

ORDINANCE NO. 3002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE AMENDING SECTION 2.12.080 (COUNCIL DIRECTION TO CITY MANAGER) OF CHAPTER 2.12 (CITY MANAGER) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL MONTE MUNICIPAL CODE REGARDING CITY COUNCILMEMBER REQUEST OF FUTURE CITY COUNCIL AGENDA ITEMS AND DIRECTION TO THE CITY MANAGER

WHEREAS, for a general law city, state law describes the procedures for a city council to establish its form of government (Gov. Code, § 36501); and

WHEREAS, absent formal action by a city council, the council retains authority over the management of its city, however, state law authorizes “alternate” forms of government, including the “city manager” form of government (Gov. Code, § 34851); and

WHEREAS, the City of El Monte (the “City”) is a general law city organized under the laws of the State of California, and the El Monte City Council (the “City Council”) has established a city manager form of government, as set forth in Chapter 2.12 (City Manager) of Title 2 (Administration and Personnel) of the El Monte Municipal Code (“EMMC”); and

WHEREAS, at its meeting on April 20, 2021, the City Council directed the creation of three (3) temporary ad hoc advisory committees, and, on May 4, 2021, the City Council accordingly adopted Resolution No. 10263 to create the Street Vendors, Agenda Procedures, and Human Relations Commission Advisory Committees; and

WHEREAS, the Agenda Procedures Advisory Committee (the “Committee”) convened on July 6, 2021 and discussed procedures for City Councilmember requests of future agenda items; and

WHEREAS, on July 20, 2021, pursuant to Resolution No. 10263, the Committee presented a progress report to the full City Council that indicated its consensus on the procedures for City Councilmember requests of future agenda items during a City Council meeting, and the City Council directed City staff to return at a future meeting to present information on approaches for City Councilmembers to request future agenda items outside of a City Council meeting; and

WHEREAS, on August 17, 2021, after staff presented various options for City Councilmember requests of future agenda items outside of a City Council meeting, the City Council directed the City Attorney’s Office to draft an ordinance reflecting its direction to amend Section 2.12.080 (Council Direction to the City Manager) of Chapter 2.12 (City Manager) of Title 2 (Administration and Personnel) of the EMMC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

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

SECTION 2. Code Amendment(s). Section 2.12.080 (Council Direction to City Manager) of Chapter 2.12 (City Manager) of Title 2 (Administration and Personnel) of the EMMC is amended in its entirety to read as follows:

Section 2.12.080 – Council Direction to City Manager; Councilmember Request for Future Agenda Items

- A. The City Manager shall take direction and orders from the City Council only through and at a duly convened meeting of the City Council. The City Council may direct or order the City Manager on all matters within its jurisdiction. Neither the Mayor nor any City Councilmember shall give any direction or order

to the City Manager except as provided herein. However, the Mayor and each City Councilmember may inquire of the City Manager on any matter pertaining to the affairs and operations of the City or the performance of the duties of the City Manager. Further, the Mayor and Councilmembers may discuss or suggest anything pertaining to the affairs and operation of the City with the City Manager.

B. Subsection A of this Section 2.12.080 notwithstanding, members of the City Council may request the placement of an item on a future City Council agenda only as follows:

1. During a City Council Meeting. Any single City Councilmember may propose an item for placement on a future agenda during a City Council meeting, and if, after presentation by the proposing City Councilmember, a majority of the City Councilmembers present at such time, approve of the agenda item, the City Manager shall take all necessary actions to include such proposed agenda item no later than the second regular City Council meeting following the City Council meeting at which the agenda item is proposed. However, if the City Manager, in his or her sole discretion, determines that additional time is needed for preparation of the proposed agenda item, the City Manager shall advise the City Council in writing at least five (5) calendar days prior to the second regular City Council meeting following the City Council meeting at which such agenda item is proposed, and such written notice shall indicate the estimated date of presentation of the item to the City Council.
2. Outside of a City Council Meeting. Three (3) members of the City Council may propose an item for placement on a future agenda outside of a City Council meeting by submitting a City Council-approved agenda item request form to the City Clerk (the "Request Form"). The City Clerk shall time and date stamp the Request Form upon receipt, distribute the Request Form to all members of the City Council, make the Request Form available for public review pursuant to the California Public Records Act, and promptly deliver such Request Form to the City Manager who shall take all necessary actions to include such proposed agenda item no later than the second regular City Council meeting following the City Clerk's receipt of the Request Form. However, if the City Manager, in his or her sole discretion, determines that additional time is needed for preparation of the proposed agenda item, the City Manager shall advise the City Council in writing at least five (5) calendar days prior to the second regular City Council meeting following the City Clerk's receipt of the Request Form, and such written notice shall indicate the estimated date of presentation of the item to the City Council. Request Forms
3. One Item per Meeting Limit. Each City Councilmember shall be entitled to have no more than one (1) agenda item, which has been proposed pursuant to Subsection (B)(1) and/or (B)(2) of this Section 2.12.080, included on the agenda of any given City Council meeting, unless the City Manager, in his or her sole discretion, determines that it is necessary to consider multiple proposed items from a single City Councilmember presented during a City Council meeting.

SECTION 2. Inconsistent Provisions. Any provision of the EMMC or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of

the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 4. Publication and Effective Date. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 21st day of September, 2021.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Ordinance No. 3002 was introduced for a first reading on the 7th day of September, 2021 and approved for a second reading and adopted by said Council at its regular meeting held on the 21st day of September, 2021 by the following vote, to-wit:

AYES: ~~Mayor i Prom Tem~~ Puente, Councilmembers Herrera and Dr. Morales

NOES: Mayor Ancona and Councilmember Martinez Muela

ABSTAIN: None

ABSENT: None



Catherine A. Eredia, City Clerk
City of El Monte