



REPORT TO CITY COUNCIL

Approved by:

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Hilda Cantu Montoy

Hilda Cantu Montoy, City Attorney

Council Meeting of: July 19, 2023

Agenda Number: D-3

SUBJECT:

Consider Ordinance Relating to City Council and Resolutions Relating to Council Protocols Guidebook and Council Meeting Rules of Procedure

RECOMMENDATION:

1. Waive full reading and introduce Ordinance Adopting New Chapter 1 of Title II of the Madera Municipal Code Relating to City Council and repeal of current Chapter 1 of Title II.
2. Adopt Resolution Approving City Council Protocols Guidebook
3. Adopt Resolution Approving Rules Of Procedure for Conducting City Council Meetings

SUMMARY:

At the meeting of June 21, 2023, the City Manager and City Attorney introduced the concept of a Council Protocols Guidebook ('Guidebook') to address the Council's request for policies and procedures associated with the Council. The various subject matter would be covered in individual chapters of the Guidebook. The Council authorized moving forward with the Guidebook. The Guidebook will serve as a guide for Council, staff, and members of the public to have a common understanding of the City's policies and procedures relating to Council matters.

At this meeting, Council is asked to consider adoption of a resolution approving a City Council Protocols Guidebook and a resolution adopting rules of procedure for meetings which will be included as Chapter 2 of the Guidebook. Chapter 1 of the Guidebook will include the previously approved Code of Conduct.

The remaining chapters in the Guidebook will be submitted for Council consideration and approval by resolution at subsequent meetings. It should be noted that some chapters may overlap. For example, City support for an event may include the use of a City facility. Thus, it will be important that the Guidebook be internally consistent to minimize potential confusion.

The adoption of Council Meeting Rules of Procedure will necessitate updating Chapter 1 of Title II of the Municipal Code.

DISCUSSION:

A. Resolution adopting the Guidebook

The following chapters are included in the Guidebook; however, Council may add other chapters and may change the order of the chapters as deemed appropriate.

1. Code of Conduct (previously approved by City Council)
2. Rules for Conducting City Council Meetings (this chapter is being considered for adoption at this meeting)
3. City Council Expenses and Reimbursement Policy (current policy needs to be updated)
4. Ceremonial Documents including Proclamations and Certificates (the City Manager will seek direction on this chapter following this agenda item)
5. Use of City Facilities
6. Council Support/Sponsorship
 - a. Including Use of City Logo on promotional material
7. Flag Raising

Chapter 1 is the Council Code of Conduct. Chapter 2, the Rules for Conducting City Council Meetings, will be considered for adoption by separate resolution at this meeting. The chapters not yet completed will be presented to Council for adoption by resolution and inclusion in the Guidebook.

B. Resolution Adopting Chapter 2: The Council Meeting Rules and Procedures

The Council Meeting Rules and Procedures ('Council Meeting Rules') is by far the most detailed of the chapters in the proposed Guidebook. We have endeavored to provide detailed information to aid the Council in conducting their meetings as well as to provide members of the public with the procedures and reasons for such procedures (e.g., the Brown Act). The Meeting Rules are written in a manner to guide Council Members in their actions.

C. Ordinance for Introduction.

Much of the subject matter in proposed Chapter 2 of the Guidebook is contained in Title II, Chapter 1 of the Municipal Code. The proposed ordinance will repeal many provisions

that have been repealed as they are covered by the proposed Meeting Rules and there is no need to have them in ordinance form. Retained text has been updated to conform to the proposed Rules and applicable laws.

The first reading (introduction) is presented to Council at this meeting. A summary of the sections of the proposed ordinance is as follows:

§2-1.01 Council Meetings (Text regarding dates and time of regular meetings remains largely the same as in current ordinance.)

§2-1.02 Agenda (This section has been updated to conform to proposed Meeting Rules.)

§2-1.03 Quorum (This text remains the same.)

§2-1.04 Rules of Decorum at Meetings (This section has been revised significantly to meet Brown Act and other legal requirements. It is basically same text as in the Meeting Rules; however, it is necessary to have this language in ordinance form to allow for potential necessary enforcement. Chief Lawson has reviewed the language and concurs with it.)

§ 2-1.05 Council Salaries (This section remains unchanged; however based on new legislation per SB 329, you should seek guidance from the new City Attorney to determine if you wish to amend it.)

§2-1.06 Increased or Decreased salaries (Same comment as for §2-105.)

§2-1.07 Enumeration of Officers and Terms (This text remains the same.)

§2-1.08 Establishment of Council Districts (This text remains the same.)

§2-1.09 Method of election (This text remains the same.)

ATTACHMENTS:

1. Resolution Approving City Council Protocols Guidebook
2. Resolution Approving Rules Of Procedure for Conducting City Council Meetings
3. Ordinance enacting new Title II, Chapter 1

RESOLUTION NO. 23-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING
CITY COUNCIL PROTOCOLS GUIDEBOOK**

WHEREAS, the City Council has determined that adoption of accepted best practices for local governance in accordance with federal, state, and local laws promotes and enhances effective administration of City Council affairs; and

WHEREAS, documenting the best practices in a City Council Protocols Guidebook contributes to the orderly conduct of the City's business and is convenient and transparent for members of the public.

NOW, THEREFORE, the City Council of the City of Madera resolves as follows:

SECTION 1. The recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. The Council finds as follows:

- A. A City Council Protocols Guidebook provides a summary of important aspects of City Council activities.
- B. A City Council Protocols Guidebook guides Council Members in their actions and aids members of the public in understanding City Council Protocols.
- C. Adoption of a Council Protocols Guidebook is in the best interest of the City and its residents.

SECTION 3. The Council hereby adopts the "City of Madera City Council Protocols Guidebook" (hereafter "Council Protocols Guidebook") as set forth in **Exhibit A** and incorporated herein by reference. Certain chapters will be considered and adopted by Council at a later date.

SECTION 4. The City Clerk is authorized to maintain the Council Protocols Guidebook. Upon adoption of a resolution approving a chapter, the City Clerk is directed to insert the chapter in the Council Protocols Guidebook and to update the Table of Contents and page numbering as necessary.

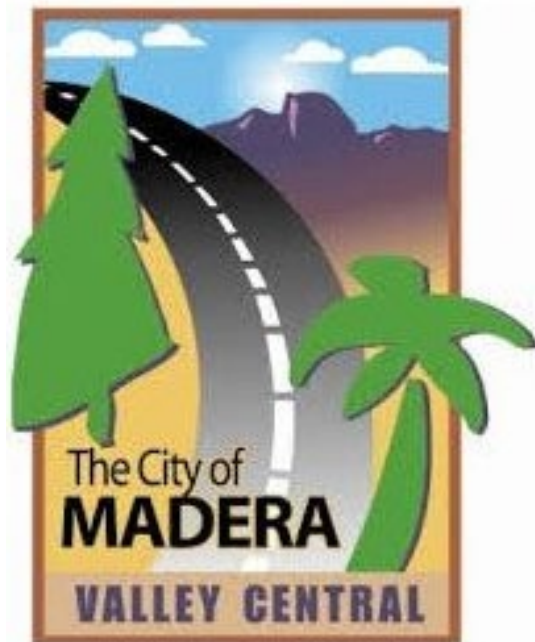
SECTION 5. The Council Protocols Guidebook may only be amended by resolution of the City Council except for specific provisions that may expressly provide otherwise.

