



City of Gilroy

STAFF REPORT

Agenda Item Title: Introduction of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

Meeting Date: August 7, 2023
From: Jimmy Forbis, City Administrator
Department: City Clerk
Submitted By: Thai Nam Pham, City Clerk
Prepared By: Thai Nam Pham, City Clerk

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

1. Motion to read the ordinance by title only and waive further reading of the ordinance; and
2. Introduce an ordinance of the City Council of the City of Gilroy amending Chapter 2 relating to the Regular Meeting Schedule of the City Council.

EXECUTIVE SUMMARY

This staff report proposes an amendment to Section 2.13 of the Gilroy City Code regarding regular meetings of the City Council. The purpose of this amendment is to address two items:

- 1) the removal of regular meetings for the month of July; and
- 2) timing of installing newly elected council members following the certification of election results by the Santa Clara County Registrar of Voters (ROV).

Historically, the City of Gilroy attempts to install newly elected council members during the first meeting of December. However, due to the ROV's certification timeline, this installation has been missed in recent years. To rectify this issue and ensure

compliance with the City Charter, it is recommended to modify the City Code to have only one regular meeting in December, scheduled on the second Monday of the month.

BACKGROUND

The Registrar of Voters is responsible for certifying election results within thirty days from the date of the election. In the past, the ROV has typically been able to provide the certification of the election before the first City Council meeting, allowing the City of Gilroy to install newly elected council members during the first meeting of December. However, in the recent municipal election held on November 8, 2022, the ROV certified the results on December 8, 2022, missing the December 5, 2022 Regular Meeting. This delay in certification caused the City to be unable to install the newly elected council members as scheduled.

Looking ahead, next year's General Municipal Election is scheduled for November 5, 2024. Based on experience and the fact that it is a presidential election year, it is anticipated that the ROV will require the full thirty-day period to certify the general election results. Consequently, the certification date for the general election is expected to fall on December 5, 2024, which would again result in the City missing the December 2, 2024 City Council Regular Meeting for the installation of newly elected council members.

Furthermore, the City Charter, specifically Section 402, outlines the term of office for the Mayor and City Council members. According to this section, elected officials assume office after the first regular meeting following the certification of the City Council election. Therefore, it is crucial to ensure that the installation of newly elected members aligns with the City Charter's requirements.

Given these circumstances, it is necessary to amend the City Code to address the timing of installing newly elected council members following the certification of election results by the ROV. By modifying the regular meeting schedule to have the first regular meeting in December scheduled on the second Monday of the month, the City can ensure compliance with the City Charter and provide a more suitable timeframe for installing newly elected council members.

ANALYSIS

To address the challenges mentioned above, it is proposed to amend Section 2.13(a) of the Gilroy City Code as follows (additions are ***bolded and italicized***, and removals are ~~strikethrough~~):

2.13 Regular meetings.

(a) Time. Regular meetings of the City Council shall be held on the first and third Mondays of each month at 6:00 p.m. Whenever the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on

the next Monday. If said Monday is also a legal or national holiday, the council meeting shall be held on the next weekday not a holiday following said Monday.

~~Notwithstanding the above, at least one regular council meeting shall be held in July. The date of the first regular meeting shall be held on the first day of July not a holiday and excluding Friday, Saturday or Sunday.~~

No regular council meetings shall be held in the month of July. Special meetings may be scheduled during the same month by the Council as needed.

Notwithstanding the above, at least one regular meeting shall be held in December. The regular meeting in December shall be held on the second Monday of the month at 6:00 p.m.

This amendment does two things:

1. It enables the City to have a designated summer recess from the 2nd meeting of June until the 1st meeting in August, providing an opportunity for council members, staff, and the community to enjoy a longer break during the summer season. This recess period allows for more efficient use of resources and acknowledges the historically lower attendance during the summer months. In addition, these changes ensure clarity allowing the Council to convene in July when necessary. Otherwise known as a "Legislative Recess," this break is common in many cities.
2. It codifies the City's current practice of having one regular meeting in December and canceling the second regular meeting. Formalizing this practice into the City Code ensures that there is only one regular meeting in December, providing council members, staff, and the community an opportunity to observe the holiday season. Furthermore, this amendment aligns with the requirements of the City Charter by allowing for the installation of newly elected members after the first regular meeting following the certification of the City Council election.

ALTERNATIVES

Council may choose to reject or modify the ordinance. Should Council determine to modify the proposed ordinance, the introduction process would be restarted with a new introduction and first reading.

FISCAL IMPACT/FUNDING SOURCE

The proposed amendment to the City Code does not have any direct financial or operational implications for the City of Gilroy. It primarily addresses procedural matters to ensure compliance with the City Charter and streamlines the installation of newly elected council members.

PUBLIC OUTREACH

Public outreach efforts were conducted regarding the proposed amendment. The outreach activities included:

- **Publication in the Gilroy Dispatch:** On July 28, 2023, the proposed amendment was publicized in the Gilroy Dispatch.
- **City's Website:** The proposed amendment was also posted on the City's official website, accessible to the general public.

NEXT STEPS

Should Council approve the introduction of the proposed ordinance at this meeting, Council will need to adopt it at its regular meeting on August 21, 2023. Once adopted, staff will update the Gilroy City Code and prepare the 2024 meeting schedule.

Attachments:

1. Proposed Ordinance