



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Councilmembers Jeff Baron,
Alissandra Dramov, Karen Ferlito, and Bobby
Richards
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

CITY COUNCIL SPECIAL MEETING Monday, December 9, 2024 4:30 PM

HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

<https://ci-carmel-ca-us.zoom.us/j/87545876814> Webinar ID: 875 4587 6814 Passcode:
813607 Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

CALL TO ORDER AND ROLL CALL

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

1. Resolution 2024-100 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 5, 2024

EXTRAORDINARY BUSINESS

- A. Remarks by outgoing Councilmembers Karen Ferlito, Bobby Richards, and Mayor Dave Potter

- B. Administer Oath of Office to Mayor Dale Byrne, Councilmember Hans Buder, and Councilmember Robert Delves
- C. Remarks by newly sworn Mayor and Councilmembers

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 9, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Nova Romero, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-100 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 5, 2024

RECOMMENDATION:

That City Council Adopt Resolution 2024-100 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 5, 2024.

BACKGROUND/SUMMARY:

Declaring the results of the November 5, 2024, Election

On June 3, 2024, the City Council of the City of Carmel-by-the-Sea adopted Resolution 2024-039 which authorized an election to be consolidated with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of electing the Mayor for a full term of two years and electing two members of the City Council for full terms of four years.

The Monterey County Registrar of Voters has completed the canvass of voters and sent the Certificate of Election Results to Carmel-by-the-Sea on December 4, 2024 (**Attachment 2**). The certified election results for the City of Carmel-by-the-Sea are as follows:

The whole number of votes cast in said election was 2,299.

OFFICE	CANDIDATE	TOTAL VOTES
Mayor	Jeff Baron	701
Mayor	Dale Byrne	819
Mayor	Dave Potter	616
Councilmember	Hans Buder	1200
Councilmember	Bob Delves	971
Councilmember	Danny Hala	303
Councilmember	Parker Logan	231
Councilmember	David O'Neil	616

Dale Byrne was elected for a two (2) year term as Mayor ending December 2026; **Hans Buder** and **Bob Delves** were each elected for four (4) year terms as Councilmember, ending December 2028.

California Elections Code sections 10262, 10263, and 10264 require, among other things, the City Council to declare the results of the election no later than the next regularly scheduled City Council meeting following the presentation of the canvass of returns, or at a Special Meeting called for this purpose. Adoption of Resolution 2024-100 (**Attachment 1**) satisfies these requirements.

Appointment of Mayor Pro Tempore

City Council Policy No. C89-02 (**Attachment 3**), which was last revised in October 2020, states that the Mayor Pro Tempore is "appointed by the Mayor in December **or** at the first meeting after the City Council is seated following an election". It further states that the appointment is announced by the Mayor, and does not need to be ratified by the City Council.

Mayor Dale Byrne will announce the appointment of Mayor Pro Tempore for the 2025 calendar year at the next regular City Council meeting on January 14, 2025.

FISCAL IMPACT:

The cost of the consolidated election in 2022 was \$8,500. The adopted FY Budget 24-25 has \$9,000 allocated for the 2024 consolidated election in account 101-111-11-42001.

PRIOR CITY COUNCIL ACTION:

June 3, 2024, Council adopted Resolution 2024-039 calling for the Election to be held.

ATTACHMENTS:

- Attachment 1) Resolution 2024-100
- Attachment 2) Exhibit A - Canvass of Election
- Attachment 3) City Council Policy C89-02

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2024-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Carmel-by-the-Sea California, on Tuesday, November 5, 2024, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Monterey County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

All absentee and provisional ballots have been duly received and canvassed in the time, form and manner as required by Law.

The whole number of votes cast in said election was **2,299** as follows:

OFFICE	CANDIDATE	TOTAL VOTES
Mayor	Jeff Baron	701
Mayor	Dale Byrne	819
Mayor	Dave Potter	616
Councilmember	Hans Buder	1200
Councilmember	Bob Delves	971
Councilmember	Danny Hala	303
Councilmember	Parker Logan	231
Councilmember	David O'Neil	616

The number of votes cast at each precinct are as provided in Exhibit A.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT:

Dale Byrne is hereby elected to the office of Mayor for a two-year term; and

Bob Delves and Hans Buder are hereby elected to the office of Councilmember each for a four-year term.

The City Clerk is instructed to issue a Certificate of Election to Dale Byrne, Bob Delves, and Hans Buder, and administer the Oath of Office prescribed in the Constitution of the State of California to each elected person and shall have them subscribe to it and file it in the Office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

The City Clerk is instructed to enter into the records of this City Council this Resolution as a statement of the result of said election.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of December 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

Exhibit A – Canvass of Election

1 City of Carmel-By-The-Sea Mayor							
		Registered Voters	Voters Cast	Turnout (%)	1 DAVE POTTER	1 JEFF BARON	1 DALE BYRNE
Electionwide	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
Electionwide	Polling Place (PP)	2562	180	7.03 %	59	33	57
Electionwide	Total	2562	2299	89.73 %	616	701	819
Statewide	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
Statewide	Polling Place (PP)	2562	180	7.03 %	59	33	57
Statewide	Total	2562	2299	89.73 %	616	701	819
19th Congressional District	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
19th Congressional District	Polling Place (PP)	2562	180	7.03 %	59	33	57
19th Congressional District	Total	2562	2299	89.73 %	616	701	819
17th State Senatorial District	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
17th State Senatorial District	Polling Place (PP)	2562	180	7.03 %	59	33	57
17th State Senatorial District	Total	2562	2299	89.73 %	616	701	819
30th State Assembly District	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
30th State Assembly District	Polling Place (PP)	2562	180	7.03 %	59	33	57
30th State Assembly District	Total	2562	2299	89.73 %	616	701	819
2nd State Board of Equalization District	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
2nd State Board of Equalization District	Polling Place (PP)	2562	180	7.03 %	59	33	57
2nd State Board of Equalization District	Total	2562	2299	89.73 %	616	701	819
Countywide	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
Countywide	Polling Place (PP)	2562	180	7.03 %	59	33	57
Countywide	Total	2562	2299	89.73 %	616	701	819
5th Supervisorial District	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
5th Supervisorial District	Polling Place (PP)	2562	180	7.03 %	59	33	57
5th Supervisorial District	Total	2562	2299	89.73 %	616	701	819
City of Carmel-By-The-Sea	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
City of Carmel-By-The-Sea	Polling Place (PP)	2562	180	7.03 %	59	33	57
City of Carmel-By-The-Sea	Total	2562	2299	89.73 %	616	701	819
Unincorporated - City Districts sub-district	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
Unincorporated - City Districts sub-district	Polling Place (PP)	2562	180	7.03 %	59	33	57
Unincorporated - City Districts sub-district	Total	2562	2299	89.73 %	616	701	819
Unincorporated - Unincorporated Area	Vote by Mail (VBM)	2562	2119	82.71 %	557	668	762
Unincorporated - Unincorporated Area	Polling Place (PP)	2562	180	7.03 %	59	33	57
Unincorporated - Unincorporated Area	Total	2562	2299	89.73 %	616	701	819

1 City of Carmel-By-The-Sea Mayor							
		Registered Voters	Voters Cast	Turnout (%)	DAVE POTTER	JEFF BARON	DALE BYRNE
5001	Vote by Mail (VBM)	1371	1121	81.77 %	273	369	407
5001	Polling Place (PP)	1371	114	8.32 %	41	18	36
5001	Total	1371	1235	90.08 %	314	387	443
5002	Vote by Mail (VBM)	1191	998	83.80 %	284	299	355
5002	Polling Place (PP)	1191	66	5.54 %	18	15	21
5002	Total	1191	1064	89.34 %	302	314	376
Total - Vote by Mail (VBM)		2562	2119	82.71 %	557	668	762
Total - Polling Place (PP)		2562	180	7.03 %	59	33	57
Contest Total		2562	2299	89.73 %	616	701	819

