



**Honorable Mayor and Members of the Hermosa Beach City Council**

**REPORT ON THE ROLE OF THE MAYOR AND MAYORAL POWERS IN RUNNING COUNCIL MEETINGS AND REPORT ON VOTING OPTIONS FOR CITY OFFICIALS**

**CEQA:** This report is not a “project” subject to CEQA, In the alternative, the discussion falls within the “common sense” exemption set forth in State CEQA Guidelines.  
(City Attorney Patrick Donegan)

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**Recommended Action:**

Staff recommends City Council:

1. Receive a report on the role of the Mayor and Mayoral powers under Robert’s Rules of Order that govern City Council meetings; and
2. Receive a report on the voting options for City officials and a discussion on abstentions.

**Executive Summary:**

As requested by City Council at its September 10, 2024 and September 24, 2024 meetings, staff presents this report regarding the role of the Mayor as chair of the City Council and Mayoral powers during the running of City Council meetings under Robert’s Rules of Order and the voting options for City officials with an emphasis on abstention votes.

**Background:**

At its September 10, 2024 meeting, Councilmembers Jackson and Massey supported a future agenda item to discuss the role and use of mayoral powers during City Council meetings. At its September 24, 2024 meeting, Councilmembers Jackson and Massey supported a future agenda item to discuss voting procedures for City officials and whether abstention votes are appropriate or must be supported by an explanation.

City Council Resolution No. 24-7414 establishes the rules for the conduct of City Council meetings (and subsidiary boards and commissions). Among other things, the Resolution establishes that meetings of the City Council will be conducted, to the extent practicable, in accordance with Robert’s Rules of Order. In the event of a conflict between Robert’s Rules and Resolution No. 24-7414, the Hermosa Beach Municipal Code or State law, the latter three sources shall govern.

**Past Board, Commission, and Council Actions**

Meeting Date	Description
<a href="#">September 10, 2024</a>	Under future agenda items, Councilmembers Jackson and Massey requested an informational item regarding abstention votes by Councilmembers and option, if any, for requiring an explanation for the abstention.
<a href="#">September 24, 2024</a>	Councilmembers Jackson and Massey requested an informational item regarding mayoral powers in running City Council meetings.

**Discussion:**

*Role of the Mayor:*

Robert’s Rules of Order section 47:7 list the 11 duties of the Mayor as the presiding officer of the City Council meeting:

1. **Open meeting.** To open the meeting at the appointed time by taking the chair (sitting in the seat reserved for the presiding officer), after finding that a quorum is present, and calling the meeting to order.
2. **Announce next activity.** To announce in proper sequence the next activity before the group in accordance with the prescribed order of business.
3. **Recognize members.** To recognize group members who are entitled to the floor (who have the exclusive right to be heard at that time).
4. **State questions and put to vote.** To state and put to vote all questions that legitimately come before the group as motions or that otherwise arise in the course of proceedings, and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order.
5. **Refuse to recognize dilatory motions.** To protect the group from obviously dilatory (time-wasting or obstructive) motions by refusing to recognize them.
6. **Enforce order and decorum.** To enforce the rules relating to debate and those relating to order and decorum within the group.
7. **Expedite business.** To expedite business in every way compatible with the rights of group members and the group rules.
8. **Decide all questions of order.** To decide all questions of order subject to appeal— unless, when in doubt, the chair prefers initially to submit such a question to the group for decision
9. **Respond to inquiries.** To respond to inquiries of group members relating to parliamentary procedure or factual information bearing on the business of the group.
10. **Authenticate documents.** To authenticate by signature, when necessary, all acts, orders and proceedings of the group.

**11. Close meeting.** To declare the meeting adjourned when the group so votes or—where applicable—at the time prescribed in the agenda, or at any time in the event of a sudden emergency affecting the safety of those present.

Robert’s Rules, section 47:19 further explains the role of the Mayor as presiding officer and states:

“While a commanding presence and knowledge are essential in procedural matters, the president of an ordinary deliberative assembly especially a large one (City Council is not a large assembly), should, of all members, have the least to say upon the substance of pending questions. While providing strong leadership, he should be fair. He should never get excited; he should never be unjust to even the most troublesome member, or take advantage of such member’s lack of knowledge of parliamentary law, even though a temporary good might be accomplished thereby. The president should never be technical or more strict than is necessary for the good of the meeting. Good judgment is essential; the assembly may be such a nature, through its unfamiliarity with parliamentary usage and its peaceable disposition, that strict enforcement of the rules, instead of assisting, would greatly hinder business. . . .”

City Council Resolution No. 24-7414 sections 8.2 and 8.3 make clear that the Mayor, as a member of the City Council, is free to make and second motions and can vote on all motions.

The above are just some of the more substantive provisions dealing with the role of the Mayor in running the City Council meetings. While all members of the City Council should know and be familiar with our parliamentary rules, the Mayor is tasked with applying these rules of conduct and making parliamentary rulings. All of the Mayor’s rulings can be overruled by motion of the body.

Robert’s Rules and other rules of procedure should be viewed by all as mechanisms for the orderly and efficient running of City meetings; not as substance strategies to impact the will of the majority of the City Council. While there is some language about the Mayor playing a less active role in the substance of motions and deliberations, this is not a hard and fast role and historically, the City Council has not necessarily operated that way. It is ultimately up to the discretion and judgment of the Mayor to determine the appropriate level of participation in the deliberations and motion making process integral to City Council meetings.

*Options for Voting—Abstentions:*

Each member of the City Council has three voting options when voting on a motion: (i) aye; (ii) nay; and (iii) abstain. An abstention refers to the decision by a City Councilmember (or member of another body) to not vote. Abstention does not mean the

Councilmember is in favor of or against a vote—it simply means the Councilmember made a conscious decision to not vote. According to Robert’s Rules, abstention votes do not count as a “yea” or “nay.” As a rule, abstentions do not count and do not affect the outcome of the vote.

Robert’s Rules of Order, section 45:3 make clear that an abstention is an acceptable option for members when voting on a motion:

**“Right of Abstention.**

Although it is the duty of every member who has an opinion on a question to express it by his vote, he can abstain, since he cannot be compelled to vote. . . “

As duly elected officials ultimately responsible to the voters of the City, any hindrance or procedural mechanisms that vitiates or makes more difficult the right of a Councilmember to abstain may be subject to legal challenge. Further, while other jurisdictions may have policies or guidelines that posit a Councilmember should explain or justify any abstention, this would require buy-in from all Councilmembers to be effective. That is, the deliberative process and reasoning for a Councilmember’s vote is highly protected. While each Councilmember is free to justify and explain their vote during deliberations or thereafter, this is not required and there is no mechanism that mandates this type of disclosure. So if the City Council as a body was interested in including a policy that required an explanation of abstentions in Resolution No. 24-7414, it would need to be done with a clear understanding that practically, compliance would be voluntary and any putative action would culminate in simply highlighting that this is a policy and a certain Councilmember is not complying with said policy.

**Environmental Review:**

This discussion is not a “project” subject to CEQA” because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378(a).) In the alternative, the discussion falls within the “common sense” exemption set forth in State CEQA Guidelines section 15061(b)(3), which exempts activity from CEQA where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

**General Plan Consistency:**

This report and associated recommendation have been evaluated for their consistency with the City’s General Plan. Relevant Policies are listed below:

*Governance Element*

**Goal 1. A high degree of transparency and integrity in the decision-making process.**

Policy:

- **1.4 Consensus oriented.** Strive to utilize a consensus-oriented decision-making process.

**Goal 2 The community is active and engaged in decision-making processes.**

Policy:

- **2.6 Responsive to community needs.** Continue to be responsive to community inquiries, providing public information and recording feedback from community interactions.

**Fiscal Impact:**

There are no fiscal impacts associated with the recommended actions.

**Attachment:**

None

**Respectfully Submitted by:** Patrick Donegan, City Attorney

**Concur:** Myra Maravilla, City Clerk

**Noted for Fiscal Schedule:** Brandon Walker, Administrative Services Director

**Legal Review:** Patrick Donegan, City Attorney

**Reviewed By:** Angela Crespi, Deputy City Manager

**Approved:** Suja Lowenthal, City Manager