



# City of Carson Report to Mayor and City Council

April 2, 2013  
New Business Discussion

**SUBJECT: CONSIDERATION OF ORDINANCE NO. 13-1515 REPEALING, IN PART, AND RESTATING, IN PART, MUNICIPAL CODE § 2404 REGARDING THE MANNER OF PREPARING OF AGENDAS TO REINSTATE THE TWO-STEP PROCESS**

Submitted by William W. Wynder  
City Attorney

Approved by David C. Biggs  
City Manager

## **I. SUMMARY**

This item is on the agenda at the request of Mayor Dear.

Mayor Dear requests favorable consideration by the City Council of the attached ordinance which returns to the two-step process in the manner by which the agendas of the City Council, and its related entities, are prepared.

## **II. RECOMMENDATION**

CONSIDER and PROVIDE direction.

## **III. ALTERNATIVES**

1. WAIVE further reading and INTRODUCE Ordinance No. 13-1515, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REPEALING, IN PART, AND RESTATING, IN PART, MUNICIPAL CODE § 2404 REGARDING THE MANNER OF PREPARING AGENDAS."
2. TAKE another action the City Council deems appropriate.

## **IV. BACKGROUND**

Prior to recent amendments, Municipal Code Section 2404 require that, with one exception, Councilmembers give advance written notice of their intent to add items to a future agenda, and to obtain permission from a majority of the Council to add items to future agendas.

The Mayor is of the considered opinion that this two-step process makes for the more orderly creation and assembly of the agenda. The attached ordinance returns to this two-step process agenda preparation process.

## **V. FISCAL IMPACT**

None.

## **VI. EXHIBITS**

1. Ordinance No. 13-1515. (pgs. 3-6)

Prepared by: William W. Wynder, City Attorney

sf:Rev061902

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

**Action taken by City Council**

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

ORDINANCE NO. 13-1515

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REPEALING, IN PART, AND RESTATING, IN PART, MUNICIPAL CODE § 2404 REGARDING THE MANNER OF PREPARING AGENDAS

NOW, THEREFORE, the CITY COUNCIL of the CITY of CARSON, CALIFORNIA, does hereby ordain as follows:

**Section 1.** Carson Municipal Code § 2404 is hereby amended, to read in its entirety, as follows (repealed text in ~~strikethrough~~ and new text in **bold and underlining**):

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, 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 **which shall be governed by sub-sections (e) and (f), hereinafter,**—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.

(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.

EXHIBIT NO. 01

[ MORE ]



(c) The City Manager shall deliver to members of the Council a complete copy of such final agenda not later than 6:00 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 in compliance with the requirements of the Ralph M. Brown Act. 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 twenty-four (24) hours a day and designated by the Council.

(d) 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 § 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 and in accordance with the Ralph M. Brown Act.

(e) Except for agenda items added in accordance with subsection (f), ~~a~~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 6:00 p.m., on the Wednesday preceding the Council meeting. The Mayor, or his/her designee, with the concurrence of the City Manager, or his/her designee, may add an item to an agenda by filing a written request therefore, signed by both the Mayor, or his/her designee, and by the City Manager, or his/her designee, prior to 12:00 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.



**(f) Any member of the City Council may request that an item be added to a future agenda by filing a written request therefore with the City Manager not less than by 6:00 p.m. on Tuesday of the week preceding any regular or special Council meeting. Such request shall be added to the final agenda delivered to the Council on the Thursday preceding a regular or special Council meeting. Such request shall be considered by the Council at a publically noticed regular or special Council meeting, and shall be added to a future Council meeting agenda upon approval of a majority of the entire City Council.**

**(f) (g)** At a Council meeting, any member of the Council may, 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 entire 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.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the city of Carson hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**Section 3.** This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

**Section 4.** The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the city of Carson and shall cause a summary of this ordinance to be published in accordance with Government Code § 36933.



**PASSED, APPROVED and ADOPTED** this \_\_\_\_ day of April, 2013.

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Mayor Jim Dear

ATTEST:

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City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

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City Attorney