*** Indicates vote data was suppressed due to voter privacy settings.

1 City of Carmel-By-The-Sea Member, City Council									
		Registered Voters	Voters Cast	Turnout (%)	1	1	1	1	1
					PARKER LOGAN	BOB DELVES	DANNY HALA	HANS BUDER	DAVID O'NEIL
Electionwide	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
Electionwide	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
Electionwide	Total	2562	2299	89.73 %	231	971	303	1200	616
Statewide	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
Statewide	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
Statewide	Total	2562	2299	89.73 %	231	971	303	1200	616
19th Congressional District	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
19th Congressional District	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
19th Congressional District	Total	2562	2299	89.73 %	231	971	303	1200	616
17th State Senatorial District	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
17th State Senatorial District	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
17th State Senatorial District	Total	2562	2299	89.73 %	231	971	303	1200	616
30th State Assembly District	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
30th State Assembly District	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
30th State Assembly District	Total	2562	2299	89.73 %	231	971	303	1200	616
2nd State Board of Equalization District	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
2nd State Board of Equalization District	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
2nd State Board of Equalization District	Total	2562	2299	89.73 %	231	971	303	1200	616
Countywide	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
Countywide	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
Countywide	Total	2562	2299	89.73 %	231	971	303	1200	616
5th Supervisorial District	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
5th Supervisorial District	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
5th Supervisorial District	Total	2562	2299	89.73 %	231	971	303	1200	616
City of Carmel-By-The-Sea	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
City of Carmel-By-The-Sea	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
City of Carmel-By-The-Sea	Total	2562	2299	89.73 %	231	971	303	1200	616
Unincorporated - City Districts sub-district	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
Unincorporated - City Districts sub-district	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
Unincorporated - City Districts sub-district	Total	2562	2299	89.73 %	231	971	303	1200	616
Unincorporated - Unincorporated Area	Vote by Mail (VBM)	2562	2119	82.71 %	206	916	271	1129	583
Unincorporated - Unincorporated Area	Polling Place (PP)	2562	180	7.03 %	25	55	32	71	33
Unincorporated - Unincorporated Area	Total	2562	2299	89.73 %	231	971	303	1200	616

1 City of Carmel-By-The-Sea Member, City Council									
		Registered Voters	Voters Cast	Turnout (%)	PARKER LOGAN	BOB DELVES	DANNY HALA	HANS BUDER	DAVID O'NEIL
5001	Vote by Mail (VBM)	1371	1121	81.77 %	90	467	150	609	306
5001	Polling Place (PP)	1371	114	8.32 %	15	37	24	38	23
5001	Total	1371	1235	90.08 %	105	504	174	647	329
5002	Vote by Mail (VBM)	1191	998	83.80 %	116	449	121	520	277
5002	Polling Place (PP)	1191	66	5.54 %	10	18	8	33	10
5002	Total	1191	1064	89.34 %	126	467	129	553	287
Total - Vote by Mail (VBM)		2562	2119	82.71 %	206	916	271	1129	583
Total - Polling Place (PP)		2562	180	7.03 %	25	55	32	71	33
Contest Total		2562	2299	89.73 %	231	971	303	1200	616

*** Indicates vote data was suppressed due to voter privacy settings.

CERTIFICATE OF REGISTRAR OF VOTERS

In the Matter of the CANVASS OF THE VOTES CAST
at the **General Election** } ss
held on November 5, 2024

I, **Gina Martinez**, Registrar of Voters of the County of Monterey, State of California hereby certify;

THAT an election was held within the boundaries of the **City of Carmel-By-The-Sea** on November 5, 2024 for the purpose of electing **(1) Mayor** to the **City of Carmel-By-The-Sea**, and; I caused to have processed and recorded the votes from the canvass of all ballots cast at said election within the boundaries of the **City of Carmel-By-The-Sea**.

I HEREBY FURTHER CERTIFY that the record of votes cast at said election is set forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this Tuesday, December 3, 2024 and filed this date with the **City of Carmel-By-The-Sea**.



Gina Martinez
Registrar of Voters



CERTIFICATE OF REGISTRAR OF VOTERS

In the Matter of the CANVASS OF THE VOTES CAST }
at the **General Election** } ss
held on November 5, 2024 }

I, **Gina Martinez**, Registrar of Voters of the County of Monterey, State of California hereby certify;

THAT an election was held within the boundaries of the **City of Carmel-By-The-Sea** on November 5, 2024 for the purpose of electing **(1) Member, City Council** to the **City of Carmel-By-The-Sea**, and; I caused to have processed and recorded the votes from the canvass of all ballots cast at said election within the boundaries of the **City of Carmel-By-The-Sea**.

I HEREBY FURTHER CERTIFY that the record of votes cast at said election is set forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this Tuesday, December 3, 2024 and filed this date with the **City of Carmel-By-The-Sea**.



Gina Martinez
Registrar of Voters



CERTIFICATE OF REGISTRAR OF VOTERS

In the Matter of the CANVASS OF THE VOTES CAST
at the **General Election** } ss
held on November 5, 2024

I, **Gina Martinez**, Registrar of Voters of the County of Monterey, State of California
hereby certify;

THAT an election was held within the boundaries of the **City of Carmel-By-The-Sea**
on November 5, 2024 for the purpose of electing **(1) Member, City Council** to the **City of**
Carmel-By-The-Sea, and; I caused to have processed and recorded the votes from the canvass
of all ballots cast at said election within the boundaries of the **City of Carmel-By-The-Sea**.

I HEREBY FURTHER CERTIFY that the record of votes cast at said election is set
forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth
at length.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this
Tuesday, December 3, 2024 and filed this date with the **City of Carmel-By-The-Sea**.



Gina Martinez
Registrar of Voters



**CITY OF CARMEL-BY-THE-SEA
POLICY AND PROCEDURE**

Subject: City Council Meetings/Orders of Council/Agenda Packets/Minutes of Meeting and Agenda Distribution	Policy/Procedure No: C89-02
Effective Date: 2 August 1988	Authority: Resolution No. 88-89

Purpose:
To provide a guide for the City Council and staff for the conduct of public meetings, agenda and minute preparation and distribution of agenda packets.

Policy/Procedure:

1. Adoption of action minutes as outlined in the attached memorandum from the League of California Cities .
2. Adoption of City Clerk's policy regarding agenda packets (No packets shall be disseminated until the packets are made available to the City Council).
3. Adoption of the sequence of the Orders of Council as set forth in the policy attached.

Responsible Party:
City Administrator/City Clerk

Department of Origin:
Administration/City Council

Revision Dates:
2 March 2009 (28 October 2008 Council Retreat)
5 June 2012 (Resolution No. 2012-33)
6 October 2020 (Resolution No. 2020-063)

Rescinded Date :

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
RULES AND PROCEDURES

The City Council is composed of five members: Mayor and four Council Members. The Mayor serves a two-year term and members of the City Council serve four year terms.

I. ELECTED OFFICIALS

A. Mayor (directly elected since 1978)

The Mayor is the chair of the meeting and, as such, presides at all Council meetings. As the titular head of the City Council, the Mayor represents the City at quasi-governmental and social functions and may represent the City Council before other governmental bodies on specific matters as may be authorized by the City Council.

B. Mayor Pro Tempore

The Mayor Pro Tempore is appointed by the Mayor in December or at the first meeting after the City Council is seated following an election. This appointment is announced by the Mayor, but does not need to be ratified by the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall chair the City Council meetings and may attend social/quasi-governmental functions on behalf of the City.

C. Absence of both the Mayor and Mayor Pro Tempore

In the absence of both the Mayor and Mayor Pro Tempore, members of the City Council shall appoint an acting Mayor Pro Tempore, who shall have the powers and duties of the Mayor Pro Tempore as described above.

II. CITY COUNCIL MEETINGS

City Council meeting dates and types (e.g. Regular, Special, Closed Session, Tour of Inspection) are regulated by Chapter 2 of the Municipal Code.

A. Agenda

Only items that are agendized may be acted on at any Council meeting.

- Agenda Preparation

The draft agenda is prepared by the City Administrator and City Clerk with the input of all department directors and is reviewed at weekly staff Management meetings.

- Agenda Finalization

The Mayor and Mayor Pro Tempore meet with the City Administrator and City Clerk prior to the meeting to finalize the draft agenda.

C89-02

- Continuance of Agenda Item

Any City Council member who is ill or will be away from the City may request, in writing, that an item of "personal interest" or a "major issue" be continued to the next meeting. The City Council shall vote on the issue of continuance.

- Agenda Posting

The Agenda is posted (City Hall, Main Library and Post Office bulletin boards and on the City Website) 6 days prior to a regular meeting and a minimum of 24 hours prior to a Special Meeting.

B. Orders of City Council Business

The Orders of City Council business are adopted by Resolution of the City Council. The Orders of City Council Business are:

- Extraordinary Business

This category allows the City Council to recognize volunteers, employees, present certificates of appreciation and awards.

- Announcements from City Council Members & City Administrator

This category allows an opportunity for City Council Members to comment on meetings attended of outside agencies and the City Administrator to give a brief report to the City Council and receive presentations that require little or no action.

- Public Appearances

The public has opportunities to speak to the City Council. The Public Appearances section allows persons to speak a maximum of three minutes, or as otherwise established by the City Council, on items of City business, other than those scheduled agenda items. Matters not appearing on the City Council's agenda will not receive action at that meeting but may be referred to staff for a future meeting or resolution outside of a City Council meeting. The City Council reserves the right to limit the duration of the Public Appearances section of the agenda to thirty minutes total.

Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of the City Council meeting during consideration of that item. Public comments or testimony on agenda items other than Public Appearances shall be limited to a maximum of three minutes per speaker.

- Consent Agenda

Consent Agenda items will be voted on in one motion unless removed. The Consent Agenda consists of routine and non-controversial City matters that can be as a whole approved by a single majority vote. Any City Council Member or member of the public may ask to have an item pulled from the Consent Agenda for discussion. Such items are normally moved to the end of the meeting.

If a City Council Member has a question for information only about a Consent Agenda item, the Member should ask prior to the meeting, rather than pulling the item for discussion during the meeting.

Corrections to the Minutes are given to the City Clerk prior to the meeting so that corrections can be made prior to their adoption.

- Orders of Council

Orders of Council include reports of committee/commissions, ordinances and resolutions, public hearings, reports of officials, unfinished business, and council matters.

Public Hearings consist of zoning amendments, General Plan amendments, appeals of Commission decisions and other items mandated by the State. If the Public Hearing is an appeal, appellants are allowed a total of 10 minutes to speak on their own behalf after the staff report and at the close of public comment in order to have the opportunity to rebut public comments. Other speakers will be allowed three minutes. Formal Public Hearings must be advertised pursuant to State and Government Codes.

Ordinances are the most binding form of action the City Council can take. They are codified as the Municipal Code of the City of Carmel-by-the-Sea which is the municipal law of the City. The City Council has authority to pass ordinances through Government Code Section 37100, as long as these ordinances do not conflict with the laws and Constitution of the State of California or of the United States. Ordinances require two readings and do not become effective until 30 days after the second reading, unless it is an Urgency Ordinance

A resolution is a formal form of a motion normally utilized to set forth policy of the City. Each resolution, in addition to being referenced by number and brief title in the minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the City in a separate set of books. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research.

III. CONDUCT OF CITY COUNCIL MEETINGS

A. General Procedure

It is the policy of the Council not to become involved in entanglements over parliamentary procedure. Pursuant to the Municipal Code, the Chair shall have authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. The Mayor will assist the Council to focus on the agenda, discussions and deliberations. He/she has been delegated the responsibility to control the debate and order of the speakers.

B. Questions Addressed to a Council Member

With the concurrence of the Mayor, a Council Member holding the floor may address a question to another Council Member. That Council Member may respond while the floor is still held by the Council Member asking the question.

Council Members will limit their comments to the subject matter, item or motion being currently considered by the Council. They will govern themselves as to the length of their comments or presentation.

- C. Meeting Procedures for review of Each Item on the Agenda (with the exception of Public Hearings:
 - The Mayor will read the agenda item under discussion.
 - Staff will present a brief report.
 - City Council questions of staff.

Upon recognition by the Mayor, Members of City Council may ask questions of the staff prior to opening of the discussion to members of the audience.