SECTION 6. Any existing City Council rules, resolutions, and policies as well as administrative policies in conflict with the Protocols Guidebook are superseded, repealed, and deemed null and void.

SECTION 7. This resolution is effective upon adoption.

EXHIBIT A
CITY COUNCIL PROTOCOLS GUIDEBOOK

CITY OF MADERA



CITY COUNCIL PROTOCOLS GUIDEBOOK

Adopted by Resolution No. _____

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INTRODUCTION

Purpose of the City Council Protocols Guidebook

The purpose of this City Council Protocols Guidebook is to assist the City Council by documenting currently accepted best practices for local governance. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. Moreover, documenting the protocols provides members of the public with transparency. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. It is anticipated that this Protocols Guidebook may be revised from time to time.

Overview of City Documents

This Protocols Guidebook provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of a City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Madera Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. Title II addresses the time and place of meetings, compensation of council members and council member attendance at council meetings. It also describes the organization and appointment of boards and commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website at www.madera.gov.

California Government Code: While numerous state laws apply to California cities, it is the Government Code which contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Madera is a "general law" city, which means it is organized in accordance with provisions of the Government Code. Also described within the Government Code is the Council-City Manager form of government. Basically, this form of government prescribes that a city council's role is to establish policies and priorities, while the role of the city manager is to oversee the operations of the city government.

CHAPTER I.

CITY COUNCIL CODE OF CONDUCT

(Council-adopted Code of Conduct to be inserted here)

CHAPTER II

RULES FOR CONDUCTING CITY COUNCIL MEETINGS

(Council-adopted Rules for Conducting City Council Meetings to be inserted here)

CHAPTER III

COUNCIL EXPENSE AND REIMBURSEMENT POLICY

(Council-adopted Expense and Reimbursement Policy to be inserted here)

CHAPTER IV

CEREMONIAL DOCUMENTS (PROCLAMATIONS AND CERTIFICATES)

(Council-adopted Ceremonial Documents Policy to be inserted here)

CHAPTER V

USE OF CITY FACILITIES

(Council-adopted Use of City Facilities Policy to be inserted here)

CHAPTER VI.

**COUNCIL PARTICIPATION AND SPONSORSHIP OF SPECIAL EVENTS, INCLUDING USE OF CITY
LOGO FOR PROMOTIONAL MATERIAL**

(Council-adopted Participation and Sponsorship/Use of City Logo Policy to be inserted here)

CHAPTER VII.

FLAG RAISING

(Council-adopted Flag Raising Policy to be inserted here)

RESOLUTION NO. 23-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING
RULES OF PROCEDURE FOR CONDUCTING CITY COUNCIL MEETINGS**

WHEREAS, Government Code Section 36813 authorizes the City Council to establish rules of procedure for the conduct of City Council meetings; and

WHEREAS, the adoption of such rules of procedure contribute to the orderly conduct of the City's business and are convenient and transparent for members of the public; and

WHEREAS, the Council finds that adoption of rules of procedure is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madera as follows:

SECTION 1. The recitals set forth above are true and correct and are incorporated herein by reference.

SECTION 2. The City Council hereby adopts the "City of Madera Rules for Conducting City Council Meetings" as set forth in Exhibit A and incorporated herein by reference and referenced as 'Council Meeting Rules.

SECTION 3. The Council Meeting Rules shall be added as Chapter 2 to the City Council Protocols Guidebook.

SECTION 4. The Council Meeting Rules may only be amended by resolution of the City Council except for specific provisions that expressly provide otherwise.

SECTION 5. This resolution is effective upon adoption.

CLERK'S CERTIFICATION

I hereby certify that the foregoing Resolution No. 2023-____ Approving Updated City of Madera Rules for Conducting City Council Meetings was adopted at a regular meeting of the City Council of the City of Madera on the ____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Santos Garcia, Mayor

ATTEST:

Alicia Gonzales, City Clerk

EXHIBIT A

RULES FOR CONDUCTING CITY COUNCIL MEETINGS

RULES FOR CONDUCTING CITY COUNCIL MEETINGS

RULE 1. GENERAL.

- A. Authority and Purpose. The Madera City Council establishes these Rules for Conducting City Council Meetings (Rules) pursuant to Government Code Section 36813. These Rules shall be in effect upon adoption by the City Council and shall remain in effect until such time as they are amended or repealed or new rules are enacted by the Council. The terms “City Council” and “Council” are used interchangeably in these Rules.
- B. Applicable Laws. These Rules of Procedure are in addition to, and not in place of, applicable ordinances and statutes. In the event of a conflict between any part of these Rules and applicable ordinances and statutes, the latter shall govern. Applicable laws include but are not limited to Title II, Chapter 1 of the Madera Municipal Code and Government Code Section 54950 to 54963 (the “Brown Act”), and statutes including but not limited to provisions regarding Conflicts of Interest, public hearings, and votes required for Council action.
- C. Code of Conduct. Members of the Council and staff shall abide by the City’s Code of Conduct. See Chapter 1.
- D. Email, Text Messages or Electronic Communications. Councilmembers shall not use email, text messages, or other electronic communication during Council Meetings to send or receive communications concerning the subject matter before City Council at the time of the communication.

RULE 2. MEETINGS.

- A. Brown Act. All meetings are subject to the Brown Act. In the event these Rules are in conflict with the Brown Act, the Brown Act shall prevail. All meetings (except closed sessions authorized by the Brown Act) shall be open to the public. No member of the public shall be required, as a condition to attendance at a City Council meeting, to register his or her name, to provide other information or otherwise to fulfill any other condition precedent to his or her attendance.
- B. Types of Meetings.
 - 1. Regular Meetings. Regular meetings are meetings occurring at the dates, times, and locations set by City ordinance and this policy. Regular meetings are subject to the Brown Act’s 72-hour agenda posting requirements. See Rule 4E.

2. Adjourned Meetings. Adjourned meetings are regular or special meetings that have been adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted beyond those items on the agenda. Such orders of adjournment shall be posted.
3. Special Meetings. Special meetings are meetings called by the Mayor or majority of City Councilmembers to discuss only discreet items on the agenda under the Brown Act's notice requirements for special meetings. Under the Brown Act, Special Meetings only require that members of the public be allowed to speak on items on the agenda. In other words, a general public comment period is not required at Special Meetings. Special Meetings are subject to the Brown Act's 24-hour notice.
4. Emergency Meetings. Emergency meetings may be conducted as authorized in Government Code Section 54956.5 in the event of an "emergency situation" as defined in Government Code Section 54956.5. The special meeting provisions apply except for the 24-hour written notice requirement.

