

CITY OF YUBA CITY  
STAFF REPORT

**Date:** October 15, 2019  
**To:** Honorable Mayor & Members of the City Council  
**From:** Administration  
**Presentation By:** Terrel Locke, Assistant to the City Manager

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**Summary**

**Subject:** Rules and Regulations Governing City Council Meetings  
**Recommendation:** Introduce an ordinance amending the Yuba City Municipal Code Sections 2-1.01 through 2-1.06 of Chapter 1 Pertaining to the Rules and Regulations Governing City Council Meetings, and waive the first reading  
**Fiscal Impact:** None.

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**Purpose:**

To provide the City Council with flexibility in the business administration of their meetings.

**Background:**

The City Council requested that an ordinance be brought for their consideration to amend the Municipal Code regarding the rules and regulations governing City Council Meeting in order to provide flexibility to manage the order of business on the Council agendas and parliamentary procedures.

The last ordinance that was adopted amending this section of Chapter 1 was Ordinance No. 006-91 adopted in May 1991.

**Analysis:**

Section 2-1.02 "Order of Business. This section is being recommended to be repealed in its entirety and designated as reserved. The current language states: The business of the Council, at its meeting, shall be conducted in accordance with the following order of business:

- a) Call to order and roll call
- b) Pledge of allegiance/invocation
- c) Presentations/proclamations
- d) Written communication
- e) Public Hearings
- f) Bid opening
- g) Ordinances
- h) Appearance of interested citizens
- i) Consent calendar
- j) Reports and Miscellaneous
- k) Business from the Council; and
- l) Adjournment

Section 2-1.04 "Rules of Conduct. This section is being recommended to be repealed in its entirety and designated as reserved. The current Rules of Conduct have the following categories:

- a) Obtaining the floor
- b) Motions
- c) Voting
- d) Procedural rules of order
- e) Authority of the Chair
- f) Public hearings

Other minor changes are being proposed in support of the above changes and to clarify language. These updates are highlighted in Attachment A – Ordinance Pertaining to the Rules and Regulations Governing City Council Meetings.

**Fiscal Impact:**

None.

**Alternatives:**

Provide Staff with direction for modifying the proposed ordinance amendment.

**Recommendation:**

Introduce an ordinance amending the Yuba City Municipal Code Sections 2-1.01 through 2-1.06 of Chapter 1 Pertaining to the Rules and Regulations Governing City Council Meetings, and waive the first reading

**Attachment:**

1. Ordinance pertaining to the rules and regulations governing City Council Meetings

**Prepared By:**

*/s/Terrel Locke*

Terrel Locke  
Assistant to the City Manager

**Submitted By:**

*/s/ Michael Rock*

Michael Rock  
City Manager

Reviewed by:

City Attorney

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## **ATTACHMENT 1**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AMENDING SECTIONS 2-1.01 THROUGH 2-1.06 OF CHAPTER 1 OF TITLE 2  
OF THE YUBA CITY MUNICIPAL CODE, PERTAINING TO THE RULES AND  
REGULATIONS GOVERNING CITY COUNCIL MEETINGS**

WHEREAS, the City Council of the City of Yuba City has adopted an ordinance for the content of agendas, conduct of meetings, and other procedures, rules, and regulations regarding the time, place, manner and decorum of City Council meetings; and

WHEREAS, to improve efficiency in the legislative process, including access to current information, and to allow flexibility in making needed changes, the City Council desires to amend the Yuba City Municipal Code in part and to repeal and move sections regarding certain rules and procedures which require frequent changes that can be more easily addressed by Resolution if necessary, which is more efficient; and

WHEREAS, the City Council desires to update the above-referenced sections from the Municipal Code.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Yuba City does ordain as follows:

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Subsection (a) of Section 2-1.01 “Meetings”, of Chapter 1 of Title 2 of the Yuba City Municipal Code is hereby amended to read in its entirety as follows:

Section. 2-1.01. - Meetings.

