

DRAFT ORDINANCE

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 2, CHAPTER 1, SECTION 2-1.15 OF THE ATASCADERO MUNICIPAL CODE PERTAINING TO VOLUNTARY ABSTENTIONS

WHEREAS, California Government Code section 36813 authorizes a city council to establish rules for the conduct of its proceedings; and

WHEREAS, Title 2, Chapter 1 of the Atascadero Municipal Code sets forth the City Council's procedural rules; and,

WHEREAS, Atascadero Municipal Code section 2-1.15 provides presently that "[u]nless a Councilmember states that he or she is not voting because of a conflict of interest, his or her silence shall be recorded as an affirmative vote;" and,

WHEREAS, the "traditional rule" in California, which follows Roberts Rules of Order, treats voluntary abstentions as non-votes; and,

WHEREAS, the City would like to adopt a new voluntary abstention policy that is an alternative to not counting abstentions or counting them with the majority in all instances.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO DOES ORDAIN AS FOLLOWS:

SECTION ONE. **Findings.** The City Council hereby incorporates the foregoing recitals and findings.

SECTION TWO. **Adoption.** The City Council of the City of Atascadero hereby amends Section 2-1.15 of Title 2, Chapter 1 of the Municipal Code as follows:

Section 2-1.15 Voluntary Abstentions.

- (a) If a Member of the City Council, Planning Commission or Parks and Recreation Commission states he or she has a conflict of interest, the Member must declare the conflict prior to consideration of the item and leave the dais and also leave the room (unless allowed to remain in the room due to a personal interest) and abstain from participating in the item and from voting and the abstention will be treated as non-vote.
- (b) In all situations other than as provided in subsection (a), the abstention will be treated as follows:

(1) In the event that one less than the necessary number of ‘aye’ votes has been cast, then an abstention will constitute concurrence with the affirmative votes, and the minutes will reflect such concurrence and that the matter was passed pursuant to this rule.

(2) An abstention in all situations other than described in subsection (b)(1) will be recorded in the minutes as an abstention and treated as a non-vote.

(3) Failure to vote when in attendance at a meeting by silence or otherwise will be treated as an abstention.

SECTION THREE. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, must be published twice: at least five (5) days prior to its final passage in the *Atascadero News*, a newspaper published and circulated in the City of Atascadero, and, before the expiration of fifteen (15) days after its final passage, in the *Atascadero News*. A copy of the full text of this ordinance must be on file in the City Clerk’s Office on and after the date following introduction and passage and must be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on _____, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on _____, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

CITY OF ATASCADERO

Marcia McClure Torgerson, C.M.C.,
City Clerk

Mike Brennler, Mayor

APPROVED AS TO FORM:

Brian Pierik, City Attorney