C. Meeting Dates/Time/Location.

1. Regular Meetings. Per Section 2-1.01 of the Madera Municipal Code, regular meetings of the Council are held on the first and third Wednesdays of each month at 6:00 PM in the Council Chambers of City Hall. Per Section 2-1.01, when the time for a regular meeting falls on a holiday, Christmas Eve, or New Year's Eve such meeting shall be held at the same hour on the next succeeding day not a holiday unless otherwise provide by Council. Regular meetings are subject to the Brown Act's 72-hour agenda posting requirements. The Council may conduct its meetings at other locations within the City provided that the alternate location is duly noticed on the posted agenda.
2. Special Meetings. Special meetings may be held on any date and time subject to the Brown Act's 24-hour notice requirements. Special Meetings shall be held in the Council Chambers of City Hall. The Council may conduct its meetings at other locations within the City provided that the alternate location is duly noticed on the posted agenda.

- D. Quorum. A majority of all the members of the Council shall constitute a quorum necessary to transact Council business. If no quorum is present, the Mayor, Mayor Pro Tem or any member of the Council shall adjourn such meeting, and if no member of the Council is present, the City Clerk shall adjourn the meeting. **(Note: see Rule 7C for number of votes required for action items.)** In the event a member of the Council must leave the room as required under the Political Reform Act because of a conflict of interest, that person may not be counted towards a quorum.

- E. Closed Sessions. Closed sessions may be held at any regular or special meeting for any purpose authorized under the Brown Act. Council actions shall be governed by the Brown Act. Public comments on any item to be heard in closed session shall be received prior to a closed session. No discussions in closed session shall take place without a quorum present.

When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. A place may be listed on the agenda for such announcements. After closed sessions, the Council will reconvene in open session and the City Attorney shall make any such required announcements prior to final adjournment of the meeting.

- F. Minutes of Proceedings. An account of all public proceedings of the City Council shall be recorded by the City Clerk and entered into the official Minute Book of the City Council. The minutes shall be Action Minutes wherein very little, if any narrative is included and only motions and votes are shown. Minutes shall be available for inspection by the public.
- G. City Manager. The City Manager shall attend all meetings of the Council unless excused. In his or her absence, the City Manager shall designate a substitute. The City Manager may make recommendations and shall have the right to take part in all discussions of the Council but shall have no vote.
- H. City Attorney. The City Attorney shall attend all meetings of the Council unless excused. In his or her absence, the City Attorney shall designate a substitute. The City Attorney shall give opinions, either written or oral, on questions of law and shall serve as the Council's parliamentarian.
- I. City Clerk. The City Clerk shall attend all meetings of the Council unless excused. In his or her absence, the City Clerk shall designate a substitute. The City Clerk shall prepare and post the agenda, record, prepare and maintain the official record of the Council and perform other related duties as prescribed by the Council.
- J. Department Directors/Employees. Department Directors and City employees, as directed by the City Manager, shall attend Council meetings.
- K. Sergeant-at-Arms. Per Madera Municipal Code Section 2-1.04, the Police Chief or Police Chief's designee is the ex-officio sergeant-at-arms of the Council.

RULE 3. DUTIES.

- A. Mayor. The Mayor is a member of the City Council and shall have all of the powers of a Councilmember. When the terms "Council," "City Council," and "Councilmembers" are used in these Rules, they include the Mayor.

- B. Mayor Pro-Tem. The Mayor Pro-Tem shall perform the duties of the Mayor whenever the Mayor is absent or is unable to perform such duties.

- C. Presiding Officer. The Mayor shall preside at all Council meetings and is deemed the Presiding Officer. In the Mayor's absence, the Mayor Pro-Tem shall preside. In the absence of both, the Councilmembers present shall select a Presiding Officer.
 - 1. Call to Order. The Presiding Officer shall call the meeting to order at the hour appointed. In the absence of the Mayor and the Mayor Pro-Tem, the meeting shall be called to order by the City Clerk and those Councilmembers present shall proceed to select a temporary Presiding Officer.
 - 2. Preservation of Order. The Presiding Officer shall preserve strict order and decorum and shall confine debate to the item under discussion.
 - 3. Motion to Be Stated. The Presiding Officer shall state any motion submitted for a vote and shall announce the result of all votes. A roll call vote shall be taken upon the request of any Councilmember or as may be required by law in certain instances.

RULE 4. AGENDAS.

The term "Agenda" as used in these rules applies to regular meeting agendas and to special meeting notices.

A. Regular Meeting Agendas.

The following outlines the general order of business for regular meetings. The Council may decide to change the order during the Approval of the Agenda or as deemed necessary during a meeting. The City Manager may also direct that an agenda be prepared with a different order to meet needs of Councilmembers or consultants as authorized by Madera Municipal Code Section 2-1.04(B).

- 1. Call to Order
- 2. Roll Call
- 3. Invocation
- 4. Pledge of Allegiance
- 5. Approval of Agenda
- 6. Presentations: Proclamations, Awards, Introductions, Ceremonials (*No action may be taken on such matters.*)
- 7. Public Comment (*Re matters not on agenda*)
- 8. Public Hearings
- 9. Consent Calendar

10. Workshop
11. Petitions, Bids, Resolutions, Ordinances, and Agreements
12. Administrative Reports
13. Councilmember Communications (Reports/Announcements/Future Agenda Items. *(This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to initiate new matters and to request updates, (iii) and to initiate new agenda items. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.)*)
14. Announce Closed Session.
15. Closed Session.
16. Reconvene Public Session and Provide Report from Closed Session if required.
17. Adjournment.

B. Special Meeting Agendas.

The following outlines the general order of business for special meetings.

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Approval of Agenda
6. Notice of Public Comment re Matters on Agenda
7. List of Items to be considered by Council
8. Adjournment

C. Content of Agenda for Meetings.

1. The Agenda is prepared by the City Clerk under the direction of the City Manager. The City Clerk works with the City Attorney to ensure that items are worded correctly and meet legal requirements under the Brown Act and other laws and to ensure that required notices, publication, and hearing requirements have been met prior to placement of items on the agenda.
2. The Agenda shall specify the time, date, and location of the meeting and contain a brief description of each item of business to be transacted or discussed at the meeting, including closed sessions items.

D. Placing Items on the Agenda.

1. General. The City Manager shall determine items for placement on the agenda except for Closed Sessions at the request of the City Attorney.

2. City Council. A majority of the Council may direct that items be placed on a future meeting agenda.

A member of the Council may request that an item be placed on a meeting agenda by verbal request during the Councilmember Communications part of the agenda. If there is majority agreement by the Council, the item will be placed on a future agenda. The City Manager in consultation with the City Attorney will determine whether the item requires that other procedures be followed prior to placement on the agenda. For example, some action items require a notice of public hearing by publication. At the meeting where the request is made, discussion shall be limited to whether the item shall be added to a future agenda.

