

RESOLUTION NO. RES-2024-168

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CITY COUNCIL MANUAL OF PROCEDURES AND PROTOCOLS, RULE I.F – ATTENDANCE TO REFLECT THE REQUIREMENTS OF GOVERNMENT CODE SECTION 36513(a)

WHEREAS, the Council Manual of Procedures and Protocols, Rule I.F provides:

“Attendance

Councilmembers are expected to attend all meetings of the City Council. If a Councilmember is absent without Council permission from all regular City Council meetings for thirty (30) days consecutively from the last regular meeting he attends, his office becomes vacant and shall be filled as any other vacancy.”

WHEREAS, there are times throughout the year that a Councilmember could be absent from only a single regular City Council meeting and violate the 30-day rule set forth in Rule I.F (“30-day rule”) unless Council permission is obtained before the 30th day; and

WHEREAS, automatic forfeiture of an elected official’s office because of a single meeting absence is an extremely harsh consequence that may frustrate the will of the voters, and there is no indication that the City Council intended that result when it adopted the 30-day rule in 1999 when City Council held more frequent regular meetings; and

WHEREAS, the City Council adopted the 30-day absence rule by resolution and not by ordinance as required by the City Charter section 7 when it comes to penalties Council creates to compel Councilmember attendance at meetings, and is therefore unenforceable; and

WHEREAS, in the absence of an ordinance, under City Charter section 51, the 60-day rule in Government Code section 36513(a) that is otherwise identical to the 30-day rule in Rule I.F governs Santa Rosa City Councilmember absences from Council meetings.

WHEREAS, the City Council wishes to amend Rule I.F to reflect the 60-day rule in Government Code section 36513(a).

///

///

///

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa adopts the revised City Council Manual of Procedures and Protocols attached to this resolution as Exhibit A and made a part herein, to amend Rule I.F to read as follows:

“Attendance

Councilmembers are expected to attend all meetings of the City Council. As set forth in Government Code section 36513(a) or successor statute, which applies to the City of Santa Rosa under City Charter section 51, if a Councilmember is absent without Council permission from all regular City Council meetings for sixty (60) days consecutively from the last regular meeting that Councilmember attends, the Councilmember’s office becomes vacant and shall be filled as any other vacancy.”

IN COUNCIL DULY PASSED this 22nd day of October, 2024.

AYES: (7) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, MacDonald, Okrepkie, C. Rogers

NOES: (0)

ABSENT: (0)

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
Deputy City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – City Council Manual of Procedures and Protocols