ORDINANCE NO. 19-1903

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 2404 (PRESENTING MATTERS TO COUNCIL – AGENDAS) OF CHAPTER 4 (CITY OFFICES – COUNCIL CHAMBERS - MEETINGS) OF ARTICLE II (ADMINISTRATION) THE CARSON MUNICIPAL CODE REGARDING THE MANNER OF PREPARING AGENDAS AND PRESENTING MATTERS TO COUNCIL

WHEREAS, Section 2404 of the Carson Municipal Code establishes the procedure for presenting matters to the City Council on Council meeting agendas; and

WHEREAS, on January 8, 2019 the City Council adopted by a second reading Ordinance No. 18-1832 to amend Section 2404 of the Carson Municipal Code, and that Ordinance No. 18-1832 has an effective date of February 7, 2019; and

WHEREAS, this Ordinance No. 19-1903 is being introduced for a first reading before the effective date of Ordinance No. 18-1832; and

WHEREAS, the intent of the City Council by introducing this Ordinance No. 19-1903 is to effectively rescind Ordinance No. 18-1832, through the amendments to Section 2404 of the Carson Municipal Code as provided herein; and

WHEREAS, the City Council wishes to further amend Section 2404 of the Carson Municipal Code to both allow individual Councilmembers to place items on Council agendas, as well as to provide for reasonable deadlines on such requests absent a bona fide emergency.

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

SECTION 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Section 2404 (Presenting Matters to Council - Agendas) of Chapter 4 (City Offices – Council Chambers - Meetings) of Article II (Administration) of the Carson Municipal Code is hereby amended to read in its entirety as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold italics***, to the language of Ordinance No. 18-1832):

"2404 Presenting Matters to Council – Agendas.

(a) City Manager generally has the authority to set the agenda subject to relevant provisions of the Ralph M. Brown Act and this Section 2404.

(i) Any Councilmember or Department Head may request that the City Manager place an item on the agenda by making such request in writing to the City Manager before 4:00 p.m. on the Monday of the week preceding the Council meeting. ***The City Manager in her/his independent judgment shall determine whether agenda items requested by a Department Head shall be placed on the agenda.***

(ii) When an agenda item is timely requested by a Councilmember, the City Manager shall place the item on the requested agenda, subject to if the City Manager determines that a proposed agenda item requires significant staff work prior to adding the item to the meeting agenda or otherwise deems the item unsuitable for the requested agenda, then the City Manage**r **shall promptly consult with the Councilmember about such reasons and determine whether a modification can be made to the request, or as to whether the item may be placed on a subsequent agenda. If the Councilmember and the City Manager cannot reach agreement on the agenda item request (either through inability to reach a consensus or an inability to timely engage in consultation), then the City Manager shall place the item on the agenda as requested by the Councilmember.

(iii)Subsequent to the deadline provided below in subsection (b)(i) for distribution of a preliminary draft of the agenda to each member of the Council, no additional items may be placed on a Council agenda for the upcoming Council meeting, absent a bona fide emergency that precludes waiting until another Council meeting date that can be documented through findings made by both the City Manager and the City Attorney.

~~(ii) The City Manager shall meet and confer with the Mayor to discuss the items proposed for the Council meeting agenda. The final agenda is subject to the approval of the Mayor. The Mayor shall review and finalize the agenda by 12:00 p.m. on the Tuesday of the week preceding the Council meeting. In the Mayor's absence, the Mayor may select another Councilmember as a designee for purposes of carrying out the Mayor's authority pursuant to this Section(a)(ii).~~

~~(iii)If the City Manager determines that a proposed agenda item requires significant staff work prior to adding the item to the meeting agenda or otherwise deems the item unsuitable for the requested agenda, or if the Mayor orders removal of a proposed agenda item, then the City Manager shall, by 6:00 p.m. on the Tuesday of the week preceding the Council meeting, consult the Councilmember or Department Head who requested the proposed item as to whether a modification can be made to the request, or as to whether the item may be placed on a subsequent agenda.~~

~~After such consultation, if agreement cannot be reached, or if the Mayor does not want to add the item to the agenda, then the City Manager shall bring the proposed item to an agenda under "Council Member Requests to Add Items to~~

~~Future Agendas." If the Council decides by a majority vote of Councilmembers present at that meeting to add such item to the agenda, then the City Manager shall add such item to the agenda for either the next regular meeting, or at a meeting determined by a majority vote of Councilmembers present at that meeting.~~

(b) City Manager shall prepare an agenda in compliance with all relevant provisions of the Ralph M. Brown Act, and the City Manager shall also:

(i) Distribute a preliminary draft of the agenda to each member of the Council by 9:00 a.m. on Wednesday of the week preceding the Council meeting.

(ii) Deliver to members of the Council a complete copy of such final agenda no later than 6:00 p.m. on the Thursday preceding the Council meeting.

(c) At a Council meeting, any member of the Council may, when an 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 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, 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 it 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, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and **ADOPTED** at a regular meeting of the City Council on this _____ day of _____, 2019.

_____
MAYOR ALBERT ROBLES

ATTEST:

_____
CITY CLERK DONESIA GAUSE-ALDANA

APPROVED AS TO FORM:

_____
CITY ATTORNEY SUNNY K. SOLTANI