D. Public input/oral presentations

Any member of the public wishing to address the Council orally on a specific agenda item may do so when the item is taken up by Council, or as otherwise specified by the Council or its presiding officer. Oral presentations are limited to three minutes, unless otherwise provided.

Persons who anticipate oral presentations exceeding three minutes are encouraged to submit comments in writing to the City Clerk, by the Tuesday prior to the meeting so they may be included in the agenda packet. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address Council on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group. A specified time limit also may be set for the total presentation for any group.

- Close of Public Comment

Once public comment is closed, it cannot be reopened unless Council agrees by consensus.

- Staff response to questions from the public.

Based on staff responses to the public, members of the City Council may wish to address further questions to staff.

- The Mayor/City Administrator/Attorney shall remind the City Council of the action before Council.
- City Council discussion
- City Council action/motions

Before a motion can be considered or debated, it must be seconded. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any City Council Member properly recognized by the Chair. Once the matter has been fully discussed and the Chair calls for a vote, no further discussion will be allowed.

Council Members may be allowed to explain their vote briefly for the record. Once a vote is taken, all Council Members shall support the action taken.

- Substitute motions

When a motion is on the floor, any member of City Council may make a substitute motion. If the substitute motion is seconded, it shall be acted upon prior to acting on the main motion.

- Tie votes

A tie vote results in a failed motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making persons or body from which the appeal was taken.

- Motions to reconsider

Motions to reconsider a matter may be made at the same meeting or at the next succeeding meeting following a Council action for reconsideration. Such motions must be made by a Council Member voting in favor of the original motion.

- Staff announcement of decision

The Mayor, City Administrator, City Attorney, or City Clerk shall announce the vote and passage or failure of an item.

E. Meeting Procedure for formal Appeals/Public Hearings

When a matter for public hearing comes before the City Council, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present any evidence regarding the matter.

The procedure for holding City Council appeals differs from other items where the public is allowed to speak in that appellants are allowed to have 10 minutes to make a presentation, including closing comments. The public testimony follows, after which the appellants are given an opportunity for rebuttal or closing arguments.

- Public comments/discussion

No person will be permitted during the hearing to speak about matters or present any evidence that is not germane to the matter being considered. A determination of relevance shall be made by the Mayor or City Attorney, but may be appealed by any Member of the City Council.

F. Minutes of Meeting Policy (C 89-02)

The Minutes of the City Council meeting are action minutes and do not reflect City Council commentary and discussion. However, if a Council Member wishes to include comments in the record, they will be included if so requested at the meeting (e.g. "for the record, I wish to state..."). All motions made, even those made without a second are to be included in the minutes.

- Items entered into the record

All agenda items/documentation/correspondence received at a Council meeting shall be retained in the City's records.

- Distribution

The minutes shall be distributed to members of the City Council for comment and/or correction in the Council packet. The City Clerk will correct the minutes prior to the meeting, and if the correction is substantive, copies of the corrected minutes shall be distributed to all members of the Council.

G. Official Recordings of the Meeting

All City Council meetings are recorded. This ensures accuracy of the minutes and provides a temporary record of the City Council proceedings. Once the minutes are approved, legally, the recordings do not have to be retained. However, recordings of the Council meetings; Planning Commission meetings, and recordings of other commissions/boards shall be retained pursuant to the City's adopted Retention Schedule.

Amended: October 6, 2020

COUNCIL MINUTES

A. PREFACE

City Clerks in general law cities are specifically required to keep a record, journal or minutes of the council meetings (Gov. C. 36814, 40801). Cities governed by freeholder's charters are usually subject to the same requirements. Although there is no legal necessity to do so, it is appropriate to mention, introductorily, in the minutes that the meeting was convened and held as noticed.

B. PURPOSE OF COUNCIL MINUTES

A most important principle of corporation law, applicable to private, public, and municipal corporations, is that such organizations can only act through their officers and employees. These corporations are governed by fixed rules found in the basic law of the organization; in charter and state statutes in the case of municipal corporations.

