SPECIAL TOWN COUNCIL MEETING
STAFF REPORT

MEETING DATE	November 19, 2024
PREPARED FOR	Mayor and Town Council
PREPARED BY	Janet Coleson, Town Attorney and Heather Abrams, Town Manager
SUBJECT	Introduction of an Ordinance Repealing Town Code §2.08.030 Rules of Order and §2.08.040 Procedure in Absence of Quorum from the Town Code

RECOMMENDATION
Waive first reading, read by title only and introduce an ordinance repealing Town Code §2.08.030 Rules of Order and §2.08.040 Procedure in Absence of a Quorum.

DISCUSSION
In crafting the Town Council's Rules and Procedures Handbook, we conducted a brief review of the Town Code to ensure no conflicting or outdated provisions were in place. The Council Rules Procedures Handbook is also being considered tonight on the Consent Calendar.

Town Code §2.08.030 mandates the use of Robert's Rules of Order. Robert's Rules of Order are not designed for the procedures required of California municipalities and in some cases, cannot be followed as they conflict with provisions of state laws such as the Brown Act. The Town Attorney's Office will review other parliamentary procedure manuals such as Rosenberg's Rules to determine if they would be more compatible with the procedures a California municipal legislative body needs to follow.

As well, Town Code §2.08.040 Procedure in Absence of Quorum provides for a unique and unusual means of addressing the lack of a quorum that does not appear to be in keeping with modern procedures of a Town Council.

The Town Attorney's Office recommends repealing these two sections with further review of the Town Code in the future to identify any other out of date or unnecessary provisions.

FISCAL IMPACT
There is no fiscal impact resulting from the introduction and adoption of this ordinance.

ATTACHMENT
Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING THE FAIRFAX TOWN CODE, REPEALING SECTION 2.08.030 RULES OF ORDER AND SECTION 2.08040 PROCEDURE IN ABSENCE OF QUORUM

WHEREAS, the Town Council of the Town of Fairfax is considering adopting the Town Council Rules and Procedures memorializing certain current rules and procedures by resolution; and

WHEREAS, the Town Council seeks to clarify or repeal certain Town Code provisions that may conflict with the Rules and Procedures or, in some cases, the Ralph M. Brown Act or other laws.

NOW THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

<u>Section 1</u>. The above recitals are true and correct and are hereby incorporated into this ordinance by this reference.

<u>Section 2</u>. Fairfax Town Code Section 2.08.030 Rules of Order and Section 2.08.040 Procedure in Absence of Quorum are hereby repealed.

<u>Section 3</u>. **Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

<u>Section 4</u>. **Effective Date.** This ordinance shall be effective thirty (30) days after the date of its adoption.

<u>Section 5</u>. **Posting.** Within fifteen days after the passage of this ordinance, the Town Clerk shall cause it or a summary of it to be posted in the three places designated by resolution of the Town Council.

<u>Section 6</u>. **Compliance with CEQA.** This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The Town Council hereby finds that this Ordinance does not have the potential to cause a direct or reasonably foreseeable indirect physical change in the environment and therefore is not a project as that term is defined under CEQA.

The foregoing ordinance was introduced at a special meeting of the Town Council of the Town of Fairfax held on the 19th day of November, 2024.

ADOPTED and ordered posted at a meeting of the Town Council of the Town of Fairfax, held on the _____day of _____, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
BARBARA COLER
MAYOR

ATTEST:

_____
CHRISTINE FOSTER
DEPUTY TOWN CLERK