

**TOWN OF PARADISE  
RESOLUTION NO. 11-48**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
AMENDING AND RESTATING PROCEDURE RELATING TO CONDUCT OF  
TOWN COUNCIL MEETINGS**

**WHEREAS**, it is necessary to update certain sections of the resolution to comply with current procedures and/or law relating to the Conduct of Council meetings, more specifically, Section 1 relating to agenda preparation, Section 2 relating to agenda posting and Section XV relating to resolutions and ordinances listed on the consent calendar; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Paradise as follows:

**1. AGENDA PREPARATION**

A. Agenda Deadline. All reports, ordinances, resolutions, contract documents or other matters to be submitted to the Council at the scheduled regular meeting on the first Tuesday of the month shall be delivered to the Town Clerk no later than 5:00 p.m. on the preceding Tuesday. The Council directs that the Town Clerk shall not accept any Agenda material for the Agenda packets after the 5:00 p.m. deadline on the Tuesday preceding the scheduled Regular Meeting. The Town Manager may, at his discretion and with concurrence of the Mayor or Vice Mayor, determine that it is imperative that an item not meeting the Agenda deadline be heard by the Council. In such case, an Addendum to the Agenda may be prepared, distributed and posted by his department, or by the Town Clerk Department, so long as it meets the requirements of the applicable sections of the open meetings laws contained in Chapter 9 of the California Government Code known as the Brown Act.

B. Agenda Synopsis. The Town Clerk shall prepare the Agenda of all such matters according to the order of business and collate and distribute an Agenda Packet consisting of supporting written public information that pertains to matters on the agenda, The Agenda shall include a brief description of each item of business to be transacted or discussed at the Council meeting together with the time and location of said meeting. Agenda reports and supporting information shall be reviewed and approved as necessary by the Town Attorney, the Finance Director and the Town Manager, or their respective designees, prior to submittal to the Town Clerk.

C. Agenda Availability. Printed copies of the Agenda and Agenda Packet shall be available to be picked up or delivered to each Council Member and each department director not later than 5:30 p.m. on the Wednesday preceding the scheduled meeting and shall be available to the public at 8:00 a.m. on the Thursday preceding the scheduled Regular Meeting.

Pursuant to Government Code Section 54957.5, agendas and other writings distributed for discussion or consideration at public meetings are to be made available for public inspection in the Town Clerk Department at the time the writing is distributed to all, or a majority of all, of the members of the legislative body.

The Town Clerk utilizes electronic means to make the Agenda and supporting written information relating to Agenda items for an open session available on the Town's Internet Website in accordance with Brown Act.

D. Additional Agenda Material. Staff will make every attempt to include all backup Agenda material in the packets for distribution. However, on the rare occasion when unusual circumstances are unavoidable, staff will provide additional Agenda material no later than 12:00 noon on the Monday preceding the Tuesday Regular Meeting.

The Mayor, or Presiding Officer, shall note for the record the submission of additional agenda material, the corresponding agenda item number and subject matter, and request the concurrence of the Council to accept the additional agenda material.

## 11 AGENDA POSTING

A. Posting of Agenda. The Agenda shall be posted in a location that is freely accessible to members of the public and on the Town's Internet Website 72 hours before the regular meeting.

B. Affidavit of Posting. The Town Clerk or designee shall use a stamped affidavit of posting on the Agenda and said Agenda and affidavit of posting shall be retained pursuant to the Town's adopted records retention resolution.

### III. NO ACTION UNLESS POSTED

A. No Action Unless Posted. No deliberation or action shall be taken on any item not appearing on the posted Agenda unless qualified within one of the three exceptions listed within Item IV below.

B. Automatic Referral to Staff. All matters on which action is requested, but which does not qualify within one of the three exceptions listed below, shall be directed to the Town Manager for analysis. The Town Manager shall place the matter on a subsequent Council Agenda if deemed appropriate, or when requested by any Council Member.

### IV. NO ACTION UNLESS POSTED – EXCEPTIONS

A. Previously Posted. The Council first determines by a majority vote that the item was properly posted for a prior meeting occurring not more than five days prior to the date action is proposed to be taken on the item, and at the prior meeting the item was continued to the meeting at which the action is proposed to be taken.

B. Emergency The Council determines than an emergency situation exists. This determination must be made by separate motion and vote. The motion shall specify the specific facts on which the Council relies in making the determination.

