

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE REPEALING AND RECHAPTERING PARTS OF CHAPTER 2 OF THE SALINAS CITY CODE AND AMENDING AND RECODIFYING PARTS OF CHAPTER 2

City Attorney Analysis

This proposed Ordinance is a part of an update to the Salinas City Code which includes the repeal of outdated, preempted, and otherwise unnecessary provisions. This proposed Ordinance results in a recodification of Article IX of the Chapter 2 which provides for the Standards Specifications and Design Standards for Public Works. This proposed Ordinance also results in a reorganization and rewrite of parts of existing Chapter 2.

BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. Articles III, IV, V, VI, VII, VIII, and VIII-A, of Chapter 2 the Salinas Municipal Code are hereby repealed in their entirety.

SECTION 2. Article IX of Chapter 2 of the Salinas Municipal Code is hereby recodified at Chapter 30A and the sections therein consecutively numbered beginning with Section 30A-01.01. All references in the Salinas Municipal Code shall be hereby amended to reflect the recodification of Article IX of Chapter 2.

SECTION 3. Chapter 2 of the Salinas Municipal Code, with the exception of Article IX which has been recodified pursuant to this Ordinance, shall continue to be titled "Administration" and is otherwise hereby amended in its entirety to read as follows:

Article I. In General.

Sec. 2-01.01. City Council Rules. The following rules are adopted and approved and shall constitute the rules of the Council governing the conduct and performance of the duties of the Council:

Rule 1. Meetings.

(a) All meetings of the Council shall be open and public, and all persons shall be permitted to attend any meeting of the Council except as allowed by state law.

(b) All regular meetings of the Council shall be held at the Council chambers at the City Hall or at such other places as the Council may from time-to-time direct. The Council shall hold regular meetings on Tuesdays of each month at the hour of 4:00 P.M., or at said hour as established by notice.

(c) The Council may adjourn any regular, adjourned or special meeting to a time and place specified in the order or adjournment. Whenever a time or place of meeting is not specified in an order of adjournment, the meeting shall be held in the Council chambers in the City Hall at 4:00

P.M. on the day specified in the order or adjournment. All matters may be considered and passed upon at the meetings from which such adjournments were taken, and shall be deemed to be a continuation of the meeting from which the adjournment was taken.

(d) The Mayor, in his or her absence the mayor pro tempore, shall take the chair at the hour appointed for the meeting of the Council and shall immediately call the Council to order. In the absence of both the Mayor and the mayor pro tempore, the City Clerk or his/her designee, shall call the Council to order, whereupon a chairperson shall be elected from among the members of the Council.

Rule 2. Presiding Officer.

(a) The Mayor, or other presiding officer, shall preserve order and decorum; may object to points of order in preference to other members;

(b) The Mayor, or other presiding officer, shall have general direction of the Council chamber. He or she shall have a right to name any member to perform the duties of the chair. Such substitutions shall not extend beyond an adjournment. The Mayor, or other presiding officer, shall have the power to assign seats to the members of the Council.

(c) The Mayor may appoint a Council member to serve as an appointee on any committee.

Rule 3. Order of business; adjournment.

(a) No item shall be placed on the Council agenda unless all information necessary for Council consideration thereof is filed with the City Manager on the Thursday preceding such Council meeting.

(b) The order of business of the Council at all regular meetings shall generally be as follows and may be reorganized, from time-to-time, by the City Manager and the City Clerk:

Call to Order by the Mayor

Pledge of Allegiance

Roll call of Council members present

Proclamations; Commendations received; Special presentations

Public comment on matters not on the agenda for that meeting

Public Hearings/Consideration matters

Consent items, including approval of minutes of previous meeting. Any member of the Council or the public may pull a consent item and request that it be discussed or acted upon with a separate vote. The minutes of any Council meeting may be approved without reading. The official Council minutes of a meeting shall consist of the minutes approved by the Council, and any corrections or changes will be included in the minutes to show those changes.

Councilmembers' reports, appointments, and future agenda items

Closed Session items followed by public disclosure of items in Closed Session, as may be required under the law.

Adjournment. In the event it is the wish of the Council to adjourn to a certain hour or until another day, the presiding officer should specify "that when this Council adjourns, that it adjourns to... at ..."

(c) The Council may from time-to-time, by Resolution, adopt such other rules as are not inconsistent with the Charter or the rules contained herein; provided, however, that no such rules shall unreasonably limit citizens' participation at Council meetings.

(d) A motion to adjourn shall always be in order and shall be decided without debate.

Rule 4. Voting.

(a) If the ordinance is intended to be adopted on the night of its introduction, in addition to whatever other procedures may be available in the Charter, it may be offered by a Councilmember in substantially the following language: "I move adoption of this ordinance (describing it by title) with the unanimous consent of all members of the Council." If such ordinance is seconded, and upon roll call, all members of the Council vote in favor of its adoption, no further action is necessary. Except as may otherwise be provided in the Charter, in the event any one or more Councilmembers fails to vote in the affirmative, the ordinance fails of adoption, and may not be adopted within five days thereafter.

(b) Ordinances which are not to be adopted at the same meeting may be introduced by a Councilmember. No motion is required to be made for its introduction, and it is not necessary to be read in open meeting. Each Councilmember should read the same before the adoption. At the following meeting which is not less than five days later than the date of meeting in which the ordinance was introduced, any Councilmember may move its adoption and upon its being seconded, it may be adopted on the affirmative vote of at least a majority of the members of the Council.

(c) A roll call vote shall be taken for all matters voted on by the Council and so indicated on the record of the proceedings. The roll call shall be conducted by calling the names of the Councilmembers in alphabetical order, except that the name of the presiding officer shall be called last.

(d) No member of the Council shall be allowed to explain his or her vote or discuss the question while the roll is being called.

(e) Any member, at his or her request, shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Council entered on the minutes; and any member may file with the City Clerk a written explanation of his or her vote and ask that such explanation be included in the minutes.

(f) No member shall be allowed to change his or her vote after all the votes have been tallied, except after a motion has passed to reconsider a previous vote, as provided herein.

(g) A motion to reconsider must be passed at the same meeting in which the original vote was taken. The motion to reconsider can be made only by a Councilmember who votes on the prevailing side on the original vote but can be seconded by any Councilmember. If the motion to reconsider the original vote passes by a majority, the Council shall direct the staff to place the item on a future agenda.

Rule 5. Rules of procedure. Robert's Rules of Order shall be followed as interpreted by the presiding officer.

Rule 6. Hearings and debates. Every person, other than a member of the Council or a staff member making a presentation on behalf of the City, desiring to address the Council on any subject shall stand, and when recognized and given permission to proceed by the Mayor, shall first state his or her name and may also state their address, to be included in the minutes of the meeting. The Mayor may limit comments from each member of the public. The City Clerk shall monitor a timing device and shall announce when the speaker's time is completed.

Rule 7. Manager and City Attorney. The City Manager and the City Attorney shall attend all regular sessions of the Council, and may at any time be permitted to interpose suggestions on any matter under consideration, and shall be recognized by the presiding officer for such purpose.

Rule 8. Political activities. No member of the City Council shall use City funds, services, supplies, or equipment for the purpose of urging the passage or defeat of any federal, state, or local measure including, but not limited to, the candidacy of any person for election to a federal, state, county, or local office. Nothing herein shall preclude the use of City funds, services, supplies, or

equipment for the purpose of urging the passage or defeat of any federal, state, or local measure when authorized by a majority vote of the City Council.

Sec. 2-01.02. City Councilmember Compensation. Members of the City Council shall receive as compensation for their services a monthly salary of six hundred dollars each and the Mayor shall receive a monthly salary of eight hundred dollars.

Compensation for the Council and for the Mayor may be increased beyond the amount provided for in this section by an ordinance or an amendment to this section, provided the total amount of compensation, and the percent of any increase, shall not exceed the compensation and increase as provided for in Government Code Section 36516.

Sec. 2-01.03. Official Bonds; Bond Premiums to be Paid by City. Before entering upon the duties of their offices, the City Clerk and the City Treasurer shall each execute a bond to the City which conforms to the provisions of State law relating to bonds of public officers. The amount of the bond shall be in a reasonable amount recommended by the City Attorney and established by Resolution of the City Council and may be changed during their terms of office.

The City Council may, from time-to-time, require bonds of any other officer or employee of the City.

The premium of any such bonds required pursuant to this section shall be paid by the City.

Article II. City Manager.

Sec. 2-02.01. Interference with Administrative Matters by Council prohibited. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

Sec. 2-02.02. Restrictions on Appointment. No person elected or appointed to membership on the City Council shall, subsequent to such election or appointment, be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which he was elected or appointed.

Sec. 2-02.03. Powers and Duties. The powers and the duties of the City Manager are as follows:

- (a) Administer the day-to-day affairs of the City;
- (b) To employ, discipline, or remove City employees, including department heads, with the exception of the City Attorney and the attorneys and paralegals in the City Attorney's Office;
- (c) To exercise supervision and control over all departments of the City, except the City Attorney's Office; and
- (d) To advise the City Council on the City's budgets, finances, and fiscal condition; and
- (e) To perform such other functions as the City Council chooses to authorize by ordinance.

The City Manager shall have such administrative authority as is necessary for carrying out the provisions of this Article.

Sec. 2-02.04. Removal. The City Manager shall not be removed without the vote of a majority of the full membership of the City Council and shall not be removed for cause without a hearing by the City Council upon the cause of his or her removal.

Sec. 2-02.05. Department Directors. All department directors are appointed by the City Manager and hold and serve at the pleasure of the City Manager and shall be deemed at-will employees.

Article III. City Attorney.

Sec. 2-03.01. The City Attorney shall have the power and the duty to appoint, discipline, or remove all attorney and paralegal employees. All attorneys shall serve at the pleasure of the City Attorney and shall be deemed at-will employees.

SECTION 4. CEQA CONSIDERATIONS. The adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the adoption of this Ordinance there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3).]

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PASSED AND ADOPTED this ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney