

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING Wednesday, December 6, 2023

**5:30 PM – Special Meeting
David B. Roberts Council Chambers**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Join the Meeting Via Zoom Link:

<https://cityofranhocordova.zoom.us/j/87927746628?pwd=ICWG63M0jNoHL7P36qR8u8WcBSkqBQ.93sAMXONKJoUwAj1>

Join the Meeting via the Zoom Phone Number

Zoom Phone Number: +1 669 900 6833, +1 253 215 8782

Webinar ID: 879 2774 6628

Password: 578969

Instructions to Make Public Comment

Submitting Public Comment via Email

Members of the public who wish to provide public comment via email will need to submit written comments to CityClerk@cityofranhocordova.org no later than 2:00 p.m. on Wednesday, December 6, 2023. Written comments received no later than 2:00 p.m. will be distributed to the Council, filed in the record, and will not be read aloud. All comments submitted later than 2:00 p.m. will be distributed to the Council.

Listening to a Zoom Meeting by Zoom Video Conference

To make a public comment using the Zoom platform, please use the “raise hand” feature at the bottom center of the screen. Please make sure to enable audio controls once access has been given by the City Clerk’s office to speak. Please wait to be called upon by the City Clerk.

Listening to a Zoom Meeting by Phone Only

You can join a Zoom meeting via teleconferencing/audio conferencing using a cell phone or

traditional landline phone. To request to make a public comment by phone press *9 to raise your hand. Please wait to be called upon by the City Clerk.

All public comments will be limited to three minutes.

If you have questions related to the City Council Meeting or the use of Zoom, please contact the City Clerk's Office at (916) 851-8720 before Wednesday, December 6, 2023, at 2:00 p.m.

AGENDA

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Council Members Garrett Gatewood, Siri Pulipati, David Sander, Donald Terry, and Mayor Linda Budge.

2. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING ITEM

3.1. Subject: Cure and Correction of Alleged Brown Act Violation Relating to Council Selection of the 2024 Mayor and Vice Mayor.

Recommendation: Staff recommends that the City Council takes the following actions at the December 6, 2023 meeting:

(1) Receive Staff Report.

(2) Receive public comment.

(3) Motion declaring the City Council's intention to cure the alleged Brown Act violation on item 19.4 of the November 6, 2023 City Council meeting, and committing that the City Council will cease and desist from and not repeat the challenged past actions.

(4) Motion to rescind all actions taken on item 19.4 of the November 6, 2023 City Council meeting.

(5) Motion directing staff to respond to the December 4, 2023 demand in writing that the alleged violation has been cured and corrected.

(6) Motion to select the 2024 Mayor and Vice Mayor.

4. SPECIAL CEREMONIES - SWEAR IN MAYOR AND VICE MAYOR

4.1. Swearing in of Vice Mayor.

4.2. Swearing in of Mayor.

4.3. Presentation to Outgoing Mayor Budge.

5. ADJOURNMENT

ADDITIONAL INFORMATION

Special Meetings listed below are subject to change/cancellation without further notice.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 24 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranchocordova.org 24 hours prior to the Special City Council Meeting.

UPCOMING MEETINGS

December 12, 2023	5:30 PM Special Meeting/Work Session
December 18, 2023	5:30 PM Regular Meeting

If you have any technical questions related to the agenda items, please contact City Hall at (916) 851-8700.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the December 6, 2023 Special Meeting of the Rancho Cordova City Council was posted and available for review on December 5, 2023, at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranchocordova.org.

Signed December 5, 2023 at Rancho Cordova, California.



Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 3.1.

DATE: December 6, 2023
TO: Honorable Mayor and Council Members
FROM: Adam Lindgren, City Attorney
SUBJECT: **CURE AND CORRECTION OF ALLEGED BROWN ACT VIOLATION
RELATING TO COUNCIL SELECTION OF THE 2024 MAYOR AND
VICE MAYOR**

RECOMMENDATION

Staff recommends that the City Council takes the following actions at the December 6, 2023 meeting:

- (1) Receive Staff Report.
- (2) Receive public comment.
- (3) Motion declaring the City Council's intention to cure the alleged Brown Act violation on item 19.4 of the November 6, 2023 City Council meeting, and committing that the City Council will cease and desist from and not repeat the challenged past actions.
- (4) Motion to rescind all actions taken on item 19.4 of the November 6, 2023 City Council meeting.
- (5) Motion directing staff to respond to the December 4, 2023 demand in writing that the alleged violation has been cured and corrected.
- (6) Motion to select the 2024 Mayor and Vice Mayor.

