order. In the event that these rules are not sufficient to guide the Council's determination of any matter, the most recent edition of Robert's Rules of Order shall control.

B. Processing of Motions:

The Mayor shall state the motion. When a motion is made and seconded, it shall be restated by the Mayor before discussion or debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it. The Mayor shall restate the motion prior to voting.

C. Precedence of Motions:

When a motion is before the City Council, no other motion shall be entertained except to:

- (1) Fix the time to adjourn to
- (2) Adjourn
- (3) Take a recess
- (4) Raise a question of privilege
- (5) Raise a Point of Order (or call for agenda adherence)
- (6) Table
- (7) Close discussion (or close debate or call the previous question)
- (8) Limit or extend limits of discussion
- (9) Postpone to a time certain (or continue to a time certain)
- (10) Refer to staff, board, commission, committee or officer
- (11) Substitute the motion
- (12) Amend the motion
- (13) Postpone indefinitely
- (14) Motion to reconsider
- (15) Motion to reschedule

D. Purpose of Motions When Used:

- (1) **Motion to Fix Time to Adjourn To:** A motion to fix the time to which to adjourn requires a second, is amendable and is debatable only as to the time (and date) to which the meeting is to be adjourned, and at which time (and date) any unfinished business will be considered. The purpose of the motion to fix the time (and date) to which to adjourn, is to set a time for duration and termination (adjournment) of the meeting, taking into consideration the completion of any unfinished business which may remain at adjournment. The time and date to which unfinished business will be considered may or may not be the next regular meeting.
- (2) **Motion to Adjourn:** A motion to adjourn requires a second and is not debatable except to set the date and time to which the meeting is adjourned to consider the unfinished business. The purpose of a motion to adjourn is to terminate the meeting forthwith, notwithstanding that the business on the agenda has not been completed, and notwithstanding a time fixed for adjournment has not yet arrived. A motion to adjourn shall be in order at any time, except as follows: (i) when repeated without intervening business or discussion; (ii) when made as an interruption of a Councilmember while speaking; (iii) when a motion to close discussion has been made; and (iv) while a vote is being taken.
- (3) **Motion to Take a Recess:** A motion to take a recess requires a second, is amendable, but is not debatable. The purpose of a motion to take a recess is to interrupt the meeting. The custom and practice of the City Council is that the Mayor will sense the need for and consensus for short recesses and declare such without formal motion; a formal motion is intended to be used when there is not an apparent consensus.
- (4) **Motion to Raise a Question 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 to when the welfare of the City Council is concerned; the maker of the motion may interrupt another speaker if the Mayor recognizes the "privilege." The motion does not require a second, is not amendable, and is not debatable.
- (5) **Motion to Raise a Point of Order (Call for Agenda Adherence):** A motion to raise a point of order or call for agenda adherence does not require a second, is not amendable, and is not debatable. The purpose of the motion is to question whether a matter being discussed is adhering to the agenda item being considered. The custom and practice of the City Council is that the Mayor will sense the consensus of the City Council to take agenda items out of order, in order to expedite the efficient conduct of the meeting. A formal motion to change the agenda order of business or a formal motion to call for Council agenda adherence is intended to be used when there is no apparent consensus.

- (6) **Motion to Table:** The purpose of the motion is to terminate further consideration of the subject being discussed, without qualification. The effect of the motion, if approved, is to not only end discussion on any other motion being considered, but to preclude any other motion being made. A motion to table requires a second, is not amendable, and is not debatable. If the intent of the motion is actually to interrupt business for more urgent business, a motion to postpone or continue to a time certain at the same or another meeting shall be used instead of a motion to table. If the intent is to postpone indefinitely, a motion to postpone indefinitely shall be used in place of a motion to table. If the intent of the motion is to actually qualify termination of any further consideration, a motion to postpone or continue, or some other main motion should be used instead of a motion to table. No motion to “take from the table” shall be recognized, either at the same or subsequent meeting. The foregoing shall not preclude any Councilmember from placing the subject on an agenda for a later City Council meeting, under Council Referrals.
- (7) **Motion to Close Discussion or Debate:** A motion to close discussion requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If the motion to close discussion fails, discussion is reopened; if the motion passes, then the Mayor shall call for the vote on the pending motion. The purpose of the motion is to close discussion on pending motions without qualification. The custom and practice of the City Council permits the Mayor to terminate discussion upon sensing the consensus of City Council to do so without a formal motion. The custom and practice of the City Council also permits the Mayor, reflecting the consensus of the City Council, to consider a motion to close discussion, to state such consensus and declare that the vote will be on the pending motion.
- (8) **Motion to limit or Extend Discussion or Debate:** A motion to limit or extend discussion or debate requires a second, is amendable and is not debatable. The purpose of the motion is to limit the time individual members of the City Council may speak on the subject or motion being considered, or to extend the time limit previously fixed.
- (9) **Motion to Postpone to Time Certain or Continue to a Certain Time:** A motion to postpone to a time certain or continue to a certain time is amendable, and is debatable as to the propriety of postponement and as to time set in the motion. The purpose of the motion is to postpone the subject under discussion to another, specified time and date, if the continuance is to another date and meeting.
- (10) **Motion to Refer to Staff Advisory Body or Officer:** A motion to refer requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made. The purpose of the motion is to send the subject to the

City Manager, advisory body or other City officer for further study and report back to City Council, at which time the subject will be fully discussed.

- (11) **Motion to Substitute Motion:** A motion to substitute the motion under consideration with another motion requires a second, is not amendable, and is debatable. A motion to substitute must be germane to the subject and compatible with the underlying purpose of the motion under consideration; and if passed, the substitute motion will, by its own action, eliminate the necessity to vote on the motion being substituted. If the substitute motion fails to pass, debate will resume on the motion previously being considered.
- (12) **Motion to Amend Motion:** A motion to amend a motion requires a second, is amendable, and is debatable only when the motion to which it applies is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order, but an amendment raising an independent question or one that is not germane to the main motion shall not be in order. Amendments take precedence over the main motion and the motion to postpone indefinitely. Amendments to amendments are voted on first, then the amendment, then the main motion as amended.
- (13) **Motion to Postpone Indefinitely:** A motion to postpone indefinitely requires a second, is not amendable, and is debatable. If the motion is adopted, the principal question shall be declared lost. The purpose of the motion to postpone indefinitely is to avoid a direct vote on the main motion or on any other motion on the subject under discussion. Its correct use is when the intent is to specify qualifications or conditions upon which the City Council would again consider the subject. It should not be confused with the motion to table, which is a means of terminating consideration of a subject without qualification.
- (14) **Motion to Reconsider:** A motion to reconsider any action taken by City Council may be made only immediately following the final action on the agenda subject under discussion and prior to the City Council taking up another agenda subject for consideration. A motion to reconsider requires a second, is debatable, and is not amendable. Such motion must be made by a Councilmember who voted on the prevailing side of the final action, but may be seconded by any Councilmember. A motion to reconsider shall have precedence over all other motions. The purpose of a motion to reconsider is to bring back the matter for consideration. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion.
- (15) **Motion to Reschedule:** Notwithstanding paragraph (14), a Councilmember who voted on the prevailing side of a motion which disposed of an agenda item, may at any time during the next meeting following the action taken, make a motion to reschedule the subject for further consideration at a future meeting; provided the Mayor may postpone the motion until the conclusion of whatever other agenda

item is under discussion. The motion to reschedule requires a second, is not debatable, and is not amendable. The maker of the motion may make a very brief statement of reason for the motion. If the motion passes, the Mayor shall determine by consensus or vote, the meeting date at which the subject shall be rescheduled, which shall take into consideration whatever publication of notice and any special notice to interested parties that may be required. If a Councilmember, whether or not voting on the prevailing side, wants the City Council to “reconsider” a subject upon which final action has been taken by the City Council, and the Councilmember is precluded from making a motion to reconsider or reschedule pursuant to paragraph (14) and the foregoing provisions of paragraph (15) the Councilmember may seek such “reconsideration” by scheduling the subject as a “Council Referral” on a subsequent agenda.

**COUNCIL TRAVEL BUDGET AND EXPENSE REIMBURSEMENT
POLICY**

**CITY OF FREMONT
COUNCIL TRAVEL BUDGET
AND EXPENSE REIMBURSEMENT POLICY**

On April 8, 1997, the City Council adopted its Council Travel Budget and Expense Reimbursement policy, which it amended on February 28, 2006, to incorporate the provisions of California AB 1234. The following merges the amendments into the originally adopted policy statement.

Section 1:

It is the policy of the City Council of the City of Fremont that Councilmembers and the Mayor be reimbursed for actual and necessary expenses incurred in the performance of official duties, subject to budget, applicable laws, standards and procedures established by Council.

Section 2:

Reimbursable expenses are limited to those which would be deductible business expenses under IRS regulations and are incurred in compliance with IRS “accountable” plan requirements. Expenses will further comply with the City’s Administrative Regulation 3.2 (Authorized Business Travel), where applicable. An expense will not be reimbursable if it is paid for or reimbursed by another entity or person. Subject to the foregoing, actual and necessary expenses will be reimbursed to the Mayor or any Councilmember if they arise from or are incurred in connection with the following type of occurrence:

- A. Communicating with representatives of regional, state and national government on City adopted policy positions;
- B. Attending educational seminars or seminars designed to improve officials’ skill and/or information levels;
- C. Participating in regional, state and national organizations whose activities affect the City’s interests;
- D. Attending City events and City sponsored functions;
- E. Implementing a City approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member;

- F. Where expenses are incurred after being approved by the City Council in advance of their incurrence;
- G. Where expenses that are otherwise reasonable under this policy if pre-approved by the City Council are incurred unexpectedly and under emergent circumstances while on City business, and where the required City Council pre-approval cannot be obtained because of the circumstances.

Section 3:

All claims for reimbursement shall be submitted to the Financial Services Office on forms provided by the City, signed and certifying that expenses were incurred in connection with an occurrence of the type specified in Section 2 of this Policy. All expense claim forms shall be completed to show the general nature of the expenses incurred, such as travel, meals, telephone; the time and place incurred; names of guest in attendance; the relationship of all expenses to City business; and compliance with the expense reimbursement policies contained in this Policy. Only expense claims providing full disclosure and showing compliance with this policy and supported by receipts or sufficient other documentation will be reimbursed.

Section 4:

As part of the adoption of the annual operating budget each fiscal year, the City Council will allocate an individual appropriation amount for Council travel and expense reimbursement for each Councilmember and the Mayor. Such allocation may not be exceeded without approval of the City Council. To the extent an individual annual budget allocation is exceeded without Council approval, such excess will be the responsibility of the Councilmember or Mayor.

Section 5:

A separate amount will be budgeted each fiscal year for nondiscretionary expenses incurred by the Council for group activities to which all Councilmembers and the Mayor are invited, such as, but not limited to Council/Commission meetings, Council/staff meetings, and Council hosting City guests. The Council may allocate an additional amount each fiscal year to be used for Council-approved participation in unusual or non-recurring activities.

Section 6:

Quarterly itemized reports of expenses incurred by Councilmembers and the Mayor will be prepared by the Financial Services Director and provided to the City Council by the City Manager. This report is in addition to any other periodic budget reports the Council may receive.

Section 7:

A City credit card may be issued to a Councilmember or the Mayor upon request. No personal charges, including but not limited to charges for alcoholic beverages, personal telephone calls from hotel rooms while on business trips, and nonbusiness side trips, may be made on a City credit card, except that, in order to facilitate express check-out, telephone access charges and charges for similar services may be made on a City credit card and then offset against the per diem allowance. Documentation for the per diem allowance and the related deduction for any amounts claimed through use of a City credit card and meals included in any conference registration fees must be submitted with all other receipts at the completion of the travel. All

receipts for charges on a City credit card, including the documentation requirements specified in Section 3, shall be submitted to the Financial Services Office within five days of incurrence of the charge or completion of the travel, whichever is later.

Section 8:

All travel arrangements, except usage of a personal vehicle, shall be made by the City Manager's office at the most economical fare available consistent with the available travel time of the individual making the trip. Government and group rates must be used for lodging and transportation when available. Unless otherwise specified, expenses meeting the rate limitations imposed by Section 2 of this policy are considered reasonable.

If the travel includes a nonbusiness side trip, the City Manager's office will make the travel arrangements so that the business portion of the cost can be identified. In this situation, the cost of the travel will be paid for by the individual and a City credit card may not be used to pay for the travel arrangements unless the total cost of the nonbusiness side trip is less than the total cost of the business portion of the trip, in which case any extra costs resulting from the inclusion of the nonbusiness side trip will be the responsibility of, and will be paid for by, the individual. If the trip is wholly paid for by the individual making a nonbusiness side trip, then an expense claim for reimbursement of the expenses related to City business must be submitted at the completion of the trip for the individual to be reimbursed. Notwithstanding the foregoing, a City credit card may be used to pay for the trip if the individual pays the City for the nonbusiness side trip expenses in advance of the arrangements being made by the City Manager's office.

Unless the City Council approves the expense in advance, no expense will be reimbursed that exceeds the following rates:

- A. Air Fare: Allowable air travel costs shall be calculated by using the shortest and most direct route with the least number of en-route stops. All air travel shall be booked as far in advance as possible, so as to receive the lowest fares possible except where the lowest fare is for an overnight flight, which may be chosen by the individual, but is not required.
- B. Personal Vehicle Use: The federal mileage rate for business use of a taxpayer's private vehicle, as published by the Internal Revenue Service of the United States of America, will be multiplied by the number of miles traveled in an individual's personal vehicle to determine the maximum expense reimbursement allowed.
- C. Use of City Vehicle: When City vehicles are available their usage is encouraged, but not required. Expenses for gasoline and emergency repairs which are reasonable under the circumstances and in the locality where the vehicle is operated will be reimbursed.
- D. Lodging: If lodging expense is incurred in connection with a conference or organized educational activity specified in Government Code Section 53232.2(d), then the lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available when booking the reservation. If the group rate is not then available, then lodging expenses that are comparable and that are otherwise consistent with the expense reimbursement policy and

do not exceed \$300.00 per night shall be deemed reasonable and shall be subject to reimbursement. Lodging costs not incurred in connection with a conference or educational activity that are otherwise consistent with this expense reimbursement policy and less than \$300.00 per night are considered reasonable and shall be subject to reimbursement.

- E. Meals: The Mayor and each Councilmember will be entitled to reimbursement for meals and associated gratuities in an amount equivalent to the per diem rate for City employees; however, they are required to submit supporting documentation as required by Section 3 of this Policy. Where meal costs prevailing in the locality to which the individual has traveled exceed the City's per diem rate, actual meal and associated gratuity costs will be reimbursed if not lavish or extravagant. Alcohol and bar expenses will not be reimbursed without prior City Council approval. Where a conference or other organized activity includes a meal or meals as part of the costs of the activity no separate meals will be reimbursed without prior City Council approval.
- F. Other Expenses: Actual and reasonable incidental costs incurred for travel away from home, considering all the circumstances, will be reimbursed for: Telecommunication and fax charges, telephone expenses, laundry and/or dry cleaning charges, parking, shuttle, and taxi, and other miscellaneous necessary expenses.

Section 9:

A report on the accomplishments of any business trip shall be made at the next regularly scheduled City Council meeting after the individual's return from the trip.

ADOPTED April 8, 1997, by the City Council of the City of Fremont, as Resolution 9129, and subsequently amended February 28, 2006, by Resolution 2006-12.

