February 14, 2011

The Honorable City Council
Palo Alto, California

Adoption of an Ordinance Amending Section 2.04.270 of the Palo Alto Municipal Code to Remove Provisions Related to Reading of Ordinance and Resolution Titles

Introduction:

At the City Council retreat on January 22, the Council discussed ways to increase the efficiency of City Council meetings. One question that was asked was whether it was necessary to read the title of ordinances into the record prior to approval of the Consent Calendar. The reading of ordinance titles is a requirement of the Palo Alto Municipal Code. However, this requirement does not appear to serve any useful purpose. The City Attorney's Office has prepared an amendment to the code (attached) that would remove the provision requiring the reading of ordinance titles.

Recommendation:

The City Attorney recommends that the Council adopt the attached Ordinance amending section 2.04.270 to delete subsection (d), which requires the reading of ordinance and resolution titles.

Discussion:

Palo Alto Municipal Code section 2.04.270(d) provides that "Ordinances and resolutions may be introduced and passed by reading the title only, and shall be read in full only when requested by a majority of the council members." This provision has historically been interpreted to mean that the titles of ordinances are required to be read into the record. While this requirement may have served a purpose at some point, current technology allows agendas, staff reports and proposed ordinances to be widely distributed well in advance of Council action. As such, the requirement that titles be read into the record is no longer necessary or beneficial. We are recommending that Council revise the Municipal Code to remove the requirement that ordinance titles be read into the record prior to adoption by the City Council. The proposed ordinance (Attachment A) removes subsection (d), but does not make any other changes to the Council's procedure for the adoption of ordinances and resolutions.
In addition to the reading of ordinance titles, we have received questions about the necessity of reading the full title of all closed session matters prior to adjourning to closed session. Although not uncommon, the practice of reading the full title of closed session matters is not required by law. Under the Brown Act, agencies are required to make a public announcement prior to going into closed session. However, in most cases the announcement may legally be made by reference to the agenda item (e.g. an announcement that states, “The Council will be going into closed session as described in agenda item 1”). While there are exceptions to this rule for certain litigation matters, those exceptions could be identified by the City Attorney prior to the closed session and additional announcements would be made only as necessary.

We have advised City staff that the reading of full titles for closed sessions is not required, and have already implemented that change. No further Council action is necessary.

ATTACHMENTS:
- Attachment A: Ordinance To Remove Provisions Related to Reading of Ordinances and Resolution Titles (DOC)
Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Section 2.04.270 (Introducing ordinances and resolutions for passage and approval) of Title 2 (Administrative Code) of the Palo Alto Municipal Code to Remove Provisions Related to Reading of Ordinance and Resolution Titles

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. The City Council hereby amends Section 2.04.270 to read as follows:

2.04.270 Introducing ordinances and resolutions for passage and approval.

(a) Council Member to Sponsor. Ordinances, resolutions, and other matters or subjects requiring action by the council must be introduced and sponsored by a council member, except that the city manager or city attorney may present ordinances, resolutions or other matters or subjects to the council for consideration.

(b) Second Reading of Ordinance. With the sole exception of ordinances which take effect upon adoption, no ordinance shall be passed by the council on the day of its introduction nor within ten days thereafter, nor at any other time than at a regular or special meeting. Ordinances presented to the council for second reading shall be agendized as consent items and may be removed for debate and discussion only upon a majority vote of the council members present and voting. This section shall not prevent council members from making short comments on consent items.

(c) Amendments. A proposed ordinance may be amended between the time of its introduction and the time of its final passage, providing its general scope and original intention are retained. The correction of typographical or clerical errors shall not constitute an amendment within the meaning of this section.

(d) Emergency Ordinances Preserving Public Peace, Health or Safety. Any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be

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introduced and adopted at one and the same meeting if passed by a vote of four-fifths of the council members present.

SECTION 2. This ordinance shall be effective upon the thirty-first (31st) day after its passage and adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:  APPROVED:

__________________________  ____________________________
City Clerk  Mayor

APPROVED AS TO FORM:

__________________________
City Manager

Interim City Attorney