When these factors are considered, the keeping of a good record of council proceedings becomes obvious. A sufficient record must be kept to furnish evidence that the City Council has complied with the law or rules by which it is governed, thus pointing to the need for accurate and clear records of council proceedings. Finally, if accurate, complete, and unambiguous minutes of City Council meetings are recorded, these facts themselves will be treated as conclusive evidence of the facts therein stated.

C. FORM AND CONTENTS OF COUNCIL MEETING MINUTES

1. Standard Forms:

Use of standardized format is recommended to develop uniformity on minute entries and to save time in composing the record.

2. Jurisdictional Matters

To establish proof that jurisdictional requirements for holding a meeting have been complied with, it is important that minutes contain the following:

- a.** Date, hour, and place of meeting.
- b.** Whether it is a regular, adjourned, or special meeting.
- c.** A proper notice has been given if it is a special meeting.
- d.** The names of council members in attendance (in case a council member arrives late, or departs before adjournment, the minutes should show the time of arrival and/or departure at that point in the proceedings).

3. Approval of Minutes of Previous Meetings

Although there is no legal requirement that minutes be approved by the City Council, this traditional procedure is advisable as it lends further weight to the accuracy and completeness of the record. It is recommended that the City Council be furnished copies of minutes in sufficient time prior to a City Council meeting to avoid any necessity of reading of the minutes by the clerk. When approved as written, or as changed by the City Council, the minutes are considered to be official.

4. Record of Action Taken

The minutes need only record:

a. Petitions and communications

1. Date of the document
2. Subject
3. Authors, if only a few
4. Number of signers, if numerous
5. Action taken

The minutes need not record the comments made by members of the City Council concerning the merit or lack of merit of the petition or requests contained in the document, unless expressly requested by the officer making such comment. The reason for the latter observation is that the document speaks for itself, and it has no legal significance until the City Council acts or refuses to act with respect thereto.

b. Consideration of bids

1. Record of bids filed and opened
 - a. The subject matter of the bids
 - b. The compliance with all requirements for the advertising for such bids.
 - c. The names of all bidders, and the total amounts of their respective bids.
2. Action taken with respect to bids.
 - a. It is preferable that a resolution, prepared or approved by the City Attorney, be used in awarding contracts to the successful bidder. When this is done, the minutes need only refer to the resolution in recording the action taken.
 - b. If the City Council determines to accept a bid which is not the lowest in amount, it is advisable that the minutes show that such bid was "the lowest reasonable bid". Whether the minutes should include a record of the matters leading to the determination of "responsibility" is a decision clerks might well review with their City Attorneys.
 - c. Ordinances and resolutions

1. Introduction

The information which should be recorded in City Council minutes, with respect to the introduction of an ordinance, depends upon the particular rules or practices of each city on the subject. Thus, if the practice requires that before an ordinance or resolution can be acted upon, it shall be introduced by one City Council Member, and seconded by another, this information should be recorded in the minutes. Generally speaking, minutes should record the following data concerning the introduction of an ordinance or resolution:

- aa. The title or subject matter
 - bb. The names of the City Council Members introducing and seconding
2. Compliance with jurisdictional requirements prior to action taken on ordinances or resolutions

Whenever the basic law or rules of a city require that a certain procedure must be followed prior to any action taken in adopting an ordinance or resolution, the minutes should show such compliance. This would include a statement referring to the previous introduction of the ordinance and would include a reference on an urgency ordinance that it is an urgency ordinance.

3. Votes cast for or against adoption of ordinances and resolutions

aa. Presumption of validity of ordinances and resolutions. There is a presumption in favor of the due and regular adoption or rejection of a city ordinance or resolution, if there are any official records to support that presumption, and that the votes were cast in substantial accordance with the requirements of the law or regulations pertaining to such matters.

This is particularly true where the ordinance or resolution contains a certificate signed by the mayor and/or clerk.

bb. Voting procedure governing adoption of ordinances and regulations (See Chapter VI on legislative Procedures)

- d. Reports of officers

1. . Written reports

Since any written record is the best evidence of its contents, a written report presented at a City Council meeting need only be mentioned in the minutes by reference to:

- aa. Name or title of the officer
- bb. Date of the report
- cc. Subject or title of report
- dd. Disposition made of report, if any