

**CITY OF CAPITOLA**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTIONS 2.04.140  
AND 2.04.210 OF CHAPTER 2.04 OF THE CITY OF CAPITOLA MUNICIPAL CODE  
REGARDING ADMINISTRATION AND PERSONNEL**

**WHEREAS**, regular review of municipal codes is recommended as a best practice and can identify outdated or ineffective provisions; and

**WHEREAS**, on July 24, 2025, the City Council of the City of Capitola (“City”) requested staff research the process by which Council Members can request agenda items for discussion during a City Council meeting; and

**WHEREAS**, on October 9, 2025, the City Council received a report comparing Capitola’s process outlined in Capitola Municipal Code (“CMC”) section 2.04.140 to those in other agencies; and

**WHEREAS**, also on October 9, 2025, the City Council directed staff to amend CMC section 2.04.140 to require that Council Member requests for a new discussion item be supported by a second; and

**WHEREAS**, CMC section 2.04.210 could be clarified to streamline the City’s rules of debate; and

**WHEREAS**, the City of Capitola has an interest in ensuring that the municipal code remains up-to-date and understandable for members of the public, staff, and the City Council; and

**WHEREAS**, the City Council desires to implement changes to the language in Chapter 2.04.

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

**Section 1. Incorporation of Recitals.** The above-listed recitals are true and correct and incorporated herein by this reference.

**Section 2. Amendment.** CMC sections 2.04.140 and 2.04.210 of Chapter 2.04 are hereby amended as shown in Exhibit A (additions in underline, deletions in ~~striketrough~~).

**Section 3. Effective Date.** This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

**Section 4. Severability.** The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity

or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

**Section 5. Certification.** The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the \_\_\_\_th day of December, 2025, and was adopted at a regular meeting of the City Council on the \_\_\_\_th day of December, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Joe Clarke, Mayor

Attest: \_\_\_\_\_  
Julia Gautho, City Clerk

Approved as to form:

\_\_\_\_\_  
Marc Barraza Tran, City Attorney

## **Exhibit A**

### **Title 2**

#### **“ADMINISTRATION AND PERSONNEL”**

##### **2.04.140 Agenda.**

The following have authority to place a matter on the council agenda:

- A. The mayor or any member of the city council with the condition that the proposed agenda item be requested and seconded at an open city council meeting;
- B. The city manager;
- C. The city council may, after the seventy-two-hour agenda-posting deadline has expired, add items to the agenda in the manner provided in Government Code Section 54954.2(b);
- D. The city treasurer, city clerk, or city attorney, provided the subject is reasonably related to their powers and duties and concerns a subject upon which the council has authority to act. Other persons must direct their agenda requests to the city council (at council meetings), the mayor, or the city manager. Agendas shall otherwise be prepared under the direction of the city manager and shall be posted, noticed and distributed in accordance with the Brown Act. For purposes of Government Code Section 54954.2(a), agendas shall be posted in the entrance area to the city council chambers.

##### **2.04.210 Rules of debate.**

- A. Presiding Officer May Debate. The mayor or vice mayor may debate from the chair, subject only to such limitations of debate as are imposed upon all members by the rules set forth in this section.
- B. Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.
- ~~C. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined and, if in order, he or she shall be permitted to proceed.~~
- ~~D. Privilege of Closing Debate. The councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.~~
- ~~E. Remarks of Councilmember. A councilmember may request, through the presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the council entered in the minutes. If the council consents thereto, such statement shall be entered; provided, however, any council member without council consent shall have the right to have the~~

~~reasons for his or her dissent from, or protest against, any action of the council entering in the minutes.~~

~~F. Synopsis of Debate. The city clerk may be directed by the presiding officer, with consent of the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council.~~

C. Rules of Order. Except as otherwise provided in this chapter, the rules of order that govern the conduct of the meetings of the city council and other city advisory bodies shall be those rules of order designated by city council resolution.