

RESOLUTION NO. 2019- 107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AMENDING RESOLUTION NO. 80-71, PARAGRAPHS 2 AND 8 a), TO MODIFY
THE HOUR AT WHICH THE CITY COUNCIL WILL CONVENE IN CLOSED
SESSION AT A REGULAR MEETING

WHEREAS, at the regular meeting of December 12, 1980, the City Council adopted Resolution No. 80-71 Establishing the Rules and Procedures for the Conduct of Meetings of the Marina City Council (“Rules and Procedures”); and

WHEREAS, at the regular meetings of April 7, 1994 (Reso. 94-15), January 5, 1998 (Reso. 99-01), October 18, 2001 (Reso. 01-106), and April 19, 2011 (Reso. 2011-65), the City Council considered actions to further set the hours for convening City Council meetings in closed session and in open session; and

WHEREAS, Paragraphs 2 and 8.a) as amended of the Rules and Procedures, entitled “Regular Meetings” and “Order of Business and Consideration and Sequence of Agenda Items,” establish the hour and the order of taking up business during Council meetings, thereby establishing the agenda, and preclude arbitrarily setting the times the Council may convene in closed and open session; and

WHEREAS, after discussion and soliciting comments from the public the Council has determined that if there is to be a closed session on an Agenda for a regular meeting, the Council should convene at the hour of 5:00 p.m.; and

WHEREAS, Paragraph 34 of the Rules and Procedures entitled “Amendment of Rules” provides that the rules may be amended by an affirmative vote of a majority of a quorum; providing, however, that when a provision of the rules require action by a super-majority, then an amendment to such a rule also requires a vote by that same super-majority; and

WHEREAS, Paragraphs 2 includes a provision requiring the vote of three members of the City Council in the event of an emergency, and in the absence of action by the Mayor, to meet at such other place than City Hall as shall be designated, and therefore passage of this Resolution shall require the affirmative vote of not less than three members of the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marina, as follows:

1. That Paragraph 2 of the Resolution 80-71 Establishing Rules and Procedures for the Conduct of the Meetings of the Marina City Council, as previously amended by Resolution 2001-106, entitled “Regular Meetings” is hereby deleted in its entirety and replaced with a new Paragraph 2 so that the Paragraph now reads as follows (*changes shown in italics*):

“2. Regular Meetings. The City Council shall hold regular meetings on the first and third Tuesday of each month *convening at the hour of 5:00 p.m. if there is to be a closed session and convening in open session at the hour of 6:30 p.m.* in the Council Chambers of City Hall, 211 Hillcrest Avenue in the City, or such other place within the City limits to which said meeting may be adjourned, If by reason of fire, flood or other emergency it shall be unsafe to meet in City Hall, the meetings may be held for the duration of the emergency at such other place *and at such hour* as is designated by the Mayor or, if he should fail to act, by three members of the City Council. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the following business day.”

2. That Paragraph 8.a) of Resolution 80-71 Establishing Rules and Procedures for the Conduct of the Meetings of the Marina City Council, as previously amended by Resolutions 94-15, 99-01 and 2011-65, entitled “Order of Business and Consideration and Sequence of Agenda Items,” is hereby deleted in its entirety and replaced with a new Paragraph 8.a) so that the Paragraph now reads as follows (*changes shown in italics*):

“8. Order of Business and Consideration and Sequence of Agenda Items.

a) The business of the City Council shall be taken up for consideration and disposition in the following order (Resolution Nos. 94-15, 99-01, 2011-65 and 2019 - ____):

1. Call to Order 5:00 p.m. (if there is to be a Closed Session)
2. Roll Call and Establishment of Quorum
3. Closed Session (if any)
4. Open Regular Session (6:30 p.m.) – Report Any Action taken in Closed Session
5. Moment of Silence & Pledge of Allegiance
6. Special Presentations
7. Special Announcements and Communications from the Floor – 4 Minutes Each Person pursuant to Paragraph 27 a)
8. Consent Agenda
9. Public Hearings
10. Other Council Action Items
11. Council & Staff Informational Reports
12. Adjournment”

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th Day of October 2019, by the following vote:

AYES: COUNCIL MEMBERS: Berkley, Urrutia, O’Connell, Morton, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

October 9, 2019

Item No **8f(1)**

Honorable Mayor and Members
Of the Marina City Council

City Council Meeting
of October 15, 2019

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2019- ,
FURTHER AMENDING RESOLUTION NO. 80-71, PARAGRAPHS 2 AND 8.a),
TO CHANGE THE HOUR AT WHICH THE CITY COUNCIL WILL
CONVENE IN CLOSED SESSION AT A REGULAR MEEETING.**

It is requested that the City Council:

1. Consider adopting Resolution No. 2019-, further amending Paragraphs 2 and 8.a), of Resolution 80-71 to change the hours at which the City Council will convene in closed session at a regular meeting.

BACKGROUND:

For some time now, matters properly before the City Council have necessitated the Council meeting in closed session as permitted by the Brown Act, to discuss many issues of a complex nature. This has resulted in the one-hour time now allotted for holding a closed session before a regular meeting frequently proving to be insufficient and has sometimes resulted in the public having to wait in the Council Chambers and the Council convening in open session later than the 6:30 p.m. time established by Resolution 2011-65. The Council has also occasionally found it necessary to return to closed session upon conclusion of business at the open meeting which frequently results in the extended closed session concluding at a late hour, beyond the 10:00 p.m. time established by Resolution 2011-33 for automatic adjournment in the absence of the need to complete a particular item or items of business.

ANALYSIS:

Paragraph 2 of Resolution 80-71, the Resolution Establishing Rules and Procedures for the Conduct of the Meetings of the Marina City Council, as amended by Resolution 2001-106, provides that the City Council shall hold regular meetings on the first and third Tuesdays, of each month at the hour of 5:30 o'clock p.m. Section 8.a) of Resolution 80-71, as subsequently amended by Resolutions 94-15, 99-01 and 2011-65, also provides for the hour of 5:30 p.m. as the hour for the City Council to be called to order if there is to be a closed session and the hour of 6:30 p.m. for the City Council to be called to order in open regular session. The attached resolution if adopted would change the hour for the City Council to be called to order if there is to be a closed session from 5:30 p.m. to 5:00 p.m.

These changes have been incorporated in *italics* new Paragraphs 2 and 8.a) as shown on the attached Resolution.

FISCAL IMPACT:

None

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Layne Long
City Manager
City of Marina