C. Definition of "Emergency Situation". An "emergency situation: as defined by Government Code Section 54956.5, means any of the following:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
2. Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

D. Need Arose After Posting The Council determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Council Members are present, that the "need to take action" on the item arose subsequent to the posting of the Agenda;

E. Written Justification. Except for Council and staff members, the party proposing immediate action shall present written justification to the Council prior to the Council's determination, addressing the following criteria:

1. The likelihood of public input on the item;
2. Knowledge of the Council's rules;
3. The date and time the applicant first learned of the facts and circumstances creating the need for Council action; and
4. An analysis of harm that may accrue to the Town, the public, and to the applicant if the matter is not addressed at the current meeting, but is continued to the next regular meeting.

## **V. PUBLIC PARTICIPATION**

A. Agenda Item Required. Every Agenda for regular meetings shall provide an opportunity for members of the public to directly address the Council on items of interest to the public that are within the subject matter jurisdiction of the Council.

B. Item Already Considered. The Agenda need not provide an opportunity for members of the public to address the Council on any item that has already been considered by a committee composed exclusively of members of the Council at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, unless the item has been substantially changed since the committee heard the item, as determined by the Council.

C. Written Communications. Interested parties or their authorized representatives may address the Council by written communication in regard to the subject matter under discussion.

D. Oral Presentations. The purpose of oral and written presentations at Council meetings is to hear the public expression thereon and to solicit information on facts and circumstances not otherwise known. The Council considers that such presentations are helpful in arriving at its' decisions.

E. Previous Presentations. Presentations that are repetitive of previous presentations and irrelevant to the issue in question are not helpful and are thus out of order.

F. Criticism. Under Government Code Section 54954.3 the public has the right during presentations to criticize the Town's policies, procedures, programs or services, including acts or omissions of the Council. However, a Council meeting is not a public forum for personal attacks or disruptive presentations or demonstrations.

G. Bar Further Audience The Presiding Officer or Council may bar from further audience before the Council at a meeting any person who during the meeting:

1. Engages in the use of profanity or antagonistic behavior;
2. Becomes boisterous or disruptive while addressing the Council;
3. Speaks without being recognized by the Presiding Officer; or
4. Violates any rules of order established by this resolution or the Council

H. Removal - Disorderly Conduct. Any person or persons who engages in indecorous or disorderly conduct, such as hand clapping, stamping of feet,, whistling, using profane language, yelling or similar demonstration which conduct disturbs the peace and good order of the meeting, shall, at the request of the Presiding Officer or the Council, be removed from the Council chambers.

I. Removal - Disobey Orders. Any person who refuses to comply with the lawful orders of the Presiding Officer shall, at the request of the Presiding Officer or the Council, be removed from the Council chambers by the Sergeant-at-Arms.

J. Ruling of Chair - Appeal The ruling of the Presiding Officer to bar from further audience at that meeting shall be final and conclusive, subject only to the right of appeal by any Council Member to the entire Council.

K. Oral Presentation - Matters on the Agenda.

1. Order. The public shall have the opportunity to address each item placed on the Agenda after each agenda item has been called, introduced for

discussion with staff members, consultants, or applicants, and any presentations made with reference to the agenda item.

2. Written Request Encouraged Each person wishing to be recognized and to speak on any listed agenda item should complete a written request and submit it to the Town Clerk prior to the beginning of the scheduled Council meeting. The Town of Paradise shall provide the request form. Each person shall state his/her name and it is requested that they provide their address and specify which agenda item he/she wishes to discuss and give an estimate of how long the presentation will last. Persons who have not submitted written requests may be allowed to speak as time permits, at the discretion of the Council.

3. Time. Each agenda item shall be allotted a total of 15 minutes during which public discussion may take place, unless additional time is allowed by a majority of the Council. If there are numerous speakers, they will have to divide the 15 minutes among the speakers, with a maximum of 3 minutes per speaker. Speakers on a given item may yield their time to another speaker on the same item with the approval of the Council; but total time shall not exceed 15 minutes or such additional time as a majority of the Council may allow.

L. Oral Presentation - Matters Not on Agenda

1. Public Communications. Each Council Agenda shall contain a public communication section where the public shall be given an opportunity to speak to the Council on items of interest to the public which are not listed on the Agenda for discussion or action.

2. Time. A person speaking shall be required to limit his/her total time as to all subjects in an aggregate of three (3) minutes unless additional time is granted by a majority of the Town Council. If more time is necessary the item should be requested to be placed on a future Agenda for Council consideration.

VI. **ADDRESSING THE COUNCIL – PROCEDURE**

A. Recognition. No person shall address the Council unless he/she has been first recognized by the Presiding Officer.

B. Podium. All speakers shall make their remarks from the podium.

C. Speaker Identification. The speakers shall first identify themselves by name and it is requested that they state their address and any parties they represent before making their comments.

D. Subject Matter. The speaker's comments shall be limited to the matter which is pending before the Council.

E. Public Communication to the Council. The purpose of public communication is to inform the Council. Therefore, all remarks shall be made to the Council as a whole and not to individual members. Questions to individual Council Members and individual staff members should be addressed to those persons during time when Council is not in session.

## VII. PUBLIC HEARINGS PROCEDURE

A. Time. Public Hearings shall be divided into four major sections: (1) Staff reports for a total of 15 minutes maximum; (2) Proponents presentation for a total of 15 minutes maximum; (3) Opponents presentations for a total of 15minutes maximum; and (4) Rebuttals (if requested) for a total of 15 minutes maximum or 3 minutes maximum per speaker. If there are numerous speakers for any of the four sections, they will have to divide the 15 minutes total maximum among the speakers. Additional time may be granted by a majority of the Council.

B. Spokesperson for a Group/Committee. In order to expedite matters and avoid repetitious presentations, whenever a group of persons wish to address the Council on the same subject matter the Presiding Officer shall inquire whether or not the group has a spokesperson and, if so, that he/she be heard. Speakers from the group, following such spokesperson, shall be limited to facts not presented by the group spokesperson.

C. Evidence -Received. After the agenda item has been called and introduced, the Council shall receive all oral and written staff reports, reports of consultants to the staff presentations by applicants and their consultants relative to the matter being considered. The rules of evidence shall be substantially relaxed in order to afford full presentation of facts essential for judicious consideration on the matter which is the subject of the public hearing.

D. Written Material. Written material for Public Hearings to be submitted by either proponents or opponents shall be delivered to the Town Clerk by noon on the business day preceding the hearing with copies provided for the Town Manager, Town Attorney, Town Council and one copy for Public Viewing

E. Unreviewed Written Materials. Written materials presented to the Council for the first time at or immediately prior to the public hearing, which have not been previously reviewed by staff or Council, may be accepted into evidence at the discretion of the Council. Sufficient copies should be made for each Council Member, the Town Manager, Town Attorney, Town Clerk and at least one extra copy for public viewing/the press.

F. Closing. When the presentation of evidence has been completed, or when in the opinion of the Presiding Officer or the majority of the Council, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed and no further evidence shall be accepted or heard.

G. Reopening. A public hearing on any matter, once closed, cannot be reopened on the date set for hearing unless by a 4/5 vote of the Council. Nothing herein, however, is intended to prevent or prohibit the reopening of public hearing at any subsequent, regular or special meeting of the Council. No public hearing may be reopened without the same notice as required for the original public hearing.

H. Continuance. If at any time it appears to the Presiding Officer or the majority of the Council, that inadequate evidence has been presented to afford judicious consideration of any matter before the Council, continuation of such hearing may be ordered to afford the applicant, his/her opponents, or the Town staff, adequate time to assemble additional evidence for the Council's consideration. A continuance may also be granted for matters covered by, and in conformance with, Section XVII(I) of this resolution.

I. Date of Continuance. Any continuation shall be to a date certain, which date shall be publicly announced and shall constitute notice to all parties and to the public that such further evidence will be taken at the time and place specified.

## **IX. QUORUM**

A. Quorum. Three (3) members of the Council shall constitute a quorum for the transaction of business.

B. Deferral/Conflict of Interest. Where there is no quorum, the Mayor, Vice-Mayor or any member of the Council may adjourn or if no member of the Council is present, the Town Clerk shall adjourn such meeting. For the purpose of considering any item which is subject to the vote of the Council, when a member disqualifies himself/herself due to conflict of interest, his/her presence shall not be considered in determining the presence of a quorum. If by such disqualification a quorum of voting Council Members does not remain, consideration of such items shall be deferred until a quorum of Council Members who have no conflict are present to discuss and vote on the matter.

## **X MEETINGS TO BE PUBLIC**

A. Open to the Public. All regular and special meetings and study session of the Council shall be open to the public. The Council may hold closed sessions in the manner and form provided by law for such closed sessions.

## **XI. CLOSED SESSIONS**

A. Non-Disclosure. No member of the Council, employee of the Town or persons present during a closed session of the Council shall disclose to any person the content or substance of any confidential discussion which took place during said closed session, unless the Council votes to authorize disclosure of such information by a majority vote.

## **XII. PRESIDING OFFICER**

A. Chairing Meeting. The Mayor, or in his/her absence, the Vice-Mayor shall take the chair at the hour appointed for the meeting and shall call the meeting to order. In the absence of the Mayor and the Vice-Mayor, the Town Clerk or his/her assistant shall call the Council to order, whereupon a Temporary Chairman shall be selected by the Council Members present. Upon the arrival of the Mayor or the Vice-Mayor, as the case may be, the person who is then presiding shall relinquish the chair at the conclusion of the business then before the Council.

B. Presiding Officers Duties. The Presiding Officer shall preserve strict order and decorum at all Council meetings, state questions coming before the Council, announce its decision on all subjects and decide all questions or order; subject, however, to appeal by any Council Member as provided herein.

The Presiding Officer may make motions, debate and vote on all questions and on Roll Call his/her name should be called last.

C. Public Debate. The Presiding Officer controls public debate so that repetitive or irrelevant statements are not made, so that where public participation is in order, everyone will have a chance to speak before other persons have a second chance to speak, to expedite business at hand and to prevent Council meetings from being used as a forum for libel, slander or otherwise defamation of persons under the cloak of the "public privilege."

D. Signing Documents. The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice-Mayor shall sign such documents. In the absence of the Mayor and the Vice-Mayor, the Temporary Chairman shall sign such documents.

## **XIII. ORDER OF BUSINESS**

A. Order of Business. All regular meetings of the Council shall take up for consideration and disposition matters in substantially the following order, except as may otherwise be agreed by a majority of the Council:

### 1 – Opening

- a. Call to Order
- b. Flag Salute
- c. Invocation
- d. Roll Call
- e. Introductions, Proclamations
- f. Presentations

### 2. Items Continued from Previous Meeting

3. Consent Calendar

4. Public Hearing Procedure

- a. Staff report (15 minutes total maximum)
- b. Open hearing to the public
  1. Project proponents or in favor of (15 minutes total maximum)
  2. Project opponents or against (15 minutes total maximum)
  3. Rebuttals -when requested (15 minutes total maximum or 3 minutes maximum per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. Public Hearings

6. Public Communication

This is the time for members of the audience who have completed a "Request to Address Council" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three (3) minutes duration. The Town Council is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

**(A total of 30 minutes maximum will be allotted for this Agenda Item. Each speaker will be allowed a maximum of 3 minutes each, with the total time of 30 minutes divided between all speakers if there are more than ten.)**

7. Council Consideration

8. Council Communication/Initiatives

9. Staff/Commission/Committee Communication

10. Closed Session

11. Adjournment

B. Directory. The provisions of this section shall be directory and not mandatory.

#### **XIV. ROLL CALL**

A. Roll Call. Before proceeding with the business of the Council, the Town Clerk shall call the roll of the members and the name of those present shall be entered in the minutes.

#### **XV. CONSENT CALENDAR**

A. Consent Calendar. Actions recommended by the staff or the Mayor to be listed in a Consent Calendar shall be listed in a summary form.

B. Reading of Resolutions/Ordinances. The Presiding Officer, prior to the vote on the Consent Calendar shall read by title each and every resolution and ordinance on the Consent Calendar which has not been requested to be read in full, or which has not been dropped from the agenda; or, prior to the vote on the Consent Calendar, request that Council concur to waive the entire reading of each resolution and ordinance listed on the consent calendar and approve reading by title only; and, that by reference on the written agenda, each is deemed to have been read by title only.

C. Adoption of Consent Calendar. The adoption of the Consent Calendar may be made in one motion by the Council; provided, however, that any Council Member may request that the Council defer action on any matters on the Consent Calendar and place it/them on the regular agenda. In such event, the Presiding Officer shall order that such matter (except for reading by title only as set forth in this section, unless a full reading is specifically requested) be removed from the said Consent Calendar and be placed for Council consideration.

