



# City of Carson Report to Mayor and City Council

March 20, 2012  
New Business Discussion

**SUBJECT: CITY COUNCIL ORGANIZATION: SELECTION OF MAYOR PRO TEMPORE**

Submitted by Donesia L. Gause, CMC  
City Clerk

Approved by David C. Biggs  
City Manager

## I. SUMMARY

In accordance with Section 2403(A) of the Carson Municipal Code (Exhibit No. 1), this item is presented for the City Council to organize and select a Mayor Pro Tempore.

## II. RECOMMENDATION

SELECT a Mayor Pro Tempore for the 2012-2013 term.

## III. ALTERNATIVES

CONTINUE the organization and selection of the Mayor Pro Tempore to another date.

## IV. BACKGROUND

Section 2403(A) of the *Carson* Municipal Code provides, in part, as follows: "At the second regular meeting in March of each even-numbered year, the Council shall organize and select a Mayor Pro Tempore. In odd-numbered years, the Council shall organize and select a Mayor Pro Tempore at the meeting at which the declaration of its regular election results is made immediately following the installation of officers in accordance with Government Code Section 36801" (Exhibit No. 2).

Ordinance No. 07-1394 (Exhibit No. 3), adopted on December 4, 2007, amended Carson Municipal Code 2403(A), in part, as follows (new text is shown in underline, while deleted text is shown in ~~strikeout~~): "At the second regular meeting in March of each even-numbered year, ~~except as otherwise provided by law,~~ the Council shall organize and select a Mayor Pro Tempore. In odd-numbered years, the Council shall organize and select a Mayor Pro Tempore at the meeting at which the declaration of its regular election results is made immediately following the installation of officers in accordance with Government Code section 36801."

Prior to April 12, 1994, the City Council organization had included the offices of Mayor and Mayor Pro Tempore. The passage of the measure relating to an elective mayor provided for the direct election of the Mayor beginning with the April 12, 1994 General Municipal Election.

**V. FISCAL IMPACT**

None. Funds are currently budgeted for this purpose.

**VI. EXHIBITS**

1. Carson Municipal Code Section 2403(A), Council Meetings (pg. 3)
2. Government Code Section 36801. (pg. 4)
3. Ordinance No. 07-1394. (pgs. 5-11)

G:\Staff Reports\CC Reorganization (3-20-12)

Prepared by: Wanda Higaki, Chief Deputy City Clerk

TO:Rev03-08-12

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development	Public Services

**Action taken by City Council**

Date\_\_\_\_\_ Action\_\_\_\_\_

## CHAPTER 4

### CITY OFFICES – COUNCIL CHAMBERS – MEETINGS

#### Sections:

- § 2400 Council Chambers.
- § 2401 City Offices.
- § 2402 City Offices – Hours.
- § 2403 Council Meetings.
- § 2404 Presenting Matters to Council – Agendas.
- § 2405 Order of Business.
- § 2406 Presiding Officer.
- § 2407 Duties of Presiding Officer.
- § 2408 Quorum.
- § 2409 Rules of Debate and Procedure.
- § 2410 Addressing the Council.
- § 2411 Addressing Council After Motion Is Made.
- § 2412 Manner of Addressing Council.
- § 2413 Decorum.
- § 2414 Voting Required – Disqualification.
- § 2415 Roll Call Vote.
- § 2416 Councilmembers to Avoid Improper Consideration of Pending or Contemplated Matters.
- § 2417 Preparation and Introduction of Ordinances, Resolutions and Other Matters.
- § 2418 Robert's Rules of Order.
- § 2450 Code of Ethics.

