



**DATE:** January 3, 2019

**CATEGORY:** Consent

**DEPT.:** City Attorney's Office

**TITLE:** **City Council Policy A-13, City Council Meetings**

### **RECOMMENDATION**

Adopt a Resolution Amending City Council Policy A-13, City Council Meetings, to be read in the title only, further reading waived (Attachment 1 to the Council report).

### **BACKGROUND AND ANALYSIS**

At its December 4, 2018 meeting, the Council Procedures Committee discussed the proposed revisions to and unanimously recommended Council adopt a resolution amending Council Policy A-13, City Council Meetings (Attachment 1). Staff proposes three changes to Council Policy A-13 to reflect State law and City Charter requirements regarding votes needed to make certain motions.

First, Council Policy A-13 currently provides that a vote of five Councilmembers is required to add a new item to the agenda for immediate action when the need arises after the agenda is posted. However, the Brown Act requires either two-thirds of the Councilmembers present (i.e., five votes if the entire Council is present; or four votes if five or six members are present) or a unanimous vote when only four members are present. The proposed change modifies the policy to conform to the Brown Act requirement, which is a less onerous requirement than the current policy.

Second, Council Policy A-13 provides that only three votes are needed to introduce an ordinance. Where this provision originates is unclear as it is less than a majority of the Council, assuming six or seven Councilmembers are present and a majority of the City Council is required to take action. The proposed change amends the vote to require a majority of members present to introduce an ordinance. While four votes are required under the City's Charter to adopt an ordinance, no similar requirement applies to the introduction of an ordinance. Staff did not find any basis to allow less than a majority vote of the members present to introduce an ordinance. The proposed amendment is

consistent with past practice as well since historically a majority vote of those present has been required to introduce an ordinance or take action on an agenda item.

Third, the City Charter requires five affirmative votes of the Council to introduce and adopt an emergency ordinance to preserve the public peace, health, or safety at the same meeting. The proposed policy includes a specific reference to this requirement.

**FISCAL IMPACT** – None.

**ALTERNATIVES**

1. Do not adopt the proposed resolution amending Council Policy A-13.
2. Provide other direction to staff.

**PUBLIC NOTICING** – Agenda posting.

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Attachment: 1. Resolution