



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Liza Tamura, City Clerk
Terri Aliabadi, Senior Deputy City Clerk

DATE: October 7, 2008

SUBJECT: Consideration of Moving the Scheduled City Council Meeting from November 4, 2008 to November 5, 2008

RECOMMENDATION:

Staff recommends that the City Council approve moving the Tuesday, November 4, 2008 City Council meeting to Wednesday, November 5, 2008.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

At the City Council meeting of June 3, 2003, the Council adopted Ordinance No. 2047 which automatically reschedules any regular City Council meeting falling on the day of a November General Election to the following Wednesday. On July 3, 2007 the City Council also adopted Ordinance No. 2104, which provides flexibility to reschedule or cancel any regular Council meeting by minute action.

DISCUSSION:

Manhattan Beach Municipal Code section 2.01.020 provides that all regular City Council meetings shall be held on the first and third Tuesdays of each month. Since the State General Election is always held on the first Tuesday of November there is always a regular City Council meeting scheduled on this day. By adopting Ordinance No. 2047, the City Council determined that it would be in the public interest to avoid this conflict by amending the Municipal Code to provide for an automatic rescheduling of regular City Council meetings which fall on this Election Day to the following day. The amendment also provided that the Council may vote to move any regular City Council meeting to another date by minute action.

Attachments: Ordinance No. 2047
Ordinance No. 2104

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ORDINANCE NO. 2047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 2.01.020 OF CHAPTER 2.01 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING RESCHEDULING REGULAR COUNCIL MEETINGS ON ELECTION DAY

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby finds as follows:

- A. Section 2.01.020 of the Manhattan Beach Municipal Code presently provides for regular meetings of the Manhattan Beach City Council on the first and third Tuesday of each month;
- B. Because municipal and general elections are generally held on the first Tuesday of March and November respectively the first regular City Council meeting of those months is held on the election evening whenever such elections are held;
- C. Because the polls are still open on election evenings at the time City Council meetings are scheduled it is an inconvenience to the public to maintain this conflict.

SECTION 2. Section 2.01.020 of Chapter 2.01 of Title II of the Manhattan Beach Municipal Code is hereby amended in its entirety to read as follows:

"2.01.020 Regular and Adjourned Meetings

Regular meetings of the Council shall be held in the Council Chamber on the first and third Tuesdays of each calendar month. The time of the Council meetings shall be established by resolution of the City Council. In the event any of said Tuesdays shall fall upon a holiday, the Council shall establish by resolution the procedure for rescheduling the regular meeting for that day. Any regular meeting which falls on the day of any March Municipal or November General election shall automatically be scheduled on the following Wednesday. The City Council may, by minute action, reschedule any regular City Council meeting to another date. Any regular meeting may be adjourned to a date which shall be specified in the order of adjournment. When so adjourned, such adjourned meeting shall be a regular meeting for all purposes. An adjourned meeting may likewise be adjourned and, when so adjourned, shall be a regular meeting for all purposes. No notice of any adjournment of any regular meeting or adjourned regular meeting, when such adjournment is made by the Council or by a member thereof, need be given as all members of the Council are charged with the duty and responsibility of ascertaining the time and place of each adjourned meeting."

SECTION 3. All other provisions of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, or phrase 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 the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 7. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

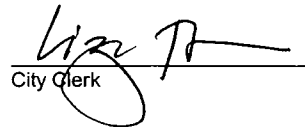
PASSED, APPROVED and ADOPTED this 15th day of July, 2003.

Ayes: Wilson, Fahey, Ward, and Aldinger.
Noes: Mayor Napolitano.
Absent: None.
Abstain: None.



Mayor, City of Manhattan Beach

ATTEST:



City Clerk

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ORDINANCE NO. 2104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 2.01.020 OF CHAPTER 2.01 OF TITLE 2 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING SCHEDULING OF REGULAR MEETINGS

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. Presently the Manhattan Beach Municipal Code provides that regular meetings of the City Council shall be held on the first and third Tuesdays of each month and that when such days are municipal election days the meeting shall automatically be moved to the following Wednesday;
- B. Rather than have a rigid meeting schedule with specific exceptions it is in the best interest of the public welfare to allow maximum flexibility by providing the City Council with the discretion to move any regular scheduled meeting to another date at their discretion, since, by State law, all such meetings must be noticed 72 hours in advance the public shall have adequate notice of any such alteration in schedule.

SECTION 2. The City Council of the City of Manhattan Beach hereby amends Section 2.01.020 of Chapter 2.01 of Title 2 the Manhattan Beach Municipal Code to read as follows:

"2.01.020 Regular and adjourned meetings.

Regular meetings of the Council shall be held in the Council Chamber on the first and third Tuesdays of each calendar month. The Council may, however, by minute action, at its discretion, reschedule any specific regularly scheduled meeting to an alternate date or cancel any regular meeting. Any regular meeting may be adjourned to a date which shall be specified in the order of adjournment. When so adjourned, such adjourned meeting shall be a regular meeting for all purposes. An adjourned meeting may likewise be adjourned and, when so adjourned, shall be a regular meeting for all purposes. No notice of any adjournment of any regular meeting or adjourned regular meeting, when such adjournment is made by the Council or by a member thereof, need be given as all members of the Council are charged with the duty and responsibility of ascertaining the time and place of each adjourned meeting."

SECTION 3. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 5. This Ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 6. The City Clerk shall cause this Ordinance to be published and, if appropriate, posted, as provided by law. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.


PASSED, APPROVED and ADOPTED this 3rd day of July, 2007.

Ayes: Montgomery, Cohen, Ward, Aldinger and Mayor Tell.
Noes: None.
Absent: None.
Abstain: None.



Mayor, City of Manhattan Beach, California

ATTEST:



City Clerk