3. Members of the Public. Requests by members of the public for placement of an item on the Agenda may be submitted to the City Clerk. The City Clerk will consult with the City Manager who shall determine the matters to be placed on the Agenda and on which upcoming agenda the requested item may be placed depending on the length of the agenda. Members of the public will be advised as to whether and when an item will be placed on the agenda. If a request is not approved, the member of the public may appear at Council meeting and make the request during Public Comment.

E. Posting of Regular Meeting Agendas and Special Meeting Notices. Per the Brown Act, the City Clerk shall post the Agenda for regular meetings at the front entrance of the Madera City Hall and the City website at least 72 hours before any regular meeting. The same process shall be followed for the posting of Special Meeting Notices except that the posting is to be done at least 24 hours prior to the meeting as required by the Brown Act. The 'Special Meeting Notice and Agenda' is referred to as Special Meeting Agenda interchangeably.

F. Availability of Agenda Documents. The documents and materials regarding the agenda items will be posted on the City's website with the Agenda. Documents not posted with Agenda will be distributed as described below. A binder with the documents and materials regarding the agenda will be made available at City Hall.

1. Per the Brown Act under Government Code 56957.5, if a writing is a public record related to an agenda item (hereafter 'writing') for an open session of a regular meeting of the Council and is distributed to all or a majority of all of the members of the Council less than 72 hours before that meeting, the writing shall be made available for public inspection and the following requirements apply:
 - a. City shall make available any writing described above for public inspection at a public office or location that the City designates for that purpose.

- b. Agendas shall list the address where such writings are available for public inspection.
 - c. The writings distributed under this section shall actually be posted and made available for public inspection; and
 - d. Posted on the City website.
2. If the foregoing requirements are not met, the following requirements apply:
- a. The initial staff report containing an executive summary and recommendation regarding the agenda item must be made available to the public at least 72 hours before the meeting. This requirement is satisfied by posting both the agenda and staff report with a recommendation on the City website.
 - b. The writing is posted on the City website in a position and manner that makes it clear that it relates to an upcoming agenda item.
 - c. The City must list the City's web address of the City's internet website on the agendas for all meetings of the City Council.
 - d. The City must make physical copies available for public inspection at City Hall at least 24 hours before the Council meeting.
3. Writings that are public records and distributed during the Council meeting shall be made available for public inspection at the meeting if prepared by the City or a member of the Council, or after the meeting if prepared by some other person.

G. Additions to Agenda. At a regular meeting, the Council may add items of business to the Agenda under the following circumstances, after the Mayor publicly identifies the item if the following requirements are met:

- 1. Upon a majority vote that an "emergency situation" as defined in Government Code Section 54956.5 exists; or
- 2. Upon a determination by a two-thirds vote (4 votes) or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the City after the Agenda was posted; or
- 3. The item was posted for a prior meeting of the Council 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.

- H. Minutes. Unless requested by any member of the Council, the minutes may be approved without reading if the City Clerk previously furnished a copy to each member.
- I. Public Comment. During the Public Comment portion of a regular meeting, any person may address the Council provided that the item is within the subject matter jurisdiction of the Council and is not otherwise on the Agenda. No action may be taken by the Council on any item not on the Agenda. (See Rule 5.)
- J. Public Hearings. Items requiring a public hearing will be noticed as required by law. (**Note: Requirements for noticing differ. Staff responsible for Public Hearing agenda items shall coordinate with City Clerk and City Attorney to ensure that proper hearing notice requirements have been met.**)
- K. Consent Calendar. Items listed under the Consent Calendar are those items staff believes will not require Council discussion and are routine in content. The Consent Calendar may be approved by one motion. Also listed under the Consent Calendar are resolutions confirming action from previous meetings which are brought back for approval of form rather than approval of action or for minor correction and ratification. Items may be pulled from the Consent Calendar for separate discussion and action upon the request of any Councilmember or member of the public.
- L. Action Limited to Posted Agenda. No action or discussion may be taken on any item not appearing on the posted Agenda, except that Councilmembers or the City Manager may “briefly respond” (no more than 3 minutes) to statements made or questions posed by persons exercising their public testimony rights under the Public Comment. In addition, on their own initiative, or in response to question posed by the public, Councilmember may ask questions for clarification, provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda.

RULE 5. PUBLIC PARTICIPATION.

- A. Public Comment on Agenda Items. Under the Brown Act, public testimony is permitted on all agenda items on the Agenda. Members of the public shall be afforded an opportunity to comment before a motion is made on an agenda item. However, members of the public do not have the right to give testimony outside the scope of or unrelated to the agenda item under consideration. Additionally, members of the public should strive to avoid unduly reiterating their own or others’ testimony.
- B. Public Comment for Matters Not on Agenda. Members of the public shall have an opportunity to comment on any matter which is not on the Agenda but is within the City Council’s jurisdiction. Members of the public may not be prohibited from criticism of the policies, procedures, programs, or services of the City or acts or omissions of the City

Council. The City Council may not take action on any matter raised during the Public Comment part of the Agenda.

- C. Manner of Addressing the City Council. After being recognized by the Mayor, each member of the public addressing the City Council shall go to the podium and will be requested but not required to state his or her name and whom he or she is representing. After public comment has been closed, no member of the public shall address the City Council on the matter under consideration without first securing Council approval.

- D. Time Limits for Public Comments. Members of the public shall limit their remarks to three minutes per agenda item on regular and special meeting agendas and three minutes under the Public Comment part of the agenda for regular meetings. A speaker addressing the Council shall be granted twice the allotted time for comment to ensure non-English speakers the same opportunity to directly address the Council unless simultaneous translation equipment is used.

If a speaker is being repetitious or discussing matters that are not relevant to the issue under consideration, the Mayor may limit the time-period. The Mayor, with the City Council's consent, may shorten the time to accommodate a very lengthy agenda or when there is undue repetition on an item. The Mayor, with the City Council's consent, may also lengthen the time limit for complicated matters. The City Clerk shall monitor the time for each speaker and the Mayor shall be responsible for enforcing the time limit. When a group wants to present the position of the group, the group may identify itself and request to have their spokesperson speak for ten minutes. The Council will not entertain ad hoc requests to have one member of the public yield his or her time to another member of the public.

- E. Rules of Decorum.
 - 1. A person who attends a City Council meeting or who addresses the Council under public comment for a specific agenda item or under the Public Comment section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, impedes or renders infeasible the orderly conduct of any City Council meeting.
 - 2. All remarks shall be directed to the Council as a body, and not to any particular Councilmember or member of staff.
 - 3. A person, other than members of the Council and the person having the floor shall not be permitted to enter into the discussion unless requested by the Mayor to speak.

