

ORDINANCE NO. 5425

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 2.04.180 OF THE MONTEREY COUNTY CODE REGARDING
BOARD OF SUPERVISORS ABSTENTION VOTING**

County Counsel Summary

This ordinance amends Section 2.04.180 of the Monterey County Code to require that a Board of Supervisor abstention vote count as an abstention and not as a vote of the majority. Section 2.04.180 currently requires that in the event a member abstains from voting, his or her vote shall be counted as a vote with the greater number voting for or against a motion, resolution, etc. The Board of Supervisors desires to change this requirement to allow an abstention vote to be recorded as an abstention rather than being counted with the majority decision.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. On May 29, 1979, the Board of Supervisors adopted Ordinance No. 2523, codified at Chapter 2.04 of the Monterey County Code ("MCC"), to set forth the rules for conduct of meetings, business and hearings of, and prescribing formula setting compensation of Chairperson and other members of the Board of Supervisors of the County of Monterey.

C. In relevant part, Section 2.04.180 of the MCC includes the following language: "In the event a member abstains from voting, his or her vote shall be counted as a vote with the greater number voting for or against a motion, resolution, etc."

D. The Board of Supervisors desires that a Supervisor's abstention vote to be recorded as an abstention rather than being counted with the majority decision. Such change is consistent with Robert's Rules of Order and other local governments' voting requirements.

SECTION 2. Section 2.04.180 of the Monterey County Code is amended to read as follows:

The roll need not be called in voting upon a motion except where specifically required by law or requested by a member. If the roll is not called, in the absence of objection, the Chairperson may order the item unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "Aye." In the event a member abstains from voting, his or her vote shall be counted as an abstention, and shall not be counted as a vote with the greater number voting for or against a motion, resolution, etc.

SECTION 3. SEVERABILITY.

If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Section in order to preserve the maximum permissible effect of each subsection herein.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect on the thirty-first day following its adoption.

PASSED AND ADOPTED on this 1st day of October 2024 by the following vote:

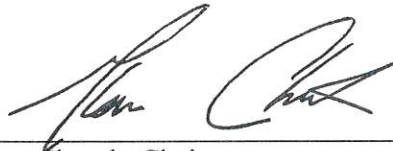
AYES Supervisors Church, Root Askew, and Adams

NOES None

ABSENT Supervisor Alejo

ASTAIN Supervisor Lopez

Motion Passed 3 to 0




Glenn Church, Chair
Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: Emmanuel H. Santos
Deputy Emmanuel H. Santos

APPROVED AS TO FORM

Kelly L. Donlon
Assistant County Counsel