

# Capitola City Council

## Agenda Report



**Meeting:** October 10, 2024

**From:** City Attorney

**Subject:** Council Parental Leave

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**Recommended Action:** Adopt a resolution adopting an Administrative Policy permitting the City Council absences from official service occasioned by parental leave for up to 12 weeks.

**Background:** During the June 27, 2024, City Council meeting, Mayor Brown asked that staff bring forward, for Council consideration, a policy regarding parental leave for Councilmembers.

**Discussion:** Government Code section 36513 subsection (a) provides that “[i]f a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.”

This policy provides that the City Council grants, in advance, all requests for leave and excuses all absences due to the pending or recent birth or adoption of a child or children for up to 12 weeks. The grant of approval satisfies the requirement of Government Code section 36513.

The Councilmember planning to take parental leave must inform the Mayor and the City Manager as early as reasonably possible prior to the absence. If the Mayor plans to take leave, the Mayor must inform the Vice Mayor and City Manager. A Councilmember requesting additional leave must make the request to the full City Council.

The policy is drafted to provide unpaid leave. Government Code section 36516(d) provides that any amounts paid by the City to Councilmembers for health and welfare benefits are not included in Councilmembers' salaries, so long as those same benefits are available and paid by the City for its employees.

The City Manager's Department is evaluating the City's family leave policies for staff (Administrative Policy II-9: Family Care & Medical Leave) and plans to bring potential revisions to that policy to the City Council for consideration this Winter.

**Fiscal Impact:** None.

**Attachments:**

1. Resolution Adopting Administrative Policy: City Council Parental Leave

**Report Prepared By:** Samantha W. Zutler, City Attorney

**Reviewed By:** Julia Gautho, City Clerk; Chloe Woodmansee, Assistant to the City Manager

**Approved By:** Samantha W. Zutler