4. No member of the public shall direct questions to Councilmembers individually or to members of staff except through the Mayor.
 5. Members of the Council shall wait until a person completes his or her public comments before asking questions or commenting. The Mayor shall then ask Councilmembers if they have comments or questions.
 6. While the City Council is in session, all persons must preserve order and decorum and not engage in disrupting behavior.
- F. Disrupting Behavior. The Mayor or other Presiding Officer is authorized to request removal or cause the removal of, an individual for disrupting a Council meeting pursuant to this Rule 5. The term “disrupting” as used in this rule means (i) a failure to comply with reasonable and lawful regulations adopted by the Council including these Rules and (ii) engaging in behavior that constitutes the use of force or a true threat of force.
- G. Warning Required to Cease Disrupting Behavior. The Mayor or Presiding Officer shall warn a person who is breaching the rules of order and decorum to cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Mayor or presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Mayor or presiding officer may request the Police Chief or Police Chief’s designee (Sergeant-at-Arms) to remove the person from the Council meeting. In the event there is no one from law enforcement present, the Mayor or Presiding Officer may direct the City Manager to contact law enforcement.
- H. No Warning for Use of Force or True Threat of Force. The Mayor or Presiding Officer is not required to give a warning to a person who is breaching the rules of order and decorum when the individual engages in behavior that constitutes use of force or a true threat of force. The term “true threat of force” means a threat that sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

RULE 6. DISCLOSURE OF CONFLICT OF INTEREST.

The Political Reform Act prohibits any public official from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision in which the public official knows or has reason to know he or she has a financial interest.

- A. Specific Requirements of Person with Conflict of Interest. A public official who holds an office specified in Government Code Section 87200, and has a disqualifying financial interest in a decision, shall identify the conflict of interest or potential conflict of interest, and immediately prior to the consideration of the matter, do all of the following:
1. Publicly identify the financial interest that gives rise to the conflict of interest or

potential conflict of interest in detail sufficient to be understood by the public.

2. Recuse himself/herself from discussing, participating and voting on the matter, or otherwise acting in violation of Government Code Section 87100.
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar.

B. Application of this Rule. Public officials who must comply with this Rule include, but are not limited to, members of the Council, the Mayor, City Manager, City Attorney, Finance Director, City Clerk, and public officials who manage public investments.

RULE 7. ORDINANCES, RESOLUTIONS AND CONTRACTS.

A. Document Approval. All ordinances, resolutions, and contracts shall be approved as to form and legality by the City Attorney and as to content by the City Manager before submission to the Council and before execution.

B. Ordinance Introduction/Adoption. Unless a Councilmember requests a full reading, a proposed ordinance will be read by title only.

C. Number of Votes Required.

1. Government Code Section 36936 requires a recorded majority vote of the full Council (4 votes) for resolutions, ordinances, and orders for the payment of money. This means an affirmative vote of at least four members of the full Council shall be necessary.
2. Urgency and emergency ordinances must be adopted by at least a 4/5 vote of the full Council.
3. Resolutions of necessity for eminent domain must be adopted by 4/5 vote of the full Council.
4. Other Motions and other matters may be adopted or approved by the majority of the quorum present, except as may be required by State law.

D. Ordinance Preservation. Following adoption of an ordinance, the City Clerk will assign a number to the ordinance and publish and post the ordinance or a summary thereof as required by law. The ordinance shall be filed and preserved in the City Clerk's office. The City Clerk shall also send copies of approved ordinances to the Municipal Code Publisher.

RULE 8. PROCEDURES REGARDING PUBLIC HEARINGS.

Public hearings are matters which require a notice of publication or mail and are required to be heard on a set date and time.

- A. Hearing Opened. Mayor announces subject of the public hearing and declares the public hearing open.
- B. Order of Proceedings.
1. Generally, public hearings shall be conducted in the order set forth below. However, certain hearings such as assessment hearings, Proposition 218 hearings, and annexation hearings may require other details which will be coordinated between the City Clerk and City Attorney.
 - Presiding Officer Opens the Hearing
 - Staff Report
 - Presentation by Proponent, Applicant or Appellant
 - Questions of Proponent, Applicant or Appellant by Council and/or Staff
 - Public Testimony
 - Hearing Closed
 - Discussion by Council
 - Action by Council
- E. Testimony Time Limits. Notwithstanding the public comment period in Rule No. 5, a project or entitlement applicant/appellant or other appellant shall have such time necessary for a fair and reasonable oral testimony or presentation in connection with the particular Noticed Public Hearing item. In general, this time limit shall be set at 10 to 20 minutes for City's presentation and the same for Appellants/Applicants. Likewise, certain hearings such as permit revocation hearings may require additional time under due process standards. However, the general rule for comments by members of the public per Rule 5 shall apply.
- F. Motions. No motions may be made until a hearing is closed.
- G. Public Hearing Closed. Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the quorum to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to the applicant, or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the Council shall permit a reasonable time for rebuttal.

- H. Written Findings. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the direction provided by the Council.

- I. Absence. A Councilmember who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that member:
 - 1. Has watched or listened to a video broadcast or recording of the entire portion of the hearing from which he or she was absent; and
 - 2. Has examined all of the exhibits presented during the portion of the hearing from which that member was absent; and
 - 3. States for the record before voting that the Councilmember deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as if that member had personally attended the entire hearing.

RULE 9. BOARDS, COMMISSIONS AND COMMITTEES.

- A. Creation. The City Council may create such ad hoc advisory boards, commissions, and committees as the Council deems appropriate by resolution. As to committees of the Council, whether standing or ad hoc, a resolution should be adopted noting the purpose and duration.

- B. Appointments. The Mayor shall make all appointments to such advisory boards, commissions and committees subject to consent and approval of each appointment by the City Council (Government Code 40605) and applicable Municipal Code provisions.

- C. Conducting Business. All boards, commissions and standing committees shall conduct their business activities consistent with the requirements of the Brown Act, the Madera Municipal Code Council Resolutions creating the particular board, commission, and committee, and other relevant provisions of State Law.

RULE 10. SUSPENSION AND AMENDMENT OF RULES.

- A. Suspension. Any provision of these Rules not governed by the Municipal Code or State law may be temporarily suspended for a meeting by a unanimous vote of the Councilmembers present at a meeting.

- B. Amendment. These Rules may be amended by resolution by a majority vote of the full Council.

RULE 11. MISCELLANEOUS RULES.

- A. Roll Call Votes. When a vote on a motion is called the Mayor may call for a voice vote unless roll call is required for teleconference meetings where a member(s) is not physically present by specific legislation. Additionally, upon demand by any Councilmember, made before the “Ayes” and “Nays” are called for on any vote, a roll call vote shall be taken on the motion before the Council. The Mayor’s name shall be called last with other members’ names called numerically by District starting with District 1 by the City Clerk. Members shall not give explanations for their vote during a roll call.
- B. Silence. During a collective vote (Ayes & Nays), silence of any member denotes an affirmative vote.
- C. Abstentions. Councilmembers wishing to abstain from a particular vote shall orally state their abstentions.

RULE 12. RULES OF DEBATE.

