

CITY OF YUBA CITY  
STAFF REPORT

**Date:** June 21, 2022  
**To:** Honorable Mayor & Members of the City Council  
**From:** City Attorney  
**Presentation By:** Shannon Chaffin, City Attorney

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**Summary**

**Subject:** Mayor/Vice-Mayor Rotation Policy  
**Recommendation:** Adopt an Ordinance of the City Council of the City of Yuba City, California, Amending Section 2-1.01(g) of Chapter 1 of Title 2 of the Yuba City Municipal Code (Mayor/Mayor Pro-Tem Rotation) by title only and waive the second reading  
**Fiscal Impact:** TBD

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**Purpose:**

To update the Council's process of selecting the Mayor/Vice Mayor positions given the recent change to election of Councilmembers by District.

**Background:**

Members of the current City Council were elected at-large based on a city-wide vote. Recently, the City converted to a district-based system of elections, where the City is divided into Districts. Candidates may only run for the seat representing the District in which they are registered to vote, and voters may only vote for a candidate from their division.

The conversion to a District-based system of elections can affect the current practice of selecting the Mayor and Vice Mayor as the order of finish between Districts potentially inhibits an "apples to apples" comparison of the order of finish as compared to a city-wide vote. Currently, the Mayor and Vice Mayor are elected by a majority vote of a quorum of the City Council for one-year terms. The position of Mayor has traditionally followed a sequence based on (a) election date and (b) order of finish within each city-wide election. The Vice-Mayor is also selected based on the same criteria, and traditionally becomes the new Mayor at the end of the former Mayor's term. However, none of the Districts are the same exact size, which can create challenges in determining the order of finish under the traditional method.

To address this issue, on June 7, 2022, the City Council adopted a resolution with updated policies, and introduced the proposed ordinance to allow for implementation of those policies. The ordinance is now before the Council for final adoption.

**Analysis:**

The proposed ordinance helps implement the policies adopted by the City Council for a system of selection of the Mayor and Vice-Mayor based on a rotating basis, as well as a process to address the transition to “by-District” elections. The modifications proposed by the Ordinance allow for more complete implementation of the Council's rotation policy including those related to unusual circumstances such as mid-year vacancies in office, etc.

**Alternatives:**

1. Modify the proposed ordinance through re-introduction (first reading).
2. Decline to adopt the ordinance at this time.

**Attachments:**

1. Ordinance Updating Mayor and Vice Mayor Rotation Policy

Prepared By:  
Shannon Chaffin  
City Attorney

Submitted By:  
Shannon Chaffin  
City Attorney

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY, CALIFORNIA, AMENDING SECTION 2-1.01(G) OF CHAPTER 1 OF TITLE 2 OF THE YUBA CITY MUNICIPAL CODE (MAYOR/MAYOR PRO-TEM ROTATION)**

**WHEREAS**, the members of the City Council of the City of Yuba City (City) are currently elected at-large, whereby all members are elected by all of the voters of the City; and

**WHEREAS**, in order to further the purposes of the California Voting Rights Act of 2001, the City Council adopted an ordinance providing that the members of the City Council shall be elected by-district in five districts beginning at the November 8, 2022 general municipal election; and

**WHEREAS**, the City Council desires to update its policy for selection of the Mayor and Vice-Mayor to account for the transition to district-based elections, and to update the Municipal Code to provide clarification and consistency regarding the same.

**NOW, THEREFORE**, the City Council of the City of Yuba City does ordain as follows:

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

**SECTION 2.** Section 2-1.01(g) of Chapter 1 of Title 2 of the Yuba City Municipal Code is amended to read in its entirety as follows:

(g) Chair. The Mayor shall preside over all Council meetings. In ~~his, her the Mayor's~~ absence, the Mayor Pro Tempore shall serve as presiding officer. The Council shall choose one of its members to serve as Mayor and one of its members to serve as Vice-Mayor. The Mayor and Vice-Mayor shall be selected and seated in the manner following:

In an election year in which Council members are elected, the Mayor and Vice-Mayor shall be selected and seated at such time as the election results for Council members so elected have been canvassed and certified to the Council and those results so declared by the Council. Absent unusual circumstances as determined by the City Council, ~~T~~the Mayor and Mayor Pro Tempore so selected and seated at that time shall hold their respective offices until the first regular City Council meeting following the first Tuesday of the month in the year following the year in which they were selected and seated. The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order subject, however, to an appeal to the Council in which event a majority vote of the Council shall govern and conclusively determine such question of order. The Mayor shall vote on all questions, ~~his or her~~the Mayor's name being called last.

**SECTION 3.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 4.** This ordinance shall take effect 30 days after its adoption. The City Clerk, or duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 7<sup>th</sup> day of June, 2022, and passed and adopted at a regular meeting held on the \_\_\_\_<sup>th</sup> day of June, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dave Shaw, Mayor  
City of Yuba City

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ciara Wakefield, Deputy City Clerk

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Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP