

**ORDINANCE NO. 2367**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, AMENDING CHAPTER 2.20 OF THE VICTORVILLE MUNICIPAL CODE TO REVISE AND CONSOLIDATE THE EXISTING CITY COUNCIL PROCEDURAL RULES INTO A COMPREHENSIVE MANUAL OF CITY COUNCIL POLICIES AND PROCEDURES**

**WHEREAS**, Chapter 2.20 of the Victorville municipal Code ("VMC"), among other things, sets forth the current rules of procedure governing the conduct of meetings of the Victorville City Council ("City Council") and related city procedures, such as agenda preparation; and

**WHEREAS**, many of the provisions of Chapter 2.20 have not been revised since 1971, and are not only out of sync with modern rules governing the conduct of meetings of municipalities, but are inconsistent with the actual day-to-day practices and policies observed by the City of Victorville ("City"); and

**WHEREAS**, having these types of rules and procedures codified in the VMC hinders the City's ability to revise them to keep pace with constantly evolving laws, technological advances, and the needs of its governing bodies and their constituents; and

**WHEREAS**, by virtue of its Charter and Sections 36813 and 54957.9 of the California Government Code, the City Council is authorized to set rules for the conduct of its proceedings, establish consequences applicable to its members or other persons for disorderly conduct, and, if necessary, eject persons who willfully disrupt its proceedings; and

**WHEREAS**, the City Council is desirous of creating a more centralized and comprehensive set of rules and procedures, to be adopted and periodically revised by resolution, which will increase flexibility and incorporate other previously-adopted Council Policies into a Council Policies and Procedures Manual ("Council Manual"); and

**WHEREAS**, adoption of this Ordinance will revise certain outdated provisions of Chapter 2.20 and remove the rules and procedures relating to conduct of Council meetings from the VMC so they may be revised, updated and placed in the Council Manual to be adopted by resolution concurrently with this Ordinance ; and

**WHEREAS**, the City Council finds that adoption of this Ordinance is in the best interests of the City, the City Council and the public, as it, together with Resolution No. 17-056, provides for a clarified, updated, comprehensive, and easily-accessible set of rules and procedure to guide the City and the public in the orderly conduct of City business.

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

**SECTION 1. RECITALS AND FINDINGS.**

The City Council of the City of Victorville hereby finds that the above recitals and findings are true and correct and are incorporated as part of this Ordinance

**SECTION 2. CHAPTER 2.20 OF TITLE 2 OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:**

**Chapter 2.20 - CITY COUNCIL—MEETINGS AND PROCEDURAL RULES**

**2.20.010 - Council chambers.**

The meeting place of the City Council shall be the council chambers located at 14343 Civic Drive, Victorville, California, and all meetings of the council shall be held therein, unless duly adjourned or noticed to another location.

**2.20.020 - City offices—Address.**

The offices of all agencies, departments, officers and employees of the city shall be located at the City Hall, 14343 Civic Drive, Victorville, California, with the exception of the street maintenance division which shall be located at 15745 Seneca Road, Victorville, California.

**2.20.030 - City offices—Holidays—Hours.**

The city offices shall be closed on all official holidays as established annually by resolution of the City Council. The regular business hours and days that city offices are open for the transaction of business shall be established from time-to-time by resolution of the City Council.

**2.20.040 - Regular meetings.**

- A. The regular meetings of the City Council shall be held on the first Tuesday and the third Tuesday of each month at five p.m. In the event that a City Council meeting falls on a holiday, the meeting shall be held at the same time on the next succeeding business day which is not a holiday, unless adjourned to a different time by the city clerk or upon a majority vote of the City Council.
- B. The regular meetings shall commence with the closed session at five p.m., and the open session shall commence at six p.m.
- C. The provisions of this section may be amended from time to time by resolution of the City Council.

#### **2.20.050 - Special meetings.**

Special meetings of the City Council may be called and conducted in accordance with the policies and procedures adopted by resolution of the City Council and in compliance with the requirements of the Ralph M. Brown Act (California Government Code section 54950 *et seq.*).

#### **2.20.060 - Meetings to be public—Except for closed sessions.**

- A. All regular and special meetings of the City Council shall be public; provided, however, that the City Council may hold closed sessions during a regular or special meeting from which the public may be excluded for the purpose of considering the matters permitted by the Ralph M. Brown Act.
- B. No member of the City Council, employee of the city, or any other person present during a closed session of the City Council shall disclose to any person the content or substance of any discussion which took place during a closed session except as permitted by the provisions of Section 54963 of the Ralph M. Brown Act, or any successor statute.

#### **2.20.070 - Conduct of Meetings; Rules and procedures established by Council resolution.**

- A. The City Council shall establish by resolution rules and procedures consistent with the Ralph M. Brown Act and other applicable laws to govern the conduct of its meetings. Such rules and procedures will include, but not be limited to: the times for receiving information for the City Council agenda and the delivery of same, the manner of placing items on the agenda, the order of business to be conducted, method of voting, the time of adjournment, parliamentary procedures, the powers and duties of the Mayor or presiding officer, the rules of decorum and debate, and the means by which such rules and procedures shall be enforced to limit disruptions and ensure the orderly conduct of and participation in meetings by councilmembers and members of the public.
- B. A copy of such rules and procedures governing the conduct of City Council meetings shall be made available to the public and the City Council during every meeting. All persons in attendance shall be required to comply with such adopted rules and procedures, and violations thereof may be prosecuted as misdemeanors in accordance with Section 1.04.010 of this Code. In addition, failures to comply with such adopted rules and procedures will subject violators to the enforcement measures and/or sanctions as specified therein.
- C. The rules and procedures governing the conduct of meetings referenced in this Section may be combined with other City Council policies previously adopted by the City Council and compiled into a Manual of Policy and Procedures ("Council Manual"). Such Council Manual may thereafter be updated and modified from time-to-time by City Council resolution.

#### **2.20.080 - Requests for Judicial Review.**

The City Council adopts California Code of Civil Procedure Section 1094.6, which defines the time period in which judicial review may be requested for certain final administrative decisions and orders under California Code of Civil Procedure Section 1094.5. Pursuant to Section 1094.6(f), the city clerk shall provide notice to any party to a final decision indicating that the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

#### **2.20.090 - Ordinances, resolutions, contracts.**

- A. Preparation. All ordinances shall be prepared and/or reviewed by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by the majority vote of the council or requested by the mayor or city manager or prepared by the city attorney on his or her own initiative.
- B. Prior Approval by Administrative Staff. All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney and shall have been examined for administration by the city manager or his authorized representative.

#### **SECTION 3. SEVERABILITY.**

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

#### **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after its final passage.

#### **SECTION 5. REPEAL OF CONFLICTING PROVISIONS.**

All the provisions of the Victorville Municipal Code as heretofore adopted by the City Council of the City Victorville that are in conflict with the provisions of this Ordinance are hereby repealed.

#### **SECTION 6. CERTIFICATION.**

The City Clerk of the City of Victorville is hereby directed to certify to the passage and adoption of this Ordinance and to cause it to be published as required by law.


ORDINANCE NO. 2367

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON NOVEMBER 16, 2017.

PASSED, APPROVED AND ADOPTED THIS 17<sup>th</sup> DAY OF OCTOBER, 2017.


  
MAYOR OF THE CITY OF VICTORVILLE

ATTEST:

  
CITY CLERK

10-18-17  
DATE

APPROVED AS TO FORM:

  
CITY ATTORNEY

I, CAROLEE BATES, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2367 which was duly adopted at a meeting held on the 17<sup>th</sup> day of October, 2017 by the following roll call vote, to wit:

AYES: Councilmembers Garcia, Cox, Kennedy and Negrete

NOES: Councilmember Gomez

ABSENT: None

ABSTAIN: None

  
CITY CLERK OF THE CITY OF VICTORVILLE



**AGENDA ITEM**

**CONSENT CALENDAR**

**CITY COUNCIL / BOARD OF DIRECTORS**

MEETING OF: October 17, 2017

SUBMITTED BY: CAROLEE BATES   
CITY CLERK/BOARD SECRETARY

DATE: 10/4/17

ATTACHMENTS: ORDINANCE NO. 2367

SUBJECT: PRESENTATION OF ORDINANCE FOR ADOPTION

RECOMMENDATION:

That the City Council adopt Ordinance No. 2367

FISCAL IMPACT:

PROJECT BUDGET:	\$	-
PROJECT COST:	- \$	-
PROJECT BALANCE:	\$	-

BUDGET ACCT NO:

— Finance Use Only —

Additional Expense:

\_\_\_\_\_ No  
\_\_\_\_\_ Yes / Amount

Additional Revenue:

\_\_\_\_\_ No  
\_\_\_\_\_ Yes / Amount

CFO Review  
\_\_\_\_\_

DISCUSSION: At a Regular City Council meeting held October 3, 2017, the Council conducted a public hearing and introduced Ordinance No. 2367. Accordingly, this Ordinance is being presented for adoption at this time.

CB/hr