

REPORT TO THE CITY COUNCIL



DATE: October 1, 2019

TITLE: Discussion Item: Placing the Adoption of the City Council Sub-Committee on Policy, Rules and Regulation Recommendations Regarding Changes to the "City Council and Commission Guidelines and Procedures" ("Guidelines") as Well as Repealing Two Ordinances Pertaining to the City Council as Recommended by the Sub-Committee

Submitted by: Jan Pye, Mayor Pro Tem
Gary Gardner, Council Member

RECOMMENDATION

Consider whether to place the following on a future agenda for action:

1) Adoption of Updated Council and Commission Guidelines, as developed by the Policy, Rules, and Regulations Sub-Committee (Councilmembers Pye and Gardner); and Adoption of Sub-Committee recommendations to Repeal of DHSMC Section 2.20.125 "Disclosure of Campaign Contributions;" and DHSMC Section 2.04.040(B) "Vacancy – Appointment of Temporary Council Member."

BACKGROUND:

- 1) Councilmembers Pye and Gardner were appointed by the Mayor as the Sub-Committee on Policy, Rules and Regulations. They have been tasked with reviewing the Guidelines and ordinances that pertain to the operation and function of the City Council and will bring back its Committee recommendations for updating the policies and procedures and ordinances.
- 2) The Sub-Committee also recommends repeal of DHSMC Section 2.20.125 "Disclosure of Campaign Contributions." DHSMC Section 2.20.125 and DHSMC Section 2.04.040(B) "Vacancy – Appointment of Temporary Council Member."

Section 2.20.124 states:

Each City official and/or employee, whether paid or unpaid, who has willfully, voluntarily, or knowingly received, within the term of their office or employment, a cumulative total of \$500 directly, or \$1,000 indirectly via a contribution to a political action committee (or similar organization formed for the purpose of raising and spending money to elect or defeat political candidates), shall publicly disclose said contribution(s) at each public meeting in which he or she is participating as part of the presiding body and during which the contributor appears before the presiding body. If such a contribution has been voluntarily received, the official or employee shall: (1) make the required disclosure; and then (2) recuse him or herself from participating in the subject proceedings, vacating the room of the proceedings until said proceedings have been concluded. This subsection does not apply when the official or employee claims in writing to the City that such contribution was done in a manner as an attempt to manipulate the vote of a non-supportive donor.

Section 2.04.040(B) states:

- A. *If a vacancy occurs on the City Council, including the office of Mayor, the City Council shall, in accordance with California Government Code Section 36512(c)(1), immediately call a special election to fill the vacancy which shall be scheduled on the next regularly established election date, but not less than 114 days from the call of the special election.*

The City Council may thereafter appoint a person to fill the vacancy of the City Council for a term that shall expire upon the date of the special election to fill the seat for the remaining term of the original office holder who initially created the vacancy, as provided by Section 36512(c)(3). This section shall apply to all vacancies occurring on or after January 1, 2006.

- B. Notwithstanding subsection A of this section, if a vacancy on the City Council occurs for any reason after the adoption of a resolution by the City Council calling for a general municipal election to elect members of the City Council, but not more than 90 days after the date of the general election, the person who received the highest number of votes in said election, but was not elected, shall be appointed by the City Council to fill that vacancy. The person appointed pursuant to this section shall serve the remaining unexpired term of office.*

DISCUSSION:

Resolution 2019-004 (Exhibit 1) sets forth the "Policy" for placing items on an agenda by the Mayor or two Council Members.

In accordance with the Policy, the City Council, during the discussion, shall consider whether to place the item on a subsequent agenda for "action" upon a majority vote of the City Council.

EXHIBITS:

- 1) Resolution 2019-004