

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING SECTIONS 2.08.090 AND 2.08.095 OF
CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE
MUNICIPAL CODE TO REVISE THE QUORUM AND
VOTING REQUIREMENTS RELATING TO THE
VOLUNTARY EMPLOYEES BENEFICIARY
ASSOCIATION ADVISORY COMMITTEE**

WHEREAS, the Voluntary Employees Beneficiary Association Advisory Committee has a quorum requirement of four (4) of its five (5) members in order to conduct a meeting; and

WHEREAS, the affected bargaining groups have signed an agreement to reduce the current quorum requirement of four (4) members to three (3) members of the Voluntary Employees Beneficiary Association Advisory Committee and require an affirmative vote of three (3) members for all decisions of the Committee; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), it has been determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 2.08.090 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended as follows:

2.08.090 Quorum

A. Unless otherwise specifically provided in this Chapter, a majority of the total number of seats, whether filled or vacant, shall be necessary to constitute a quorum for a board or commission to take action, although a lesser number may adjourn from time to time.

~~B. This Section shall not apply to the Voluntary Employees Beneficiary Association Advisory Committee.~~

SECTION 2. Section 2.08.095 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended as follows:

2.08.095 Voting

A. Except for the civil service commission, deferred compensation advisory committee, voluntary employees beneficiary association advisory committee, or the retirement boards, or unless otherwise specifically provided by the Charter or other ordinance, no resolution, motion or action shall be passed, adopted, or become effective unless it receives the affirmative vote of at least a majority of those voting, as long as there is a quorum present.

NVF:SH:JMD
9/26/2024

PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk