

ORDINANCE NO. 881-C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLE 1
WITHIN CHAPTER 1, "CITY COUNCIL" OF TITLE 2 OF THE PACIFICA MUNICIPAL CODE
RELATING TO RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS**

WHEREAS, California Government Code section 36813 authorizes the City Council to establish rules for the conduct of its proceedings; and

WHEREAS, Article 1 within Chapter 1, "CITY COUNCIL" of Title 2 of the City's Municipal Code currently includes provisions concerning rules and procedures at City Council meetings; and

WHEREAS, the City has separately adopted a City Council Rules and Code of Ethics; and

WHEREAS, the City Council Rules and Code of Ethics also includes rules and procedures for City Council meetings; and

WHEREAS, staff is recommending that Article 1 within Chapter 1, "CITY COUNCIL" of Title 2 of the City's Municipal Code be amended to refer to the City Council Rules and Code of Ethics, thus clarifying that there is a single set of rules and procedures for City Council meetings; and

WHEREAS, staff is recommending that an enforcement mechanism be in place in the municipal code to ensure Council meetings proceed in accord with the City Council Rules and Code of Ethics and are not disrupted.

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

Section 1. Recitals. The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Amended. Article 1 within Chapter 1, "City Council" of Title 2 of the Pacifica Municipal Code is hereby amended by repealing Article 1 in its entirety and replacing Article 1 to read as follows:

"Article 1 – Meetings

Sec. 2-1.101. Meetings.

All meetings of the Council shall be held in accordance with the City Council Rules and Code of Ethics adopted by Resolution of the Council and which may be amended from time to time.

Sec. 2-1.102. Enforcement.

The Chief of Police or such members of the Police Department as the Chief of Police may designate shall be sergeants at arms of the Council and shall carry out all orders given by the presiding officer for the purpose of maintaining order and decorum at Council meetings. Any

Councilmember may move to require the presiding officer to enforce the rules, and the affirmative vote of a majority of the Council shall require him to do so.

Sec. 2-1.103. - Ordinances, resolutions, and contracts.

All ordinances shall be approved by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, requested by the Mayor or City Manager, or prepared by the City Attorney on his own initiative. All ordinances, resolutions, and contract documents, before presentation to the Council, shall have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Manager or his authorized representative.

Sec. 2-1.104. - Dangerous instruments.

No person may enter the chambers of a legislative body, as defined in Section 54952 of the Government Code of the State, or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.

Sec. 2-1.105. - Council call-up of decisions.

Any decision of a board, commission, committee or City staff member which is appealable to the Council and any action or recommendation of commissions and committees subject to review by the Council pursuant to this Code may be called up for Council review by any Councilmember in accordance with the following procedures:

- (a)The Councilmember shall file with the City Clerk a written request for review, with no need to cite the basis for call-up, within the time set by this Code for filing an appeal of the same decision;
- (b)The review shall be heard in the same manner as an appeal would be heard under this Code of the same decision, except that no appeal fee shall be assessed;
- (c)The Councilmember who called up the decision may participate in the review thereof; and
- (d)The Council may either approve, disapprove, or modify any decision.

Sec. 2-1.106. - Council salaries.

The Council may provide by ordinance for a salary and adjustment in salary in accordance with the provisions of the Government Code of the State.

Sec. 2-1.107. - Council reimbursement for expenses.

The provisions for Council salaries set forth in this article are and shall be exclusive of any amount payable to each member of the Council as reimbursement for actual and necessary expenses incurred by him in the performance of official duties for the City.

Sec. 2-1.108. - Adjustment of Council salaries.

(a) Each member of the City Council shall receive a salary in the sum of Seven Hundred and no/100ths (\$700.00) Dollars per month, which sum is comprised of the base amount of Four Hundred and no/100ths (\$400.00) Dollars as set forth in California Government Code section 36516(a)(2) and adjusted pursuant to California Government Code section 36516(c). The salary is payable at the same time and in the same manner as the salaries are paid to each of the officers and employees of the City.

(b) This section shall go into effect for all members of the City Council pursuant to California Government Code section 36516.5 when one or more members of the City Council becomes eligible for a salary increase by virtue of that member's beginning a new term of office."

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

Section 6. Effective Date. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

PASSED AND ADOPTED this 27th day of June, 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstycck, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: O'Neill.

ABSTAIN, Councilmembers: n/a.



Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney









For Signature: OrdinanceNo881-CS_Article1-Chapter1-Title2_CityCouncilRulesAndProcedures

Final Audit Report

2022-07-01

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