#### § 2400 Council Chambers.

The Council Chambers of the City Council of the City of Carson shall be located at 701 East Carson Street. Meetings of the City Council shall be held in the Council Chambers, except that meetings, after commencement in said Council Chambers, may be recessed by majority vote of the Council and public announcement then and there given to continue at a specified place within the City limits when necessary or convenient for the transaction of Council business; provided, that any such meeting shall be concluded, or any adjournment ordered, in said Council Chambers. (Ord. 2, § 2400; Ord. 14, § 1; Ord. 69-63, § 1; Ord. 76-376U, § 1)

#### § 2401 City Offices.

The offices of all agencies, departments, officers and employees of the City shall be located at 701 East Carson Street in the City of Carson. The location of City offices may be changed by resolution of the City Council or by amendment of this Section. (Ord. 2, § 2401; Ord. 41, § 1; Ord. 69-105, § 1; Ord. 69-108, § 1; Ord. 76-367U, § 1)

#### § 2402 City Offices – Hours.

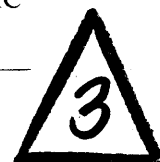
The City offices of the City of Carson shall be closed on all official State holidays as listed in Section 6700 of the California Government Code. Said City offices shall be open to the public for business on all other days of the year except Fridays, Saturdays, and any other days established by Resolution of the City Council. The City office hours shall be from 7:00 a.m. to 6:00 p.m. (Ord. 2, § 2402; Ord. 69-108, § 2; Ord. 90-930, § 1; Ord. 91-960U, § 1; Ord. 91-960, § 1)

#### § 2403 Council Meetings.

A. Regular Meetings. Regular meetings of the City Council shall be held on the first and third Tuesdays of each month at the hour of 5:00 p.m. If any such day is on a holiday, then the meeting shall be held on the next succeeding day which is not a holiday. If any such day is a Statewide election day or a regular or special municipal election day, then the meeting shall be held on the next succeeding day or on such other day as determined by the City Council. At the second regular meeting in March of each even-numbered year, the Council shall organize and select a Mayor Pro Tempore. In odd-numbered years, the Council shall organize and select a Mayor Pro Tempore at the meeting at which the declaration of its regular election results is made immediately following the installation of officers in accordance with Government Code Section 36801.

B. Special Meetings. The Council shall hold special meetings when called by order of the Mayor, or in the absence of the Mayor by the Mayor Pro Tempore, or by a majority of the Council. All meetings shall be in the Council Chambers or the adjacent Council Conference Room in the City Hall unless otherwise determined by the Council; any other place of meeting shall be shown in the notice of meeting.

C. Closed Sessions. Closed sessions held pursuant to law shall be subject to the provisions of CMC



## GOVERNMENT CODE

### SECTION 36801-36815

→ 36801. The city council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its number as mayor, and one of its number as mayor pro tempore.

36802. The mayor shall preside at the meetings of the council. If he is absent or unable to act, the mayor pro tempore shall serve until the mayor returns or is able to act. The mayor pro tempore has all of the powers and duties of the mayor.

36803. The mayor may make or second any motion and present and discuss any matter as a member of the council.

36804. If the city clerk is absent, the deputy city clerk shall act. If there is none, the mayor shall appoint one of the councilmen as city clerk pro tempore.

36805. The city council shall hold regular meetings at least once a month at times fixed by ordinance or resolutions. It may adjourn any regular or adjourned meeting to a date specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

36807. At any special meeting the city council shall act only on matters referred to in the notice or consent.

36809. When an order of adjournment of a regular meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

36810. A majority of the council constitutes a quorum for transaction of business. Less than a majority may adjourn from time to time, and compel attendance of absent members in the manner and under the penalties prescribed by ordinance.

ORDINANCE NO. 07-1394

AN ORDINANCE OF THE CITY OF CARSON,  
CALIFORNIA, AMENDING THE PROCEDURAL  
RULES FOR THE CONDUCT OF CITY COUNCIL  
MEETINGS

WHEREAS, the City Council has received complaints from the public that Council meetings are unnecessarily long and that some agenda items are not addressed because too much time is spent on items continued from previous agendas; and

WHEREAS, the City Council desires to modify the current procedural rules to expedite the handling of City business during City Council meetings; and

WHEREAS, in order to facilitate the timely and professional conduct of official City business, the rules and procedures relating to the conduct of City Council meetings, as set forth in the Carson Municipal Code, must be amended; and

WHEREAS, the purpose and effect of the amendments proposed herein is not to prevent any member of the City Council from exercising the right to express his or her views, but is intended to provide for the more efficient use of time during public meetings; and

WHEREAS, the City Council is also amending the Carson Municipal Code so that the Council's reorganization and selection of one of its members to serve as Mayor Pro Tempore is consistent with the Government Code providing for reorganization at the regular meeting where the election results are declared.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 2404 of the Carson Municipal Code, relating to Presenting Matters to Council and Agendas, is hereby amended to read in its entirety as follows (new text is shown in underline, while deleted text is shown in ~~strikeout~~):

"§ 2404 Presenting Matters to Council – Agendas.

A. Every Councilmember, elected official, department head, Official Board, Commission or other body connected with the City Government, and every citizen, individual, corporation, committee, or civic group having reports, communications, proclamations, resolutions or any other matter of business to be presented at a Council meeting, shall notify the City Manager of the fact in writing before 12:00 noon on the Wednesday preceding the day of such meeting. The City Manager shall determine which of such items, other than those requested by a Councilmember, are to be placed on the agenda. All items requested to be

placed on an agenda by a Councilmember shall appear on the agenda, except that the City Manager shall place no item on the agenda, including those requested by a member of the City Council, without a brief general description of the item for inclusion in the agenda. Notwithstanding the foregoing, if a motion to postpone a matter indefinitely is adopted by the Council or if a motion to lay on the table is adopted by the Council and not removed from the table at the same Council meeting at which such motion was adopted, the matter(s) which were the subject of such motions may not be placed on the agenda unless specifically approved by a majority of the Council at a duly noticed public meeting in compliance with all laws.

B. The City Manager shall prepare an agenda including all such matters according to the Order of Business (CMC 2405). In order to provide adequate time for members of the Council to request deletion or addition of agenda items in accordance with subsection (d) of this Section, the City Manager shall distribute a preliminary draft of the agenda to each member of the Council by 6:00 p.m. on Tuesday of the week preceding the Council meeting. Prior to circulation and posting of the final agenda, the City Clerk shall review the agenda for completeness. The City Manager shall deliver to members of the Council a complete copy of such final agenda not later than 5:00 p.m. on the Thursday preceding the meeting. The agenda shall contain a brief, general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the meeting and a copy thereof shall be posted on a business day at least seventy-two (72) hours before the meeting in a location that is freely accessible to members of the public and designated by the Council.

C. No matters, other than those on the agenda, shall be acted upon by the Council; provided, however, that the City Council may take action on a matter not appearing on the posted agenda (1) upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5; or (2) upon a determination by a two-thirds (2/3) vote of the Council, or if less than two-thirds (2/3) of the members are present, a unanimous vote of the members present, that the need to take action arose subsequent to the posting of the agenda for the meeting.

D. Any Councilmember may remove an item from the agenda, except an item requested by a Councilmember, by placing written notice in the office of the City Manager and each Councilmember prior to 5:00 p.m., on the Wednesday preceding the Council meeting. Any Councilmember may thereafter have the matter included on the agenda by requesting the City Manager in writing prior to 9:00 a.m. on the Thursday preceding the meeting to include said item on the agenda. No item may be removed from the agenda after 12:00 noon on the Thursday preceding the meeting except by a vote or consent of the City Council at the meeting for which the agenda was prepared.



E. At a Council meeting, any member of the Council may, at the beginning of the meeting under the agenda item for approval of the agenda or when the agenda item is reached during the meeting, request that such item be continued to the next regular meeting or to an adjourned regular meeting, so as to allow additional evaluation, study and staff discussion. As a matter of courtesy to that Councilmember, the Council has traditionally honored that request. However, a majority of the members of the Council may, when deemed to be in the interest of the majority, act on any item listed on an agenda notwithstanding the request for continuance by an individual Councilmember.

**Section 2.** Section 2409 of the Carson Municipal Code, relating to Rules of Debate and Procedure, is hereby amended to read in its entirety as follows (new text is shown in underline, while deleted text is shown in ~~strikeout~~):

“§ 2409. Rules of Debate and Procedure.

A. The Presiding Officer or such other member of the Council as may be presiding may move, second and debate from the chair subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the Presiding Officer.

B. Getting the Floor. Every member desiring to speak shall address the ~~Presiding Officer~~Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language. A member may not speak more than once or for more than five minutes during the consideration of any one question during the debate thereon, except for a motion for reconsideration. If a proper motion for reconsideration is before the Council, each member shall be granted an additional five minutes to address the motion for reconsideration and, if approved, the motion is reconsidered. A member may not yield to any other member the time for which he or she is entitled to speak. Notwithstanding the foregoing, if a request is made for the maker of a motion to repeat or clarify the motion, the member may speak briefly and only for the purpose of repeating or clarifying the motion.

C. Interruptions. A member, once recognized, shall not be interrupted when speaking, unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

D. Closing Debate. Debate shall be closed by a motion calling for the ‘previous question.’ When seconded, such motion is undebatable and ~~if carried the pending question shall be immediately put to a vote.~~ If the motion fails, debate may be reopened. If the motion is approved by a

majority of those present and voting, there shall be no more debate on that subject.

E. Motion. A motion shall have a second before it is properly before the City Council for debate.

F. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made on the day the vote to be considered was taken or at the next succeeding meeting or at a recessed or adjourned meeting thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member; it may be made at any time and have precedence over all other motions; it shall be debatable. After a motion for a reconsideration has once been acted on, no other motion for a reconsideration thereof shall be made without unanimous consent of the Council.

G. Motions to be Stated by Presiding Officer. When a motion is made, it shall be stated by the Presiding Officer before debate. Any member may demand that it be put in writing.

H. Withdrawal of Motion. A motion may be withdrawn by the mover with the consent of the seconder of the motion.

I. Amendments. It shall be in order to amend a motion at any time that it is properly before the Council but not after a call for the previous question has been moved. A motion to amend an amendment is in order, but one to amend an amendment to an amendment shall not be in order. An One amendment modifying the intention of a motion shall be in order, but an amendment on a different matter shall not be in order. An One substitute motion on the same subject is acceptable provided that a substitute motion which merely states the converse of the main motion shall not be in order. There shall be only one (1) amendment or one substitute motion to a main motion pending at any time. ~~This first degree amendment may have one (1) amendment pending at one time. As each is voted, other amendments may be offered in succession. On a motion to amend to 'strike out and insert,' before the vote on the motion is taken, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken and those to be substituted shall be read, and finally the paragraph as it would stand if so amended shall be read. If an amended or substitute motion fails, the main motion shall then be considered by the Council. If the main motion fails, a new main motion may be made to which only one amendment or substitute motion shall be permitted.~~

J. Motion to Lay on Table. A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed during the Council meeting in which the motion was adopted only upon a motion of a member voting with the majority and with the consent of two-thirds (2/3) of the members present. Notwithstanding CMC 2404, if a





motion to lay on the table is adopted and a motion to resume is not adopted during the Council meeting in which the motion to lay on the table was adopted, the matter may not be placed on a future agenda unless a member of the Council places an item on an agenda to remove the matter from the table, and a majority of the Council approve placing the matter on the agenda at a duly noticed public meeting in compliance with all laws.

K. Motion to Postpone. A motion to postpone indefinitely is fully debatable and if the same is adopted, the principal question shall be declared lost. Notwithstanding CMC 2404, if a motion to postpone indefinitely is adopted, the matter may not be placed on a future agenda unless a member of the Council places an item on an agenda to take up the matter postpone, and a majority of the Council approve placing the matter on the agenda at a duly noticed public meeting in compliance with all laws. A motion to postpone to a definite time is amendable and debatable as to propriety and time set.

L. Motion to Refer. A motion to "refer" is not debatable except as to time or place of the referral.

M. Motion to Rescind. A motion to rescind an action if permissible pursuant to law may be made at any time, is debatable, and may be amended. Such motion must be made by one of the prevailing side, but may be seconded by any member.

N. Motion to Adjourn. A motion to adjourn is not debatable and is in order at any time except as follows:

- a. When repeated without intervening business or discussion.
- b. When made as an interruption of a member while speaking.
- c. When the previous question has been ordered.
- d. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.

O. Remarks of Councilmembers~~men~~. Unless otherwise directed by the Presiding Officer, remarks and/or debate shall not be entered into the minutes. A Councilmember~~man~~ may request the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered into the minutes. If the Council consents thereto by a majority vote, such abstract shall be entered into the minutes.

P. Council Action on Certain Routine, Procedural and Unanimous Consent Matters. When a motion has been duly made and seconded on a matter which is routine or procedural, the Council unanimously concurs therein and a roll call vote is not required by law or this Code nor requested by any member of the Council, the presiding officer may state in substance: "There be no objection, it is so ordered."

No objection being stated, the action shall be deemed to have been taken by unanimous voice vote of the Council and the City Clerk shall record such action in the minutes of the meeting.

Q. Brief explanation. The Presiding Officer may explain the order of business when the motion pending before the Council is not debatable. The explanation may not consume more than two (2) minutes."

**Section 3.** Section 2418 of the Carson Municipal Code, relating to Robert's Rules of Order, is hereby amended to read in its entirety as follows (new text is shown in underline, while deleted text is shown in ~~strikeout~~):

"§ 2418 Robert's Rules of Order.

In all matters and things not otherwise provided for herein, the proceedings of the Council shall be governed by "Robert's Rules of Order," 1990 (10th) Edition. However, no ordinance, resolution, proceedings or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow said Rules. Except as specifically provided elsewhere in this Code, any rule of procedure affecting the order of business may be suspended with the approval of a majority of members of the entire City Council."

**Section 4.** Paragraph (A) of Section 2403 of the Carson Municipal Code, relating to Council meetings and Council reorganization, is hereby amended to read in its entirety as follows (new text is shown in underline, while deleted text is shown in ~~strikeout~~):



"§ 2403. Council Meetings.

A. Regular Meetings. Regular meetings of the City Council shall be held on the first and third Tuesday of each month at the hour of 5:00 p.m. If any such day is on a holiday, then the meeting shall be held on the next succeeding day which is not a holiday. If any such day is a Statewide election day or a regular or special municipal election day, then the meeting shall be held on the next succeeding day or on such other day as determined by the City Council. At the second regular meeting in March of each even-numbered year, ~~except as otherwise provided by law,~~ the Council shall organize and select a Mayor Pro Tempore. In odd-numbered years, the Council shall organize and select a Mayor Pro Tempore at the meeting at which the declaration of its regular election results is made immediately following the installation of officers in accordance with Government Code section 36801."

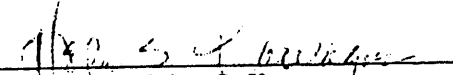
**Section 5.** If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**Section 6.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and published in the manner required by law.

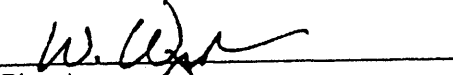
**PASSED, APPROVED, and ADOPTED** this 4<sup>th</sup> day of December, 2007.

  
Mayor Jim Dear

ATTEST:

  
City Clerk Helen S. Kawagoe

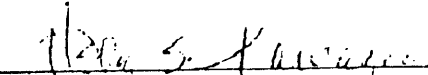
APPROVED AS TO FORM:

  
City Attorney

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss.  
CITY OF CARSON             )

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 07-1394 passed first reading on November 20, 2007, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, held on the 4th day of December, 2007, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Dear, Santarina, and Gipson
NOES:	COUNCIL MEMBERS:	Davis-Holmes and Williams
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

  
City Clerk, City of Carson, California