RESULT OF RECOMMENDED ACTION

City Council Leadership officers for 2024 are appointed, per City Council Resolution No. 5-2004.

BACKGROUND

On November 6, 2023, the Rancho Cordova City Council considered item 19.4, titled "Selection of the 2024 Mayor and Vice Mayor." At that meeting, Mayor Linda Budge made a motion to select David Sander to the position of Mayor and Siri Pulipati to the position of Vice Mayor. This action was passed by the City Council in a 5-0 vote. Public comment was accidentally heard after the final vote on this item. On December 6, 2023, the City received an email that it interpreted as a "cure or correct" demand alleging that the City Council's handling of item 19.4

was inconsistent with the Brown Act.

Before a person may commence a legal action under the Brown Act, the person is required to demand that the legislative body “cure or correct” the action alleged to have been taken in violation of the Act. Under the Brown Act, the legislative body (here, the City Council) has 30 days to consider curing or correcting the alleged inconsistency. Government Code Section 54960.1(f) states that “[t]he fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.”

In response to the cure or correct demand, staff recommends that the City Council take the recommended action to cure and correct this alleged violation.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact.

ATTACHMENT(S)

1. Resolution No. 5-2004
2. Resolution No. 185-2004

CITY OF RANCHO CORDOVA

RESOLUTION NO. 5-2004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
SELECTING DATE ON WHICH THE CITY COUNCIL SHALL ANNUALLY SELECT
A MAYOR AND MAYOR PRO TEMPORE**

RECITALS

WHEREAS, Government Code §36801 provides that the City Council shall select one of its members as mayor and one of its members as mayor pro tempore.

NOW, THEREFORE, the City Council of the City of Rancho Cordova resolves that the City Council shall select one of its members as Mayor and one of its members as Mayor Pro Tempore at the first regular City Council meeting in December.

ADOPTED, THIS 5th day of January, 2004 by the following vote:

AYES: Cooley, McGarvey, Sander, Budge, Roberts

NOES: None

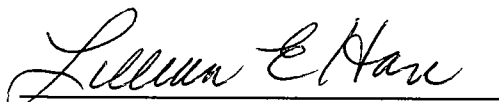
ABSENT: None

ABSTENTIONS: None

APPROVED:


MAYOR

ATTEST:


CITY CLERK

RESOLUTION NO. 185-2004**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO
CORDOVA , CALIFORNIA AMENDING RESOLUTION 31-2004 AND
CHANGING THE DESIGNATION OF MAYOR PRO TEMPORE TO VICE
MAYOR**

WHEREAS, the City Council is desirous of changing the designation of "Mayor Pro Tempore" to "Vice Mayor."

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rancho Cordova does hereby determine and order that:

1. Section 4 and 5 of Resolution No. 31-2003 is amended to replace the "Mayor Pro Tempore" designation with "Vice Mayor" and that
2. That references to "Mayor Pro Tempore" in Resolution No. 5-2004 are hereby amended to be "Vice Mayor."

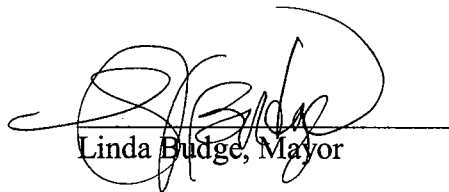
I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Rancho Cordova, held on the 6th day of December, 2004, by the following vote:

AYES: Skoglund, Sander, McGarvey, Cooley, Budge

NOES: None

ABSENT: None

ABSTAIN: None



Linda Budge, Mayor

ATTEST:



Lillian E. Hare, City Clerk