D. All Items Adopted. Adoption of the Consent Calendar and approval of the same shall constitute an affirmative vote for each and every item contained thereon.

E. Adopted by Roll Call. Whenever the Consent Calendar contains any item authorizing the payment of money, entry into a franchise or the adoption or first reading of any ordinance then, in such event, the Consent Calendar shall be adopted only by roll call.

#### **XVI. RULES OF DEBATE**

A. Rules of Debate. The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Council Members, and shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as the Presiding Officer.

B. Robert's Rules of Order. Except as otherwise provided in this resolution or provided by law, Robert's Rules of Order, Revised shall govern the conduct of regular meetings of the Council.

C. Objections to Informal Procedures. Objections to the use of informal procedures by the Council or the failure of the Council to act strictly in accordance with Robert's Rules of Order shall be deemed waived by all Council Members, unless a Council Member express his/her objections at the time when such procedure is used.

D. Taking Matters Out of Order. The Presiding Officer may at any time, by consent of a majority of the Council, permit a member to introduce an ordinance, matter, resolution or motion out of the regular Agenda order.

E. Dividing Issues. If a matter contains two or more divisible propositions, the Presiding Officer may, and upon the request of a Council Member shall, unless appealed, divide the same.

F. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal and request full Council ruling on the question. In the event of an appeal, the questions shall be: "Shall the decision of the Presiding Officer be sustained?" The majority vote shall conclusively determine such question of order.

G. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questions, or where the welfare of the Council is concerned.

H. Gaining the Floor. Every Council Member desiring to speak shall first address the chair and gain recognition by the Presiding Officer. Such member shall confine himself/herself to the question under debate, avoiding reference to character and indecorous language.

I. Interruptions of a Council Member. A Council Member, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determine and, if determined to be in order, he/she may proceed. A Council Member, when speaking, shall speak to the subject matter of the item on the floor, and shall keep his/her remarks to a reasonable length. If a Council Member fails to do so, he/she may be called to order by a point of order.

Members of the Town staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

J. Propriety of Conduct - Council. Members of the Council must observe order and decorum and shall not by conversation otherwise, delay or interrupt the proceedings of the Council or in any way make or disturb any other member of the Council while speaking, or refuse to obey the orders of the Council or the Presiding Officer, except as in this resolution otherwise provided.

## **XVII. VOTING**

A. Passage of Motion. The passage of every motion shall be by voice vote or roll call and entered in full upon the record.

B. Roll Call Vote Required. All ordinances, resolutions granting a franchise, and resolutions and orders for the payment of money shall be by roll call vote. Any member of the Council may demand a roll call vote on any matter before the Council.

C. Explanation of Vote. It shall not be in order for any Council Member to explain their vote during the roll call, except in conformance with Section XVIII below.

D. Disqualification. Every member should vote unless disqualified for cause, but no Council Member shall be forced to vote.

E. Tie Votes. Tie votes shall be lost motions and result in a rejection of the matter voted upon.

F. Change of Vote. After the roll call has been completed but before the result of the vote is announced, a member may change his/her vote. A member may not change his/her vote after the vote has been announced unless a majority consent is obtained.

G. Failure to Vote. A Council Member who is silent or inattentive or fails to vote without stating his/her abstention, or without being disqualified, shall be deemed to have cast a "yes" vote.

H. Conflict of Interest. A Council Member who is disqualified by reason of conflict of interest shall be recorded as "absent" and a Council Member who states he/she is abstaining shall be recorded as "not voting."

1. Appeals from Planning Commission Actions. With regard to any matter that comes before the Town Council on appeal from determinations or actions taken by the Planning Commission, at least three (3) affirmative votes shall be required to uphold any appeal from said determinations or actions. Failure to obtain three (3) affirmative votes shall constitute rejections of any such appeal.

In the event that there is less than a full Council present and qualified to vote on any appeal from Planning Commission determinations or actions, the appellant may continue the public hearing and the Town Council's determination on the appeal until a date certain when a full Council is expected to be available to hear and vote on said appeal. The appellant is required to exercise his/her said option to continue prior to the opening of the public hearing on the appeal and prior to any vote or action being taken by the Town Council on the appeal. In the event the appellant chooses to have the matter heard and decided by less than a full Council, the action taken by the Town Council on the appeal at the meeting at which the appeal is heard shall be considered final. Any continuances

granted pursuant to this section shall conform to the provisions of Section VIII of this resolution.

