

ORDINANCE NO: 2992

NEW REQUIREMENTS REGARDING THE WAY IN WHICH CITY COUNCIL MEETINGS,
COUNCIL COMMITTEES AND OTHER CITY LEGISLATIVE BODIES ARE RUN

The people of the City of Oxnard do ordain as follows:

SECTION 1. Title.

This initiative shall be known and may be cited as the “Oxnard Open Meetings Act.”

SECTION 2. Findings and Declarations.

The people of the City of Oxnard find and declare all of the following:

- a) The Oxnard City Council adopted Oxnard Ordinance No. 2949, which created a number of committees charged with conducting important city business.
- b) Those committees meet at times that conflict with many residents’ work schedules, which effectively limits their opportunity to provide input on issues affecting their quality of life.
- c) Inconvenient meetings make a mockery of the ideal that the proceedings of elected and appointed officials ought to be conducted openly and at times that reasonably allow members of the public to directly address legislative bodies while they are deliberating on matters of public policy.
- d) Meetings are conducted largely without making full use of standard recognized parliamentary procedures, often resulting in prolonged disorderly meetings, and thus reducing the likelihood that residents will be able to remain in attendance long enough to participate.
- e) The details of proposals are often better revealed in staff presentations than they are in written staff reports, but because such presentations are not presented until the actual meeting and considerable time is consumed making such presentations, the ability of the People to know the full impact of those proposals and adequately formulate their concerns are significantly diminished.
- f) Residents wanting to speak to the Oxnard City Council on matters of public concern have been limited to one or two minutes to state a position, especially on controversial matters, thus creating an environment where public participation is discouraged.

SECTION 3. Purposes and Intent.

The People of the City of Oxnard hereby declare that their purposes and intent in enacting the “Oxnard Open Meetings Act” are to improve disclosure and public participation on matters that come before the Oxnard City Council and other local legislative bodies.

SECTION 4. Oxnard Open Meetings.

To implement the Oxnard Open Meetings Act, the Initiative amends or adds the following sections of the Oxnard City Code. Type formatted as underlined is added to the Municipal Code; type formatted as ~~strikethrough~~ is deleted from the Municipal Code; unformatted type is existing and not amended by this initiative.

A. SEC. 2-1 of Division 1, of Article I of Chapter 2 of the Oxnard Municipal Code is hereby amended to read as follows:

SEC. 2-1. MEETINGS; RULES OF PROCEDURE.

(A) Regular city council meetings - Unless otherwise approved by city council action, city council shall conduct regular meetings on the first and third Tuesdays of every month in the city council chambers at 305 West Third Street at a time set by resolution of the city council.

(B) Rules of procedure and standing rules -

(1) The rules for the conduct of proceedings of the city council shall be established by resolution. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the city's legislative bodies in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the city council may adopt by resolution. The city council may by resolution establish standing rules unrelated to parliamentary procedure.

(2) Any violation of such rules shall be deemed to be a violation of this code and shall be punishable as provided in section 1-10 of this code.

(C) Notwithstanding Section 9217 of the Election Code, the city council may amend subdivision (A) of this section without submission to the voters to change the days and location for regular meetings.

B. Section 2-1.2 through 2-1.5 of Division 1, of Article I of Chapter 2 of the Oxnard Municipal Code are hereby adopted as follows:

SEC. 2-1.2. ALLOWABLE MEETING TIMES.

Meetings of the city's legislative bodies, as defined by and subject to the Ralph M. Brown Act (California Government Code Sections 54950 et seq.), shall commence no earlier than 5:00 pm on weekdays and 9:00 am on weekends. Notwithstanding, this requirement shall not apply to purely advisory bodies, emergency meetings, meetings held in closed session, or meetings conducted outside the city's geographical boundaries. Moreover, by a 4/5 vote this requirement may be waived by an advance reasonable determination that extenuating circumstances surrounding the starting time of a particular meeting prevent the legislative body from fulfilling its duties and that such circumstances cannot otherwise be obviated by alternative or additional meeting dates. Actions taken at meetings held in violation of this section shall be deemed invalid.

SEC. 2-1.3. PARLIAMENTARY TRAINING.

(A) The city shall provide each member of the city's legislative bodies with a copy of the current edition of *Robert's Rules of Order Newly Revised*.

(B) The city shall make use of the services of a Professional Registered Parliamentarian certified by the National Association of Parliamentarians or a Certified Parliamentarian credentialed by the American Institute of Parliamentarians to train members of the city's legislative bodies on Robert's Rules.

SEC. 2-1.4. STAFF PRESENTATIONS IN ADVANCE OF MEETINGS.

To provide the fullest opportunity for public input on all matters coming before the city's legislative bodies, staff presentations for each agenda item shall be videotaped in advance, and then posted on the city's website and made available for viewing on city premises at the time of the posting of the agenda for the meeting. The primary role of staff at meetings is to answer questions posed by the legislative body, not the reenactment of pre-recorded presentations.

SEC. 2-1.5. PUBLIC COMMENT.

(A) In addition to opportunities for public comment required by state law, the agenda shall provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee composed exclusively of members of the legislative body.

(B) Each person shall be allowed no less than three minutes to comment on an agenda item at a meeting.

(C) Reasonable accommodations shall be made to facilitate the presentation of videos, PowerPoint or similar presentations during public comments. Presenters shall be required to provide hard copies of presentations to members of the legislative body.

SECTION 5. Broad Construction.

a) The provisions of this Act shall be liberally construed and broadly applied in order to effectuate its underlying purposes of requiring that meetings be scheduled during hours most convenient to the general public, that staff presentations be made available in advance so that the general public can meaningfully participate, that meetings be conducted in accordance with Robert's Rules so that they are run in an orderly manner, and that the time and manner in which public comments can be made are not unduly restricted.

b) If any provision of this Act conflicts directly or indirectly with any other provision of law, those other provisions shall be null and void to the extent that they are inconsistent with this act, and are hereby repealed.

SECTION 6. Conflicting Ballot Measures.

a) In the event that this measure and another measure or measures relating to the disclosure or conduct of meetings appear on the same citywide election ballot, the provisions of the other measures that would affect in whole or in part the field of meeting conduct shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

b) If this measure is approved by voters but superseded by any other conflicting ballot measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

SECTION 7. Proponent Standing.

The People of the City of Oxnard declare that the proponent(s) of this measure has a direct and personal stake in defending this measure and grant formal authority to the proponent to defend this measure in any legal proceeding, either by intervening in such legal proceeding, or by defending the measure on behalf of the people and the City in the event that the City declines to defend the measure or declines to appeal an adverse judgment against the measure.

In the event that the proponent is defending this measure in a legal proceeding because the City has declined to defend it or to appeal an adverse judgment against it, the proponent shall: act as an agent of

the people and the City; be subject to all ethical, legal, and fiduciary duties applicable to such parties in such legal proceedings; and be entitled to recover reasonable legal fees and related costs from the City.

SECTION 8. Severability.

If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.

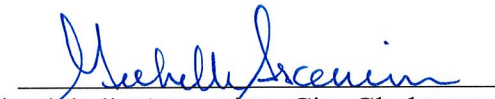
PASSED AND APPROVED by the voters of the City of Oxnard, State of California, at the Municipal Election held on November 3, 2020.




Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM



Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

12/8/2020