



City of Rialto

Legislation Text

File #: 23-997, **Version:** 1, **Agenda #:** TAB2

For City Council Meeting [December 12, 2023]

TO: Honorable Mayor and City Council

APPROVAL: Henry Garcia, Interim City Manager

FROM: Eric S. Vail, City Attorney

Request City Council Introduce for First Reading **Ordinance No. 1689** Amending Chapter 2.16 of the Rialto Municipal Code by Adding a New Section 2.16.090 Providing for City Council Adoption of Commission Rules of Procedure, and Repealing Conflicting Provisions.

(ACTION)

BACKGROUND

The Rialto Municipal Code contains separate provisions relating to the adoption of procedural rules for four commissions established by ordinance within the Rialto Municipal Code. The various provisions are inconsistent and one such provision is incorrectly titled. Furthermore, the conduct of the various commissions is, at times, inconsistent with the standard protocols for the transaction of business observed by the City Council. Therefore, the City Attorney's Office recommends that the City Council adopt an ordinance to provide for City Council adoption of standards of conduct and procedural rules for the transaction of City business by the various commissions, and to allow for the imposition of consistent standards.

ANALYSIS/DISCUSSION

The proposed ordinance will require all City commissions to follow procedural rules for the transaction of business adopted by the City Council for each such commission. Until such time as the City Council adopts rules specifically for each commission, the commissions are required to follow the procedural rules applicable to the City Council. The proposed ordinance also requires each commission to keep a record of its transactions, resolutions, findings and determinations.

ENVIRONMENTAL IMPACT

The proposed actions do not constitute a "project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(b), a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY

This action is consistent with Guiding Principle 3A of the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW

The City Attorney prepared and approved this staff report and ordinance.

FINANCIAL IMPACT

Operating Budget Impact

This action will have no impact on the Fiscal Year 2023-2024 Operating Budget.

RECOMMENDATION

Staff recommends that the City Council Introduce for First Reading and Ordinance entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 2.16 OF THE RIALTO MUNICIPAL CODE BY ADDING A NEW SECTION 2.16.090 PROVIDING FOR CITY COUNCIL ADOPTION OF COMMISSION RULES OF PROCEDURE, REPEALING SECTION 2.18.050, SECTION 2.22.030, AND SECTION 2.64.060, AND AMENDING SECTION 2.68.060 TO CORRECT THE TITLE THEREOF.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 2.16 OF THE RIALTO MUNICIPAL CODE BY ADDING A NEW SECTION 2.16.090 PROVIDING FOR CITY COUNCIL ADOPTION OF COMMISSION RULES OF PROCEDURE, REPEALING SECTION 2.18.050, SECTION 2.22.030, AND SECTION 2.64.060, AND AMENDING SECTION 2.68.060 TO CORRECT THE TITLE THEREOF.

THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.16 of the Rialto Municipal Code shall be amended by adding a new section 2.16.090 thereto to read as follows:

“2.16.090 – Adoption of Rules.

Each commission shall adhere to procedural rules for the transaction of business adopted by the City Council by resolution. In the event the City Council has not adopted procedural rules for a commission, then such commission shall adhere to the adopted procedural rules for the transaction of business applicable to the City Council. Each commission shall keep a record of its transactions, resolutions, findings and determinations.”

SECTION 2. Section 2.18.050 of Chapter 2.18 of the Rialto Municipal Code is hereby repealed.

SECTION 3. Section 2.22.030 of Chapter 2.22 of the Rialto Municipal Code is hereby repealed.

SECTION 4. Section 2.64.060 of Chapter 2.64 of the Rialto Municipal Code is hereby repealed.

SECTION 5. The title of Section 2.68.060 of Chapter 2.68 of the Rialto Municipal Code is hereby amended to read as follows: **“2.68.060 - Officers.”**

SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance.

1 The City Council hereby declares that it would have passed this ordinance and each and every
2 section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without
3 regard to whether any portion of the ordinance would be subsequently declared invalid or
4 unconstitutional.

5 **SECTION 7.** The Mayor shall sign this Ordinance and the City Clerk shall certify to the
6 passage of this Ordinance and a summary of this Ordinance shall be published as required by law
7 and shall take effect as provided by law.

8 **PASSED, APPROVED AND ADOPTED** this ___ day of January, 2024.

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10 _____
11 DEBORAH ROBERTSON, Mayor

12 **ATTEST:**

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14 _____
15 BARBARA MCGEE, City Clerk

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17 **APPROVED AS TO FORM:**

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19 _____
20 ERIC VAIL, City Attorney
21 Burke, Williams & Sorensen, LLP
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, BARBARA MCGEE, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of
6 the City of Rialto held on the _____ day of _____, 2024.

7 Upon motion of Councilmember _____, seconded by Councilmember
8 _____, the foregoing Ordinance No. _____ was duly passed and adopted.

9 Vote on the motion:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto this _____ day of _____, 2024.

15 _____
16 BARBARA MCGEE, CITY CLERK

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