



## POLICY AND PROCEDURE

<b>Subject:</b>	Ordinances and Resolutions	<b>Index:</b>	Administration
		<b>Number:</b>	102-2
<b>Effective Date:</b>	May 15, 2003	<b>Prepared By:</b>	Office of Management & Budget
<b>Supersedes:</b>	July 5, 1994	<b>Approved By:</b>	<i>[Signature]</i>

### 1.0 **PURPOSE:**

To establish guidelines for orderly preparation and presentation of ordinances and resolutions for City Council consideration.

### 2.0 **ORGANIZATIONS AFFECTED:**

All Departments/Divisions

### 3.0 **REFERENCES:**

G.C. 36900 et seq.

G.C. 37100

G.C. 40806

G.C. 50020 et seq.

### 4.0 **POLICY:**

4.1 Each department is responsible for updating that part of the City Code which falls within its jurisdiction.

4.2 **Preparation:** Basic resolutions and ordinances shall be prepared by each department. Each department is responsible for coordinating the preparation of comprehensive resolutions and ordinances by the City Attorney. All ordinances and resolutions shall be approved by the City Attorney prior to submittal to Council for approval.

4.3 Original resolutions and ordinances, and applicable exhibits, shall be submitted to the City Clerk as an attachment to Agenda Reports for submission to the City Council.

4.4 **Prior Approval by Administration:** Requests for new legislation or revision to existing ordinances or resolutions shall be submitted to departments/administrative staff having jurisdiction over the subject matter within the legislation and shall be examined and approved by them or their duly authorized representative prior to and following preparation of the legislation.

5.0 **DEFINITIONS:**

5.1 **Legislation:** For the purpose of this policy, legislation shall mean ordinances and resolutions.

5.2 **Ordinances:** Ordinances are the most binding form of action taken by the City Council. They are the laws of the City, as compiled in the Municipal Code. Ordinances require two readings at two separate Council Meetings with a minimum of five days intervening. Ordinances, except urgency ordinances, become effective 31 days from the date of adoption (second reading).

5.3 **Urgency Ordinances:** Urgency ordinances are appropriate if the subject matter is critical to the health, safety and welfare of the City. Findings must be cited by the City Attorney in the Ordinance which justify the urgency of the ordinance. Urgency ordinances require one reading and become effective upon adoption.

5.4 **Resolutions:** Resolutions constitute formal, written actions of the City Council on matters requiring more comprehensive approval than a motion, and become effective upon adoption.

6.0 **PROCEDURE:**

6.1 A resolution is required to amend or rescind a previous resolution. To ensure an accurate record, the new resolution should always rescind the prior resolution in its entirety. The title of the new resolution is to include the prior resolution number being rescinded, and is to also be cited in one of the final sections of the resolution.

6.2 All ordinances are codified into an appropriate section of the Municipal Code. An ordinance is required to amend or rescind a section of the Municipal Code. The amendment or rescission of the applicable section of the Municipal Code is to be cited in the title of the ordinance and in one of the final sections of the ordinance.

6.3 Departments having jurisdiction over the subject shall prepare basic resolutions and ordinances and shall coordinate the preparation of more comprehensive legislation by the City Attorney. Administrative staff of the originating department shall be responsible for ensuring the accuracy of the content, legal descriptions, exhibits, etc.

6.4 Resolutions and ordinances in draft form shall be circulated to all affected departments having jurisdiction over the subject for review/input prior to placement on the Council agenda.

6.5 Original resolutions and ordinances and applicable exhibits shall be attached to an original administrative or agenda report and submitted to the City Clerk no later than Monday Noon of the week preceding a Council Meeting.

6.6 The City Attorney and City Clerk shall review original resolutions and ordinances prior to the Agenda Meeting. Original resolutions and ordinances requiring revision shall be returned to department heads at the Agenda Meeting along with the applicable original

administrative/agenda report.

6.7 Corrected original resolutions, ordinances and administrative/agenda reports shall be returned to the City Clerk no later than Wednesday at Noon the week preceding the Council Meeting.

6.8 Upon adoption of ordinances and resolutions the legislation is signed by the Mayor and signed, sealed and published by the City Clerk as required by law.

Upon final adoption of ordinances and resolutions and following effective date from passage, copies are certified by the City Clerk as may be necessary and distributed to departments, parties of record, and as may be legally or otherwise required.

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