



**AMENDMENT TO
COUNCIL MANUAL OF PROCEDURES
AND PROTOCOLS
REGARDING COUNCILMEMBER
ABSENCES FROM MEETINGS**

City Council
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Current Rule I.F

The Council Manual of Procedures and Protocols Rule I.F sets forth a 30-day meeting absence rule for Councilmembers:

“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/she attends, his/her office becomes vacant and shall be filled as any other vacancy.”

Current Rule I.F

When the rule was adopted in 1999, the Council routinely held 3 regular meetings/month.

Since mid-2022, the Council has generally held 2 regular meetings/month.

There are now times that if a Councilmember is absent from a single regular Council meeting, the Councilmember could be in violation of the 30-day meeting absence rule unless Council permission is obtained before the 30th day.

Current Rule I.F

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.

There is no indication that the Council intended that result when it adopted the rule.

Current Rule I.F – Not Enforceable

City Charter § 7 requires penalties Council creates to compel Councilmember attendance at meetings to be adopted by ordinance.

The 30-day meeting absence rule was adopted by resolution, not ordinance.

The difference between an ordinance and the resolution approving Rule I.F is substantial:

- Ordinance requires votes at 2 separate regular meetings
- Ordinance is subject to referendum

Rule I.7 is therefore not enforceable.

Government Code § 36513(a)

In the absence of an ordinance, under Charter § 51, state law governs Councilmember absences from meetings.

Government Code § 36513(a) sets forth a 60-day rule that is otherwise identical to the 30-day meeting absence rule in Rule I.F. That is the rule that applies in Santa Rosa.

The City Attorney recommends that the City Council amend Rule I.F to reflect the 60-day rule in Government Code § 36513(a).

Recommended Action

Amend Rule I.F to read as follows to incorporate the 60-day meeting absence rule set forth in Government Code § 36513(a):

“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.”

Adopt a Different Rule?

Should Council wish to adopt a different rule to govern Councilmember absences from meetings, the City Attorney recommends that Council:

- 1) Amend Rule I.F this evening to reflect the 60-day rule that currently governs Councilmember absences; and
- 2) Provide direction to the City Attorney to return at a future meeting with a proposed ordinance and further amendment to Rule I.F.

Questions?