

RESOLUTION NO. 93-44

A RESOLUTION ESTABLISHING PROCEDURES FOR SCHEDULING MATTERS ON THE CITY COUNCIL AGENDA FOR CONSIDERATION BY THE CITY COUNCIL; ESTABLISHING PROCEDURES FOR UNSCHEDULED MATTERS TO BE BROUGHT BEFORE THE COUNCIL; AFFIRMING THE RIGHT OF THE CITY COUNCIL TO ESTABLISH RULES FOR THE ORDERLY CONDUCT OF BUSINESS DURING COUNCIL MEETINGS

Whereas, the Open Meetings Act prescribes certain prior notice and agenda requirements with regard to public meetings; and

Whereas the Open Meetings Act, except for emergencies as defined by the Act, prohibits Council action on matters that do not appear on the City Council Meeting Agenda; and

Whereas, to ensure fair and timely access to the City Council by citizens it is necessary to establish an orderly process for scheduling business before the City Council for its consideration; and

Whereas, to ensure fair and timely access to the City Council by citizens it is necessary that the Council, from time to time, establish rules for the orderly conduct of business at City Council meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, THAT:

1. Any person or group desiring Council action on any matter of business not constituting an emergency under the Open Meetings Act shall schedule such matter before the City Council by submitting a written request to the City Administrator no later than 5:00 p.m. on the Wednesday before a regular Council Meeting or no later than five (5) days before a special Council Meeting with such request to include at a minimum:
 - a. the name and address of the person or group making the request;
 - b. the specific item of business to be brought before the Council;
 - c. the specific action requested of the Council.
2. Any person or group requiring any assistance or accommodation in preparing a written request may contact the City Administrator.

3. Requests received by the City Administrator within the time limits imposed by Paragraph 1 will be placed on the agenda for the next scheduled Council Meeting.
4. Notwithstanding any provision to the contrary:
 - a. any item of business for which notice and hearing is required by law shall be scheduled before the Council as required by law; or
 - b. any item of business which by law or City rule or regulation comes under the prior jurisdiction of any City board, commission or committee shall be referred to such board, commission or committee and thereafter, if necessary, scheduled before the City Council at an appropriate time; or
 - c. any item of business which by prior Council action comes under the authority of a Council Committee shall be referred to such committee and thereafter, if necessary, scheduled before the City Council at an appropriate time.
5. Emergency matters, as defined by the Open Meetings Act, not previously scheduled on a Council agenda may be brought before the Council for its consideration at any Council Meeting.
6. Any person or group may ask to be heard on any matter at a City Council meeting; however, unless such matter constitutes an emergency under the Open Meetings Act, the Council is prohibited from taking any action until such matter is scheduled on a Council agenda.
7. Any person or group desiring to be heard by the Council on an unscheduled matter and recognized by the Mayor for that purpose during the course of a Council Meeting shall state their name and address, the specific item of business and the action requested of the Council.
8. The City Council may from time to time, as circumstances warrant in the interest of fairness, efficiency and time, establish specific rules for the presentation of matters that come before the Council for consideration with such rules to include but not be limited to reasonable restrictions on:
 - a. the time allotted for oral presentation;
 - b. the number of persons allowed to make oral presentations on the same subject;
 - c. the method of presentation;
 - d. the scope of issues presented.

INTRODUCED, APPROVED, PASSED, AND ADOPTED this 26th day of October, 1993.