#### **XVIII. RIGHT TO RECORD REASONS FOR VOTE**

A. Reasons Entered into the Minutes. Any Council member shall have the right to have the reasons for his/her vote on any action before the Council entered in the minutes. Such statement shall be made in substantially the following manner: "I would like the minutes to show that I favor/oppose this action for the following reasons..."

#### **XIX. RECONSIDERATION**

A. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only at the meeting when such action was taken. It may be made either immediately during the same session, or a recessed or adjourned session thereof. Such a motion to reconsider shall be made only by one of the Council Members who voted with the prevailing side. Nothing herein shall be construed to prevent any Council member from making or remaking the same or another motion at a subsequent meeting of the Council.

#### **XX. ENFORCEMENT OF ORDER**

A. Sergeant-At-Arms. The Chief of Police is designated as Sergeant-at-Arms of the Council and shall carry out all orders by the Presiding Officer for the purpose of maintaining order at the Council meeting. In the absence of the Chief of Police or any member of the Police Department, the Presiding Officer may designate any person to act as Sergeant-at-Arms.

B. Enforcement of Rules. Any Council Member may move to require the Presiding Officer to enforce these rules. An affirmative vote of the majority of the Council shall require the Presiding Officer to enforce said rules.

#### **XXI. PROCEDURAL RULES - VIOLATION SHALL NOT INVALIDATE**

A. Substantial Compliance. Insofar as practicable, the business of the Council shall be conducted substantially in the order and the manner provided in this resolution. However, the failure to observe or enforce such procedural rules shall in no manner effect the regularity, validity or legality of any action or proceeding taken by the Council. The Council, in its discretion, reserves the right to govern its own proceedings.

#### **XXII. TESTIMONY UNDER OATH**

A. Testimony Under Oath. The Presiding Officer may require any person addressing the Council to be sworn as a witness and testify under oath. The Presiding Officer shall require a witness to be sworn if directed to do so by a majority of the Council.

### **XXIII. MINUTES OF COUNCIL**

A. Minutes. The official minutes of the Town Council will be kept by the Town Clerk in the Minute Book, with the record of each particular type of business transacted set off in the paragraph with the proper subheads.

B. Record Business Passed by Council. The Clerk shall be required to make a record only of such business actually passed upon by the Council, and shall not be required to record the remarks of any member of the Council or any other person, except as specifically provided by this resolution.

C. Persons Addressing Council. The names and addresses (if volunteered) of persons addressing the Council and the subject matter of their remarks shall be entered in the minutes.

D. Directory. The provisions of this section shall be directory and not mandatory.

### **XIV. INVESTIGATIONS AND HEARINGS**

A. Investigations and Hearings. The Council shall have the discretionary right to make investigations and hold hearings with respect to all matters within its legislative power and all matters pertaining to the administration of the business of the Town.

B. Power of Subpoena. The Council shall have the power of subpoena as provided in Sections 37104 and 37109 of the Government Code. The Council may order the Clerk and the Chief of Police or his/her representative to issue subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled meeting of the council.

### **XV. SMOKING AT MEETINGS**

A. Smoking. No person shall smoke any cigarette, cigar or pipe during any meeting of the Town Council.

### **XVI. ADJOURNMENT**

A. Time of Adjournment. It shall be the policy of the Town Council to adjourn its meetings at or before 11:00 p.m. If the Council has not completed all items of the Agenda by 11:00 p.m., the Council, shall, at that time, either (1) waive the adjournment hour by formal motion; or (2) determine a future date(s) and time(s) at which the remaining Agenda items will be heard. Violation of this section shall not invalidate the action taken.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise on this 6th day of December, 2011, by the following vote:

**AYES:** Joe DiDuca, Scott Lotter, Tim Titus, Alan White and Steve "Woody" Culleton, Mayor

**NOES:** None

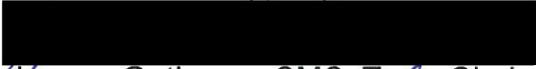
**ABSENT:** None

**NOT VOTING:** None

Attest:

*12/13/2011*

  
Steve "Woody" Culleton, Mayor

  
Joanna Gutierrez, CMC, Town Clerk

Approved as to Form:

  
Dwight L. Moore, Town Attorney