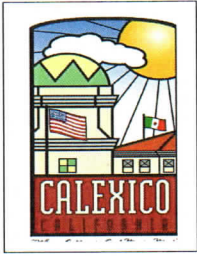


**AGENDA  
ITEM**

**10**



# CITY COUNCIL AGENDA STAFF REPORT

**DATE:** August 17, 2022

**TO:** Mayor and City Council

**APPROVED BY:** Esperanza Colio Warren, City Manager

**PREPARED BY:** Best Best & Krieger LLP, City Attorney

**SUBJECT:** Second Reading and Adoption of Ordinance No. 2022-1227 – An Ordinance Amending Calexico Municipal Code Section 2.04.060 Regarding City Council Agenda Order of Business. (Council Member Romo)

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**Recommendation:**

It is recommended that the City Council:

Conduct second reading and adopt Ordinance No. 2022-1227 – An Ordinance Amending Calexico Municipal Code Section 2.04.060 Regarding City Council Agenda Order of Business

**Background/Discussion:**

In 2008, the City Council adopted Calexico Municipal Code Section 2.04.060, which lists the City Council’s order of business for public meetings. Over time, the City’s agendas have been reorganized, some sections have been added or retitled, and other sections have been removed. As such, the City’s current agenda structure does not match the order of business laid out in the Municipal Code.

The proposed Ordinance amends Municipal Code Section 2.04.060 so that it matches the City’s current agenda format. In addition, one section has been added to the order of business, entitled “City Commission and Board Reports.”

At the meeting of July 20, 2022 City Council conducted and approved the first reading by title only of the ordinance amending Calexico Municipal Code Section 2.04.060 regarding city council agenda order of business.

**Attachments:**

- 1) Draft Ordinance Amending Calexico Municipal Code Section 2.04.060 Regarding City Council Agenda Order of Business.

**AGENDA  
ITEM**

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## ORDINANCE NO. 2022-1227

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING CALEXICO MUNICIPAL CODE SECTION 2.04.060 REGARDING CITY COUNCIL AGENDA ORDER OF BUSINESS

The City Council of the City of Calexico, California, does hereby ordain as follows:

**SECTION 1. Amendment to Municipal Code.** Calexico Municipal Code Chapter 2.04 *Council Procedures*, Section 2.04.060 *Agenda—Order of business* is hereby amended as follows:

#### **“2.04.060 - Agenda—Order of business.**

A. All Agenda items must be filed with the city clerk as provided for in the “City of Calexico Agenda Policy” as adopted by the city council. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the council. All material pertaining to and accompanying the agenda shall be made available to the public when made available to the city council.

B. No matters other than those listed on the agenda shall be finally acted upon by the council provided; however, that matters not on the agenda may be submitted for council consideration and action pursuant to state law or under any of the following conditions:

1. Upon a determination by a majority vote of council that an emergency situation exists, as defined in Government Code Section 54956.5;

2. Upon a determination by a two-thirds vote of council, or if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted; and

3. The item was posted for a prior meeting of the council occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

C. The business of the council shall be taken up for consideration and disposition in the following order:

1. Closed session;
2. Call to order;
3. Roll call;
4. Pledge of Allegiance;

5. Mission Statement Pledge;
6. Invocation;
7. Closed session announcements;
8. Approval of the agenda;
9. Presentations;
10. Announcements;
11. Public comments and public appearances;
12. City Manager's report;
13. City commission and board reports;
14. City Council comments and reports of meetings attended;
15. Consent agenda;
16. Items pulled from consent agenda for discussion;
17. Discussion and potential action items;
18. Future agenda items;
19. Adjournment.

The regular order of business may be changed or suspended for any purpose at any particular meeting by the presiding officer with the consent of a majority of the council members present.”

**SECTION 2. Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.

**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 unconstitutional, such decision shall not affect the validity of the remaining portion 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 be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

**SECTION 4. Certification and Publication.** The City Clerk of the City of Calexico shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

**SECTION 5. CEQA.** The City Council finds that adoption of this Ordinance is not a “project,” as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Calexico, California on the 20<sup>th</sup> day of August, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
JAVIER MORENO, MAYOR

ATTEST:

\_\_\_\_\_  
GABRIELA T. GARCIA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CARLOS CAMPOS, CITY ATTORNEY

State of California )  
County of Imperial ) s.s.  
City of Calexico )

I, Gabriela T. Garcia, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 2022-1227, introduced at a regular meeting held on the 20th day of July 2022, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the 17<sup>th</sup> day of August, 2022.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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GABRIELA T. GARCIA, CITY CLERK