

ORDINANCE NO. 94-11

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIDGECREST AMENDING THE RIDGECREST
MUNICIPAL CODE AS IT RELATES TO PUBLIC
MEETINGS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST
AS FOLLOWS:**

Section 1. Purpose

This ordinance amends the Municipal Code by incorporating recent changes to the Ralph M. Brown Act.

Section 2. Amendment

Article 1 of Chapter 2 of the Ridgecrest Municipal Code (commencing with Section 2-1.101) is hereby retitled: "Meetings" and amended and reenacted to read as follows:

"ARTICLE 1. MEETINGS

Section 2-1.101 General

(a) All meetings of the City Council and any advisory body shall be open to the public and all persons shall be permitted to attend. No action shall be taken by secret ballot at such meetings.

(b) The following terms are defined for the purposes of this article:

Advisory body means a decision-making or advisory body created by formal action of the Council. An *ad hoc* committee composed solely of two or less uncompensated members is an advisory body only if the committee has continuing jurisdiction or meets pursuant to a schedule fixed by the Council.

Meeting includes any congregation of a quorum of the Council or an advisory body at the same time and place to hear, discuss or deliberate on any ruling within the jurisdiction of the City; and any use of direct communication, personal intermediaries or technological devices by a quorum of the Council or an advisory body to develop a collective concurrence to action by the Council or advisory body.

Meeting does not include: individual contacts between members and any other person; attendance at a conference or similar gathering open to the public involving discussions of issues of interest to the public generally by public agencies specifically, if members do not discuss City business; attendance at open and publicized meetings addressing topics of community concern by someone not associated with the City, if members do not discuss City business; or attendance at social or ceremonial events, if members do not discuss City business.

Member means a councilmember or a member of an advisory body.

(c) All meetings of the Council and all meetings of advisory bodies shall be held in the City; except: to comply with State or Federal law in court order; to inspect real property or personal property which cannot be moved; to meet with another public agency at the other agency on multi-agency matters; to discuss legislative or regulatory matters with state or federal officials; to discuss matters relating to a City facility in the facility; and to visit legal counsel if necessary to reduce fees.

(d) City Clerk shall provide each member a copy of these regulations.

Section 2-1.102. Regular and Special Meetings

(a) The Council shall hold regular meetings on the first and third Wednesday of each month at the hour of 7:00 o'clock p.m. at City Hall located at 100 West California Avenue, Ridgecrest, California. A regular meeting may be adjourned by the Council or by less than a quorum to another time. An adjourned regular meeting is a regular meeting for all purposes if held within five days of the regular meeting. If the adjourned meeting is held more than five days after the regular meeting, a new agenda shall be posted.

(b) Special meetings may be called by the Mayor, Vice Mayor or City Clerk upon twenty-four hour notice to each member.

(c) An emergency meeting may be called without twenty-four hour notice or agenda if necessary due to disruption or threatened disruption of City facilities by work stoppage or crippling disaster or other activity severely impairing public health or safety as determined by a majority of the members.

(d) Each advisory body may establish a time and place for regular meetings and may call special meetings in the same manner as the Council.

Section 2-1.103 Record of Proceedings

(a) The City Clerk shall record minutes showing action taken by the Council in open session and by each advisory body. The minutes shall be available for public inspection when approved by the Council. If meetings are recorded on audio tape, the tape shall be available for public inspection on a tape player provided by the City.

(b) Any person attending an open meeting of the Council may record the proceeding on audio or video media unless the Council finds the recording cannot continue without noise, illumination or obstruction of view constituting a persistent disruption of proceedings.

Section 2-1.104 Rules of Conduct

(a) The affirmative vote of at least three councilmembers is necessary for the Council to approve any ordinance or any resolution or order for the payment of money. The Council shall take action by motion, resolution or ordinance. Motions and resolutions may be adopted on voice vote; roll call shall be taken if requested by any councilmember. Ordinances shall be adopted on roll call vote.

(b) The City may use video teleconferencing to receive public comment or testimony and for deliberations of the Council. If video teleconferencing is used, the agenda shall be posted at all video teleconference locations and reasonable rules shall be adopted to protect the statutory and constitutional rights of the parties and the public appearing before the Council.

(c) Except as otherwise required by law, and unless waived, proceedings of the Council shall be conducted in accordance with Robert's Rules of Order. Advisory bodies shall adopt rules of order appropriate to their work.

(d) If any meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individual(s) who are willfully interrupting the meeting, the Council may order the meeting room cleared and continue in closed session. Only matters appearing on the agenda may be considered in such a session. The Council may establish a procedure for

readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(e) The Council shall not prohibit public criticism of the policies, procedures, programs or services of the City or of the acts or decisions of the Council. However, no privilege or protection is hereby conferred for expression beyond that otherwise provided by law.

Section 2-1.105 Agenda

(a) At least seventy-two hours before a regular meeting, or at least twenty-four hours prior to a special meeting, the City Clerk shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session. The posting shall be freely accessible to the public.

(b) The agenda for all meetings shall include the opportunity for the public to address the Council prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Council on matters within the jurisdiction of the City but not on the agenda. Individual speakers shall be limited to five minutes and the total time for public comments shall not exceed 60 minutes.

(c) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment; request clarification; provide a reference to staff or other resources for factual information; request staff to report back to the Council at a subsequent meeting or direct staff to place a matter of business on a future agenda.

(d) Prior to discussion of any matter on the agenda, the Council may add matters to the agenda upon a majority finding that an emergency exists or upon at least a two-thirds vote finding there is a need to take immediate action and the need for action came to the attention of the City subsequent to the posting of the agenda. If only three councilmembers are present, the finding of the need for action shall be by unanimous vote.