PAPERLESS COUNCIL AGENDA PROCESS

I. Overview and Purpose:

In October 2011, the City implemented a paperless Council Agenda Process. As part of the paperless agenda process, Councilmembers received electronic tablets to facilitate the delivery of the paperless agenda packet. It should be noted that Councilmembers also have the option to purchase the electronic tablet in the event that the use may exceed incidental private use, and may also receive a monthly stipend for the dataplan.

Uses that fall outside of incidental private use include:

- Private, commercial or business related activities
- All campaign activity, including political endorsements

The purpose of Appendix C is to also include Administrative Regulation 1.14 – Use of Electronic Communications and the Internet as well as provide the below added policy related to the Use of Electronic Devices during Council Meetings.

II. Use of E-Communication and Electronic Tablets during Council and Closed Session Meetings:

City Council members shall not use electronic devices at any time during a meeting of the City Council or at Closed Session at which he or she is in attendance, with the exception of the use of electronic tablets during such meetings, these can be used for accessing City Council Agendas and Reports (and relative subject matter notes using City-sponsored software). Electronic tablets may not be used for e-mail or other e-communication during Council or Closed Session meetings.

The foregoing limitation shall not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter. The Council member wishing to respond to such a message during the meeting shall do so during a recess or shall excuse him or herself from the meeting to place the return call or text in a manner that does not disrupt the meeting.

REQUESTS FOR CEREMONIAL RECOGNITION

I. OVERVIEW AND PURPOSE:

The Mayor and City Council are always pleased to learn about the accomplishments, contributions, and milestones of Fremont residents and community organizations / businesses. From time to time, the Mayor will recognize extraordinary Fremont residents and community members through letters, certificates, proclamations, and adjournments. Instructions for requesting these forms of recognition are on the City webpage www.fremont.gov/recognition.

All requests should be made by community members in the City of Fremont, organizations or businesses physically located in Fremont, or organizations whose primary mission is to provide some service to Fremont residents. The Office of the Mayor reserves the right to decline or modify requests and make exceptions to any of the following guidelines.

The City receives many requests for ceremonial items from various entities and residents. These types of requests are awarded at the discretion of the Mayor. Requests should be received no later than three weeks before the requested/required date to provide staff with adequate time to approve and prepare the ceremonial document. Once a request is received, it will be forwarded to the Mayor and City Staff. Mayor will approve or respond with a reason for denial. City Staff will process the approved documents, and schedule for a future City Council Meeting, or send to the requestor.

The following is a brief explanation of the various types of requests and criteria:

CEREMONIAL RESOLUTION

Purpose: Official decree awarded for exemplary service to the City of Fremont.

Awarded to: Local resident; organization; business; dignitaries; Committee/Commission/Board members; individuals or groups who have made significant contributions to the community; City staff (20+years of service or retiring/leaving with at least 5 years of service); retiring public servants; non-profit corporations; sports teams or individuals who have won state, regional or national titles; acts of heroism as defined by police, fire, etc.; persons who deserve a commendation for their community contribution; significant anniversary or birthday; member of U.S. Armed Forces who has provided special service; to name a few examples.

PROCLAMATION

Purpose: Generally, proclaims certain periods of time (days, weeks, or months) in honor of an event or activity. Civic celebrations; organizations contributing to the economic development of the City; issues with widespread community interest with a primary emphasis on requests in support of City Council's goals and objectives; significant community based events; significant anniversaries of City of Fremont based institutions, corporations, community partners, and non-profit organizations; fundraisers benefiting the citizens of Fremont (e.g., American Red Cross Month, Bike to Work/School Day, Arbor/Earth Day, Ducks for Buck\$).

CERTIFICATE OF RECOGNITION OR APPRECIATION

Purpose: To express recognition or appreciation for exemplary service rendered to the City of Fremont when resolutions, proclamations, etc. are not appropriate due to number of persons or the fact that some individuals have already received commendations (e.g., FUSD retiring teachers, Elks Lodge, Fire, Police, and Honorees).

Awarded to: Individuals or groups

SPECIAL PRESENTATIONS AT CITY COUNCIL MEETING

Purpose: To receive any type of the above types of recognitions during a City Council meeting, or to present the City with an award (e.g. recognition).