

## **Ordinance 26-18**

### **Legislative Procedure Updates**

#### **Staff Report**

The legislative intent of this ordinance is to amend Section 2.16.190 of the City Code to clarify the rules of procedure for the passage of an ordinance or a resolution at the meeting of its introduction.

Specifically, paragraph D of Section 2.16.090 currently states “The foregoing notwithstanding, by a unanimous consent of the council in session, any ordinance or resolution may be passed at the meeting of the introduction.”

One may infer from reading this paragraph as it is currently framed, that unless the City Council in session votes unanimously to adopt the ordinance/resolution, such ordinance/resolution fails.

One may alternatively infer that the City Council in session may vote unanimously to suspend the rules so that by separate vote an ordinance or resolution may be passed at the meeting of its introduction.

That one may reach two conflicting conclusions upon a reading of this paragraph, means that the language is ambiguous.

Section 2.16.150 addresses “suspension of rules” and states that “[t]hese rules may be suspended at any time for any purpose during a meeting by a unanimous vote of the members present.”

In an effort to resolve the ambiguity in Section 2.16.090, the Office of Law proposes that the newly phrased subparagraph D reflect the procedural permissive set forth in Section 2.16.150 so that the revised subparagraph 2.16.190D states:

“The foregoing notwithstanding, the City Council in session, by a unanimous vote, may waive the procedure set forth in subparagraphs A and C of this Section for the reading of ordinances and resolutions, prior to voting to adopt or defeat any ordinance or resolution at the meeting of its introduction.”

The Office of Law believes that this code change is necessary to clarify the two-step voting procedure for the adoption of an ordinance or resolution at the meeting of its introduction. The first vote to suspend the rules must be unanimous; the second vote to adopt or defeat the legislation may be accomplished by a majority vote.

Prepared by the Office of Law.