(e) The agenda shall describe matters to be discussed in closed session in substantially the following form:

(1) For closed session under Government Code Section 54956.7: `License/Permit Determination`;

(2) For closed session under Government Code Section 54956.8: `Conference with Real Property Negotiator [property identity, negotiating partners, subject of negotiations]`;

(3) For closed session under Government Code Section 54956.9: `Conference with Legal Counsel - Existing Litigation [name of case unless disclosure would jeopardize service or settlement]`; or `Conference with Legal Counsel - Anticipated Litigation [potential case name]`;

(4) For closed session under Government Code Section 54956.94: `Liability Claims (name of claimant)`;

(5) For closed session under Government Code Section 54957: `Threat to Public Services or Facilities [name of law enforcement agency and title of officer]`; or `Public Employee [specify position]`; or `Public Employee Performance Evaluation [specify position]`; or `Public Employee Discipline/Dismissal/Release`;

(6) For closed session under Government Code Section 54957.6: `Conference with Labor Negotiator [name of agency representative and employee organization or unrepresented employee]`.

(f) Meetings to consider new or increased general tax or assessment shall be preceded by at least forty-five days notice as specified by law.

Section 2-1.106 Closed Sessions

(a) The Council may conduct a closed session to:

(1) Consider a license or permit application;

(2) Consider property acquisition or disposition by eminent domain or otherwise;

(3) Consider pending or potential claims or litigation;

(4) Consider threats to public services or facilities;

(5) Consider the appointment, promotion or job performance of employees;

(6) Consider charges levied against an employee;

(7) Establish the City's position concerning employee negotiations;

(8) Conduct any City business when public session is not possible due to riot or other interruption.

(b) If possible, the Council shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the City. Action taken in closed session and the vote, abstention or absent of each member shall be publicly reported as follows:

(1) Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final, as follows:

- If the Council's approval renders the agreement final, the Council shall report approval and the substance of the agreement in open session at the public meeting when the closed session was held.
- If final approval rests with the other party to the negotiations, the City shall disclose the approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the City of its approval.

(2) Approval given to the city attorney to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation shall be reported in open session at the public meeting when the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify the direction to initiate or intervene in an action has been given and the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(c) Reports required by this section may be made orally or in writing. The Council shall provide to any person who has submitted a written request to the Council within twenty-four hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until

(6) Approval of an agreement concluding labor negotiations shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported at the public meeting when the closed session is held. Such report shall identify the title of the position and specify any change in compensation. However, a report of dismissal or of nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of the employees administrative remedies.

(4) Disposition reached as to claims discussed in closed session shall be reported in the same manner as the settlement of pending litigation.

• If final approval rests with some other party to the litigation or with the court, the city shall disclose the approval, and identify the substance of the agreement upon inquiry by any person when the settlement becomes final.

• If the Council accepts a settlement offer signed by the opposing party, the Council shall report acceptance and identify the substance of the agreement in open session at the public meeting when the closed session is held.

(3) Approval given to the city attorney of a settlement of pending litigation, at any stage prior to or during judicial or quasi-judicial proceedings shall be reported after the settlement is final, as follows:

the retyping is completed during normal business hours, if the Mayor, or designee, orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information. The documentation shall be available to any person on the next business day following the meeting in which the action referred to is taken, or, in the case of substantial amendments, when any necessary retyping is complete.

(d) After completing a closed session, counsel shall prepare a confidential memorandum stating the purpose of the closed session and the action taken, if any. This memorandum is confidential and shall be filed in the office of the City Administrator."

Section 3. Amendment

Article 1A is hereby added to the Ridgecrest Municipal Code to read as follows:

"ARTICLE 1A. CITY COUNCIL

Section 2-1A.101 Mayor and Vice Mayor

- (a) The Mayor presides at council meetings.
- (b) The Vice Mayor has all the powers and duties of the Mayor when the Mayor is absent or unable to act.
- (c) The Mayor pro tempore has all the powers and duties of the Mayor when the Mayor or Vice Mayor are absent or unable to act.
- (d) The Council shall meet on the Tuesday after the general municipal election and choose one (1) of its members as Mayor, one (1) of its members as Vice Mayor and one (1) of its members as Mayor pro tempore

Section 2-1A.102 Mayor and Council: Compensation and Expense Reimbursement

- (a) Councilmembers shall each receive a monthly salary of Four Hundred Dollars (\$400.00).
- (b) Councilmembers shall be reimbursed for actual and necessary expenses incurred in the performance of official duties provided that the councilmember has been authorized and instructed to perform such duties and incur such expenses by the Council and, provided further, a written claim for

reimbursement is filed by the councilmember with the Director of Finance within thirty (30) days after such expenses are incurred.

Section 2-1A.103 General Municipal Elections

(a) The General Municipal Election of the City of Ridgecrest shall be conducted in November of each even numbered year. The General Municipal Election shall be consolidated with the state wide general election pursuant to Government Code Section 36503.5.

(b) The period for nominations of candidates shall coincide with the period of nominations for candidates for the state wide general election."

Section 4. Other

Except as provided herein, the Ridgecrest Municipal Code is hereby affirmed and readopted.

PASSED, APPROVED AND ADOPTED THIS 17th day of August, 1994, by the following vote:

Ayes: Mayor Corlett, Council Members Auld, Bitney, Bryan and Parode.

Noes: None.

Abstain: None.

Absent: None.



Kevin S. Corlett, Mayor

ATTEST:



Pamela Bartlett, City Clerk

(SEAL)

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