- A. Rules of Order. These Rules and applicable laws shall govern the proceedings of the City Council. However, for necessary clarification or for matters not addressed in these Rules, the City Council may utilize the most recent Rosenberg’s Rules of Order as a non-binding guide.
- B. Obtaining the Floor. Any member of City Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so. The member must confine his or her remarks to the subject matter under consideration.
- C. Motions. The Mayor and Councilmembers may make Motions. The City Clerk shall record all motions and read them back when requested. Upon request, the City Attorney shall assist in the formation of motions. Any motion that does not receive a second shall die and another motion may be made.
- D. Questions of Order and Appeals to Rulings of Presiding Officer. A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes on a vote are called for. Such question shall be decided by the Mayor, without debate, subject to an appeal to the Council.
- E. Point of Order. The Presiding Officer shall determine all points of order, subject to the right of any Councilmember to appeal the decision to the full Council. If an appeal is taken, the appeal to the Council shall be generally as follows: “I appeal the decision of the Mayor

to the City Council.”

- F. Appeal of Ruling. Any ruling of the Mayor on motions and points of order may be appealed at the request of any Councilmember. The Mayor shall call for a roll call vote to determine if the ruling is upheld.
- G. Types of Motions.
1. Main Motion. This motion (and second) puts forward a substantive decision for Council consideration. Only one main motion maybe on the floor at one time.
 2. Motion to Amend. This motion seeks to modify the main motion before the Council. A motion to substitute a motion with another motion shall be treated as a motion to amend. Only one motion to amend may be on the floor at one time, unless the Mayor allows Councilmembers to state two or more motions to amend, which may be accumulated and then voted upon in a series in the order made. All motions to amend shall be resolved prior to voting on the main motion.
 3. Procedural Motion. This motion is to address a rule of procedure, postpone, or take some other action. Procedural motions take priority over main motions and motions to amend. Only one procedural motion may be on the floor at one time. A “point of order” may be raised at any time, interrupting a speaker when recognized by the Mayor, to make a procedural motion.
 4. Motion to Recess. This motion, if passed, requires the Council to immediately recess. The Mayor determines the length of the recess. It is not subject to debate and requires a majority vote.
 5. Motion to Fix Time to Adjourn. This motion, if passed, requires the Council to adjourn the meeting at a specific time set in the motion. It is not subject to debate and requires a majority vote.
 6. Motion to Table. This motion, if passed, requires the discussion of the agenda item to be halted and the agenda item placed on hold.
 - a. The motion can contain a specific date and time in which the item can come back to Council.
 - b. If the motion does not contain a specific date and time for the return of the item, a motion to take the item off the table will have to be taken at a future meeting to bring it back to Council.
 - c. A motion to table or to bring it back to the Council requires a majority vote.

7. Motion to Continue. This motion, if passed, requires the particular agenda item to be withdrawn from the Agenda at that time and postponed either indefinitely or to a certain time and/or date, or to a time later in that meeting, as stated in the motion. A motion to continue may be made by any member of the Council, is debatable, and requires a majority vote.
8. Friendly Amendment. This is a “request,” rather than a formal motion. The speaker asks whether the maker of the main motion would agree to amend the motion, as suggested. If agreed, and if the member providing the second also agrees, or another second is offered, then the main motion is replaced with the amended motion. If an offer for a “friendly amendment” is rejected, then a formal motion to amend may be made.
9. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made on the day such action was taken. It may be made immediately after a vote is taken. Such motion must be made by one of the members on the prevailing side but may be seconded by any member; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making a motion to reconsider subsequent meeting of the Council so long as the ability to make such motion meets the requirements of applicable laws.
10. Tie Votes. Tie votes result in a lost motion. In such an instance, any member of City Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

END OF CHAPTER

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA
REPEALING CHAPTER 1 OF TITLE II OF THE MADERA MUNICIPAL CODE AND
ADOPTING NEW CHAPTER 1 OF TITLE II TO THE MADERA MUNICIPAL CODE
RELATING TO THE CITY COUNCIL**

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1 of Title II of the Madera Municipal Code is repealed.

SECTION 2. New Chapter 1 of Title II is added to the Madera Municipal Code to read as follows:

TITLE II

CHAPTER 1: CITY COUNCIL

Section

- 2-1.01 Council meetings
- 2-1.02 Agenda
- 2-1.03 Quorum
- 2-1.04 Rules of Decorum at Meetings
- 2-1.05 Council salaries
- 2-1.06 Increased or decreased salaries
- 2-1.07 Enumeration of officers and terms
- 2-1.08 Establishment of Council districts
- 2-1.09 Method of election

MADERA MUNICIPAL CODE

§ 2-1.01 COUNCIL MEETINGS.

All regular meetings of the Council shall be held on the first and third Wednesdays of each month at 6:00 p.m. in the Council Chambers of the City Hall; provided, however, when the time for any regular meeting of the Council falls on a holiday, Christmas Eve, or New Year's Eve, such meeting shall be held at the same hour on the next succeeding day not a holiday unless otherwise provided by the Council. All adjourned and special meetings shall be held at such times and places as may be designated by the Council.

§ 2-1.02 AGENDA.

Except as otherwise may be provided in this chapter, the Council shall consider at each meeting only those matters which are designated on the agenda for each meeting. The agenda shall be prepared by the City Clerk, under the direction of the City Manager, and shall be arranged in accordance with the Council's order of business as set forth in the City Council's rules and

procedures. The agenda and reports shall be posted as required by state law.

§ 2-1.03 QUORUM.

A majority of all the members of the Council shall constitute a quorum at any regular or special meeting of the Council. When there is no quorum, the Mayor, Mayor Pro Tempore, or any member of the Council shall adjourn such meeting, or, if no member of the Council is present, the City Clerk shall adjourn the meeting.

§ 2-1.04 RULES OF DECORUM AT MEETINGS.

The Police Chief shall be ex-officio sergeant-at-arms of the Council at City Council meetings and may delegate that authority as deemed appropriate. The Police Chief is authorized to remove persons from a meeting of the City Council as set forth in this section. This authority is in addition to the Police Chief's power to exercise his or her authority to arrest persons for violations of this section or for violation of the Penal Code.

(A) Decorum.

- (1) A person who attends a City Council meeting or who addresses the Council under public comment for a specific agenda item or under the Public Comment section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, impedes or renders infeasible the orderly conduct of any City Council meeting.
- (2) All remarks shall be directed to the Council as a body, and not to any particular Councilmember or member of staff.
- (3) A person, other than members of the Council and the person having the floor shall not be permitted to enter into the discussion unless requested by the Mayor to speak.
- (4) No member of the public shall direct questions to Councilmembers individually or to members of staff except through the Mayor.
- (5) Members of the Council shall wait until a person completes his or her public comments before asking questions or commenting. The Mayor shall then ask Councilmembers if they have comments or questions.
- (6) While the City Council is in session, all persons must preserve order and decorum and not engage in disrupting behavior.

(B) Disrupting Behavior. The Mayor or other Presiding Officer is authorized to warn, order removal, and cause the removal of an individual for disrupting a Council. The term

“disrupting” as used in this rule means (i) a failure to comply with reasonable and lawful regulations adopted by the Council including these Rules and (ii) engaging in behavior that constitutes the use of force or a true threat of force.

(C) **Warning Required to Cease Disrupting Behavior.** The Mayor or Presiding Officer shall warn a person who is breaching the rules of order and decorum to cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Mayor or Presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Mayor or presiding officer may request the Police Chief or Police Chief’s designee (Sergeant-at-Arms) to remove the person from the Council meeting. In the event there is no one from law enforcement present, the Mayor or Presiding Officer may direct the City Manager to contact law enforcement.

(D) **No Warning for Use of Force or True Threat of Force.** The Mayor or Presiding Officer is not required to give a warning to a person who is breaching the rules of order and decorum when the individual engages in behavior that constitutes use of force or a true threat of force. The term “true threat of force” means a threat that sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

§ 2-1.05 COUNCIL SALARIES.

From and after March 1, 2014, each member of the City Council shall receive a salary in the amount of \$500 per month as authorized in Cal. Gov’t Code § 36516 for cities up to 75,000 in population, and which authorizes a 5% increase for each calendar year since the last enactment of this section, which was 1990, which shall be payable at the same time and in the same manner as salaries paid to other officers and employees of the city. Beginning in January of 2018 and in every fourth year thereafter, the City Council shall, at its first regularly held meeting in the month of January, conduct a review of Council salaries to determine whether the salary level is appropriate.

§ 2-1.06 INCREASED OR DECREASED SALARIES.

The salary of Council Members when increased or decreased shall become payable only on and after the date upon which one or more members of the Council become eligible therefor by virtue of beginning a new term of office following the next succeeding general municipal election held in the city.

§ 2-1.07 ENUMERATION OF OFFICERS AND TERMS.

The elective officers of the City of Madera shall be a Mayor and six Council members. The Council shall consist of the Mayor and six Council members, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council. The term of office of the Mayor shall be four years, and the term of office of each Council member shall be four years.

(Ord. 866 C.S., passed 3-3-10; Am. Ord. 871 C.S., passed 5-19-10)

§ 2-1.08 ESTABLISHMENT OF COUNCIL DISTRICTS.

(A) The voter-approved districting plan adopted by Ord. 890 C.S. and establishing six Council districts shall be adjusted by ordinance of the City Council to equalize population among the districts within one year after each census has been completed and the census data provided to the city. The adjusted boundaries and the number of each of the six electoral districts for City Council are set forth in division (C), including a map of the districts. Any districting plan shall be adopted by ordinance subject to referendum. The City Clerk is authorized to make non-substantive technical adjustments to the district boundaries not affecting the population of any district, the eligibility of candidates, or the residence of elected officials within any district.

(B) Effective for all by-district Council offices newly elected at the November 8, 2022, general municipal election and at each general municipal election thereafter, each Council district shall be assigned a district number, with districts numbered one through six as indicated in division (C). The Council members of the three even-numbered districts shall be elected by-district in November of 2024 and every four years thereafter for a term of four years. The Council members of the remaining three odd-numbered districts shall be elected by-district in November 2022 and every four years thereafter for a term of four years. Except as set forth in division (D) below, all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the City Council at a special municipal election shall reside within the district to which they are appointed or elected.

(C) District boundaries. The Council member districts of the city shall have the following legal boundaries:

(1) District 1. The region bounded and described as follows: all of that portion of Madera County bounded and described as follows: Beginning at the point of intersection of the Madera city line and Ave 14, and proceeding northerly and westerly along the Madera city line to the Madera city line and Rd 23, and proceeding northerly and easterly along the Madera city line to the Madera city line and Ave 17, and proceeding easterly and northerly along the Madera city line to the Madera city line and Schmidt Creek Way, and proceeding easterly and southerly along the Madera city line to the Madera city line, and proceeding easterly along the Madera city line to the Madera city line and Arnold Way and proceeding southerly along the Madera city line to the Madera city line and Sharon Blvd, and proceeding southerly along the Madera city line and Sharon Blvd to Ellis Street, and proceeding westerly along Ellis Street to Avenue 16, and proceeding southerly along N Schnoor St to Foxglove Way, and proceeding westerly along Foxglove Way to N Granada Dr, and proceeding southerly along N Granada Dr to W Cleveland Ave, and proceeding easterly along W Cleveland Ave to N Schnoor St, and proceeding southerly along N Schnoor St to Sunset Ave, and proceeding easterly along Sunset Ave to N Pine St, and proceeding southerly along N Pine St to Howard Rd, and proceeding westerly along Howard Rd to Mainberry Dr, and proceeding northerly along Mainberry Dr to Sunset Ave, and proceeding westerly along Sunset Ave to Westberry Blvd, and proceeding southerly along Westberry Blvd to

Westgate Dr, and proceeding westerly along Westgate Dr to Kent Dr, and proceeding southerly along Kent Dr to Winter Way, and proceeding westerly along Winter Way to Kent Dr, and proceeding southerly along Kent Dr to Ren Way, and proceeding easterly along Ren Way to Westberry Blvd, and proceeding southerly along Westberry Blvd to Ave 14, and proceeding westerly along Ave 14 to the Madera city line and northerly and westerly along the Madera city line to the point of beginning.

(2) District 2. The region bounded and described as follows: all of that portion of Madera County bounded and described as follows:

(a) Beginning at the point of intersection of Kent Dr and Ren Way, and proceeding northerly along Kent Dr to Winter Way,, and proceeding easterly along Winter Way, to Kent Dr, and proceeding northerly along Kent Dr to Westgate Dr, and proceeding easterly along Westgate Dr to Westberry Blvd, and proceeding northerly along Westberry Blvd to Sunset Ave, and proceeding easterly along Sunset Ave to Mainberry Dr, and proceeding southerly along Mainberry Dr to Howard Rd, and proceeding easterly along Howard Rd to W Olive Ave, and proceeding easterly along W Olive Ave to Olive Ave, and proceeding easterly along Olive Ave to W Olive Ave, and proceeding easterly along W Olive Ave to unnamed ramp, and proceeding easterly along unnamed ramp to W Olive Ave, and proceeding easterly along W Olive Ave to S Madera Ave, and proceeding southerly along S Madera Ave to the Parkwood/Madera census designated place/city line, and proceeding southerly along the Parkwood/Madera census designated place/city line to the Madera city line, and proceeding westerly along the Madera city line to Ave 14, and proceeding easterly along Ave 14 to Howard Rd, and proceeding northerly along Howard Rd to Westberry Blvd, and proceeding northerly along Westberry Blvd to Ren Way, and proceeding westerly along Ren Way to the point of beginning;

(b) As well as all of the region bounded by the Madera city line;

(c) Except for all of the region bounded by the Madera city line.

(3) District 3. The region bounded and described as follows: all of that portion of Madera County bounded and described as follows: beginning at the point of intersection of Foxglove Way and N Granada Dr, and proceeding easterly along Foxglove Way to N Schnoor St, and proceeding northerly along N Schnoor St to Ave 16, and proceeding westerly along Ave 16 to State Rte 99, and proceeding southerly along State Rte 99 to nonvisible boundary, and proceeding northerly along nonvisible boundary to unnamed ramp, and proceeding southerly along unnamed ramp to nonvisible boundary, and proceeding northerly along nonvisible boundary to the Madera city line, and proceeding easterly along the Madera city line to Austin St, and proceeding southerly along Austin St to E Cleveland Ave, and proceeding easterly along E Cleveland Ave to N Lake St, and proceeding southerly along N Lake St to Fresno River, and proceeding westerly along Fresno River to N D St, and proceeding southerly along N D St to E 3rd St, and proceeding westerly along E 3rd St to W 3rd St, and proceeding westerly along W 3rd St to N H St, and proceeding northerly along N H St to Union Pacific RR, and proceeding westerly along Union Pacific RR to N I St, and proceeding northerly along N I St to Roberts Ave, and proceeding westerly along Roberts Ave to

N Pine St, and proceeding southerly along N Pine St to N Park Dr, and proceeding easterly along N Park Dr to Foster Ave, and proceeding southerly along Foster Ave to Sunset Ave, and proceeding westerly along Sunset Ave to N Schnoor St, and proceeding northerly along N Schnoor St to W Cleveland Ave, and proceeding westerly along W Cleveland Ave to N Granada Dr, and proceeding northerly along N Granada Dr to the point of beginning.

(4) District 4. The region bounded and described as follows: all of that portion of Madera County bounded and described as follows: beginning at the point of intersection of Austin St and E Cleveland Ave, and proceeding northerly along Austin St to the Madera city line, and proceeding easterly/southerly along the Madera city line to Raymond Rd, and proceeding southerly along Raymond Rd to Tozer St, and proceeding easterly along Tozer St to Fresno River, and proceeding westerly along Fresno River to N Lake St, and proceeding northerly along N Lake St to E Cleveland Ave, and proceeding westerly along E Cleveland Ave to the point of beginning.

(5) District 5. The region bounded and described as follows: all of that portion of Madera County bounded and described as follows: beginning at the point of intersection of Roberts Ave and N Pine St, and proceeding easterly along Roberts Ave to N I St, and proceeding southerly along N I St to Union Pacific RR, and proceeding easterly along Union Pacific RR to N H St, and proceeding southerly along N H St to W 3rd St, and proceeding easterly along W 3rd St to E 3rd St, and proceeding easterly along E 3rd St to N D St, and proceeding northerly along N D St to Fresno River, and proceeding easterly along Fresno River to Tozer St, and proceeding westerly along Tozer St to Raymond Rd, and proceeding northerly along Raymond Rd to the Madera city line, and proceeding easterly/southerly along the Madera city line to Sunrise Ave, and proceeding westerly along Sunrise Ave to E 11th St, and proceeding westerly along E 11th St to S D St, and proceeding northerly along S D St to E 10th St, and proceeding westerly along E 10th St to S E St, and proceeding northerly along S E St to E 9th St, and proceeding westerly along E 9th St to S Gateway Dr, and proceeding southerly along S Gateway Dr to S Madera Ave, and proceeding southerly along S Madera Ave to W Olive Ave, and proceeding westerly along W Olive Ave to unnamed ramp, and proceeding westerly along unnamed ramp to W Olive Ave, and proceeding westerly along W Olive Ave to Olive Ave, and proceeding westerly along Olive Ave to W Olive Ave, and proceeding westerly along W Olive Ave to N Pine St, and proceeding northerly along N Pine St to Sunset Ave, and proceeding easterly along Sunset Ave to Foster Ave, and proceeding northerly along Foster Ave to N Park Dr, and proceeding westerly along N Park Dr to N Pine St, and proceeding northerly along N Pine St to the point of beginning.

(6) District 6. The region bounded and described as follows: all of that portion of Madera County bounded and described as follows: beginning at the point of intersection of E 9th St and S Gateway Dr, and proceeding easterly along E 9th St to S E St, and proceeding southerly along S E St to E 10th St, and proceeding northerly along E 10th St to S D St, and proceeding southerly along S D St to E 11th St, and proceeding easterly along E 11th St to Sunrise Ave, and proceeding easterly along Sunrise Ave to Ave 14 1/2, and proceeding easterly along Ave 14 1/2 to the Madera city line, and proceeding easterly along the Madera city line to the Parksdale/Madera census designated place/city line, and proceeding westerly along the Parksdale/Madera census designated place/city line to the Madera city line, and proceeding southerly along the Madera

city line to the Parkwood/Madera census designated place/city line, and proceeding westerly along the Parkwood/Madera census designated place/city line to S Madera Ave, and proceeding northerly along S Madera Ave to S Gateway Dr, and proceeding northerly along S Gateway Dr to the point of beginning.

(7) The foregoing district boundaries are depicted on the "City Council District Boundaries Map" in Ordinance 988 C.S. and on file in the City Clerk's Office. These boundaries will remain in effect until amended by ordinance as set forth herein and required by law.

(D) Notwithstanding any other provision of this section, and pursuant to Cal. Elections Code § 21606(a) and (b), each of the Council members currently in office at the time this section takes effect shall continue in office until the expiration of the full term to which he or she was regularly elected or appointed. Any vacancy in or recall election for a Council term currently in effect shall be filled based on the Council districts in effect at the time the current Council term was last regularly elected.

(Ord. 866 C.S., passed 3-3-10; Am. Ord. 871 C.S., passed 5-19-10; Am. Ord. 890, passed 10-19-11; Am. Ord. 988 C.S., passed 3-16-22)

§ 2-1.09 METHOD OF ELECTION.

(A) Mayor. The Mayor shall be elected at the regular municipal election in November of 2012 and every four years thereafter, by the voters of the city at-large, and must reside within the city boundaries. The Mayor shall be elected by the voters of the city at-large.

(B) District Council Members. One member of the City Council shall reside in each of the six electoral districts established by §§ 2-1.20 through 2-1.22 and shall be elected by a vote of the voters of that district only. Each district shall elect one Council member. Except as provided in § 2-1.21(C), a Council member of each district must live in that district and must be a registered voter in that district to be eligible to hold the office of Council member for that district, and a candidate for any district must live in that district and must be a registered voter in that district to be eligible to run for the office of Council member for that district. Only voters who live in a district shall be eligible to vote in the election for Council member of that district. Each Council member must reside within the district for the full term of office; termination of residency within the district shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within 30 days of termination of residency.

(C) The members of the Council in office at the time §§ 2-1.20 through 2-1.22 take effect shall continue in office until the expiration of their terms and until their successors are elected and qualified. If a tie vote makes it impossible to determine which of two or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. No candidate shall file for more than one elective office. Any member of the Council may run for the office of Mayor, and upon election as Mayor shall forfeit the office of Council member of any district.

SECTION 2. CEQA. The City Council finds that the Ordinance does not qualify as a “project” subject to California Environmental Quality Act (“CEQA”) Guidelines Section 15378 and California Public Resources Code Section 21065 because _____.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days after adoption.

SECTION 5. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Madera and shall cause this Ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.