- (a) *Regular meetings.* Regular meetings of the Council shall be held **without notice** on the first and third Tuesdays of each month. The meetings shall be held in the Council Chambers in the City Hall of the City of Yuba City, California or at such other place as the Council may, from time to time, prescribe. In the event a Tuesday falls upon a legal holiday, the regular meeting which otherwise would have occurred on that date shall be held on the first business day thereafter. In the event that Christmas Eve and/or New Year’s Eve falls on a Tuesday the regular meeting, which otherwise would have occurred on that day, shall be held on the first business day which is not a holiday thereafter. Meeting commencement times shall be set by a resolution of the City Council.

**Section 3** Section 2-1.02 “Order of business”, of Chapter 1 of Title 2 of the Yuba City Municipal Code, is hereby repealed in its entirety and that Section designated as “reserved.”

**Section 4.** Section 2-1.03 “Agenda/posting—Action on other matters”, of Chapter 1 of Title 2 of the Yuba City Municipal Code, is hereby amended to read in its entirety as follows:

Section 2-1.03 Agenda/posting—Action on other matters

The City Manager shall cause to be prepared an agenda of the Council meeting ~~which shall be prepared in accordance with the order of business as provided for~~

**Section 2-1.02 above.** A copy of said agenda shall be furnished to each member of the Council, the City Clerk and the City Attorney at least 24 hours prior to the Council meeting.

At least 72 hours before a regular meeting the City Manager or his or her designee shall post the agenda which shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda.

Notwithstanding the above, the Council may take action on items of business not appearing on the posted agenda under any of the following conditions:

- (a) Upon a determination by a majority vote of the Council that an emergency situation exists as defined in the public meeting law (Government Code § 54956.2(b)(1));
- (b) Upon a determination by a two-thirds vote of the Council or if less than two-thirds of the Council members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; and
- (c) The item was posted as hereinbefore required for a prior meeting of the Council occurring not more than five calendar days prior to the date action is taken on the item and at the prior meeting the item was continued to the meeting at which action is being taken.

**Section 5.** **Section 2-1.04 “Rules of Conduct”, of Chapter 1 of Title 2 of the Yuba City Municipal Code, is hereby repealed in its entirety and that Section designated as “reserved.”**

**Section 6.** Section 2-1.05 “Rules of Decorum” of Chapter 1 of Title 2 of the Yuba City Municipal Code, is hereby amended read in its entirety as follows:

Section. 2-1.05. - Rules of decorum.

While the Council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb either any Council member or any member of the public while speaking nor refuse to obey the orders of the Council of the presiding officer except as otherwise provided. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith by the presiding officer barred from further audience before the Council unless permission to continue shall be granted by a majority vote of the Council. All persons addressing the Council shall step to the designated podium and **the Council may request the person addressing the Council to shall** give his or her name **and address** in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the Council without the permission of the chair. No question shall be asked a Council person except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself/herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him/her to order or as otherwise here and before provided. If a

person, while speaking, shall be called to order he/she shall cease speaking until the question of order shall be determined and if in order he/she shall be permitted to proceed. A Council person may request, through the chair, the privilege of having a written abstract of his/her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

**Section 7.** Section 2-1.06 "Approval of legislation and contract", of Chapter 1, of Title 2 of the Yuba City Municipal Code is hereby amended to read in its entirety as follows:

Sec. 2-1.06. - Approval of Legislation and Contract.

- (a) *Preparation of ordinances.* All ordinances shall be prepared or approved as to the form by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or requested in writing by the City Manager or his/her designee.
- (b) *Prior approval.* All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his or her authorized representative and shall have been examined and approved for the administration by the City Manager or his or her authorized representative when there are substantive matters of administration involved.

~~(c) *Introducing for passage or approval. Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council; provided, however, the Mayor, City Manager or his/her designee, or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be considered.*~~

**Section 8.** If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 9** This ordinance shall be effective thirty (30) days after its adoption and shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City the 15<sup>th</sup> day of October 2019, and adopted at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_ 2019, by the following vote:

AYES:

NOES:

ABSENT:

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Shon Harris, Mayor

ATTEST:

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Patricia Buckland, City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY:

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Shannon L. Chaffin, City Attorney  
Aleshire & Wynder, LLP