



Legislation Details (With Text)

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File created: 1/30/2017 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency
On agenda: 2/21/2017 **Final action:** 2/21/2017
Title: SUBJECT: Consideration of Resolution 2017-10 to Consolidate the Rules of Order and Procedure for the Conduct of City Council Meetings, Change the City Council Regular Meeting Closed Session and Public Agenda Start Times and Eliminate References to the Redevelopment Agency

REPORT IN BRIEF

Considers Adoption of Resolution 2017-10 to consolidate two Resolutions addressing City Council Rules of Order and Procedure into a single Resolution, change the start times for closed session and the public agenda for regular meetings of the City Council and eliminate references to the Redevelopment Agency. If this Resolution passes, the start time for regular meetings of the City Council will be 5:30 p.m. for Closed Session and 6:00 p.m. for the Public Agenda.

RECOMMENDATION

City Council - Adopt a motion adopting Resolution 2017-10, A Resolution of the City Council of the City of Merced, California, Rescinding Resolution 2009-30 and Resolution 2009-64 and Adopting a Values Statement, Adopting Rules of Order and Procedure for the Conduct of City Council Meetings, and Adopting a Code of Conduct for City Council Meetings.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution 2009-30.pdf, 2. 2009-64.pdf, 3. Resolution 2017-10.pdf

Date	Ver.	Action By	Action	Result
2/21/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

Report Prepared by: John Tresidder, Assistant City Clerk, City Clerk's Office

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ALTERNATIVES

1. Approve as recommended; or,
2. Approve with amendments (specified in motion); or,
3. Continue to a future meeting; or,
4. Deny.

AUTHORITY

Charter of the City of Merced, Article IV [City Council] Sections:

200 Powers

201 Procedures

407 Regular Meetings

408 Special Meetings

409 Place of Meetings

410 Quorum- Proceedings

411 Public Participation

CITY COUNCIL PRIORITIES

Further government transparency and public engagement.

DISCUSSION

Currently, there are two City Council Resolutions that set forth the Rules of Order and Procedure for the Conduct of City Council meetings. These Resolutions were adopted by the City Council in 2009 and are in need of updating to consolidate their respective content and to eliminate references to the former Redevelopment Agency, which was dissolved in 2012. Additionally, there is a desire to have the City Council consider changing the start time for the regular meetings of the City Council, which are held the first and third Mondays of each month (holidays excepted).

Each of the proposed changes are discussed in further detail below.

1. Restatement of Resolutions 2009-30 and 2009-64

The Merced City Council first took action to adopt Rules of Order and Procedure for City Council meetings in 1979, when they passed Resolution 79-105. Years later, in 1986, the City Council adopted Resolution 86-121 which incorporated revisions to the Brown Act and updated City Council procedures to reflect these new laws. In 1992, Resolutions 79-105 and 86-121 were rescinded and combined into Resolution 92-61, which was later amended and restated in Resolution 2000-47.

In 2009, staff was tasked by the City Council to improve meeting efficiency. Thereafter, on May 4, 2009, City Council rescinded Resolution 2000-47 and adopted updated Rules of Order and Procedure by passing Resolution 2009-30, which became effective in July 2009. A few months later, in September 2009, the City Council passed Resolution 2009-64, which only amended and replaced

Section 5 (Public Participation) of Resolution 2009-30.

Currently, Resolutions 2009-30 and 2009-64 are both in effect. Resolution 2009-30 contains the following sections: Values Statement (Section 2); Posting of Agendas (Section 3); Contents of Agendas (Section 4); Acting on Non-Agenda Items (Section 6); Procedure Upon Demand to Cure Action Alleged to Violate the Brown Act (Section 7); Procedure for Agenda Items (Section 8); City Council Meetings (Section 9); Powers and Duties of the Mayor (Section 10); Powers and Duties of the Mayor Pro Tem (Section 11) Absence of the Mayor and Mayor Pro Tem (Section 12); Order of Business (Section 13); Rights and Duties of Members (Section 14). Resolution 2009-64 contains a single Section, Section 5 (Citizen Participation).

For the sake of clarity, staff is seeking to rescind Resolutions 2009-30 and 2009-64 and restate the provisions of those Resolutions into Resolution 2017-10. The foregoing Resolutions are attached to this report for reference.

2. Change in Start Time for Regular Meetings of the City Council

Section 407 of the City's Charter provides as follows:

"The City Council shall hold regular meetings at least twice a month at such times as it shall fix by ordinance or resolution and may adjourn any regular meeting to a date certain which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day."

Section 9 of Resolution 2009-30 sets the dates and start times of City Council meetings as follows:

- "1. Regular sessions of the City Council shall be held on the first and third Mondays of each month, holidays excepted, at the hour of 6:30 p.m., and adjourned and special meetings at such time as the City Council may order. The time between 6:30 p.m. and 7:00 p.m. shall be reserved for closed sessions with the regular agenda commencing at 7:00 p.m.
2. The proceedings of special City Council meetings shall be limited to the subjects set forth in the call thereof."

Currently, Council Meetings have good public engagement at the beginning of meetings, but as the meeting moves past the hour of 9:00 p.m., the audience tends to dissipate. Many meetings that approach 11:00 p.m. may have just a handful of citizens in attendance and, at times, no audience at all. In 2016, nearly forty percent of the regular meetings of the City Council adjourned after 10:00 p.m. and over twenty percent did so past 11:00 p.m. Many staff members who present at meetings have already worked a full business day and the City is required to pay some City Staff overtime to attend the meetings. This overtime increases employee costs to the City.

In order to foster increased public engagement and reduce costs to the City in the form of staff overtime, it is suggested that the meeting start time of the City Council's public agenda be moved from 7:00 p.m. to 6:00 p.m. and the closed session time be set between 5:30 p.m. and 6:00 p.m.

Staff recommends the implementation of this Resolution begin on March 20, 2017, which is two meetings from the Resolution adoption date. This delay will allow time for staff to inform the public of

the changed meeting time and to accommodate those that post public notices by providing ample time to post the appropriate start times.

3. Removal of References to the Redevelopment Agency

The Clerk's Office requests that as restated in Resolution 2017-10, Section 13 be amended to remove all references to the Redevelopment Agency. The Redevelopment Agency was dissolved in 2012, and any references to that agency are no longer relevant. In addition, the City Clerk's Office has updated the Order of Business in that same section to list the agenda items in their current format and order.

IMPACT ON CITY RESOURCES

It is anticipated that the change in start time for regular meetings of the City Council will reduce staff overtime costs.

ATTACHMENTS

1. Resolution 2009-30
2. Resolution 2009-64
3. Resolution 2017-10