
From: Tom Owings
Sent: Friday, April 05, 2013 12:25 AM
To: towings@hotmail.com
Subject: Fwd: Charter Documents. From home
Attachments: Proposed Charter for the City of Moreno Valley Riverside County 040413 Revision cm.docx; ATT00001..htm; Articles III IV 040313 Revision.doc; ATT00002..htm

Sent from my iPad

Begin forwarded message:

From: Cindy Miller <cindym@moval.org>
Date: April 4, 2013 5:08:26 PM PDT
To: Tom Owings <tomo@moval.org>, "towings123@gmail.com" <towings123@gmail.com>
Cc: Jane Halstead <janeh@moval.org>, Juliene Clay <julienec@moval.org>, Ewa Lopez <ewal@moval.org>, Kathy Gross <kathyg@moval.org>
Subject: Charter Documents

Pls see attached files

Thanks,

Cindy

*Cindy A. Miller
Executive Assistant to Mayor / City Council
City Council Office
City of Moreno Valley
14177 Frederick St.
P.O. Box 88005
Moreno Valley, CA 92552-0805
T: 951.413.3006
F: 951.413.3760
E: cindym@moval.org
w: www.moval.org*

ATTACHMENT INFO

CONTRLNM: EMT000011537

Filename: ATT00001..htm

Comments: UNSUPPORTED, BLANK, PASSWORD
PROTECTED OR EXCLUDED FILE TYPE

ATTACHMENT INFO

ARTICLE III. FORM OF GOVERNMENT

Section 300. Form of Government

The government provided by this Charter is the Mayor-Council form of government.

ARTICLE IV. THE COUNCIL

Section 400. Powers Vested in Council

The Council shall be the governing body of the City. It shall exercise the corporate powers of the City and, subject to the expressed limitations of this Charter, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of California. It shall have no administrative powers. The Council shall fix the compensation of all City employees, officers and officials except as otherwise provided by this Charter.

Section 401. Composition of the Council

The City Council shall consist of five members nominated and elected by districts as hereinafter provided. The Mayor shall not be a member of the Council.

Section 402. Elections by Districts

For the purpose of electing members of the Council, the City shall be divided into five numbered Districts as nearly equal in population as practicable. Initially, the districts will be the currently existing districts until such time when redistricting is mandated by the rules of a General Law City. At such a time when redistricting is mandated, it shall be done in the manner of a General Law City.

Section 403. City Council Term of Office

Each member of the City Council shall be elected at a general election and shall serve a four-year term commencing on the eighth day in January following election and until a successor qualifies. The respective terms of office of the members of the City Council in effect on the date this Charter is adopted shall continue.

Section 404. Member Term Limits

The regular term of office of each member of the Council shall be four (4) years. No person who has been elected to the City Council as a Council member in any Council District in the City for two (2) successive four-year terms, after the effective date of this Section, shall be eligible to run for election as a member of the Council in any Council District, nor appointed to serve as a Council member for any additional successive term.

Any person appointed or elected to the City Council as a City Council member to fill an unexpired term of two years or less in length shall be eligible to serve two successive four-year terms upon the expiration of the unexpired term for which that person was appointed or elected.

Any person appointed or elected to the City Council as a City Council member to fill an unexpired term of more than two years in length shall only be eligible to serve one successive four-year term.

No person having served two successive four- year terms may serve as a Councilmember, either by election or appointment, until at least four years after the expiration of the second successive term in office.

Any Councilmember who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four- year term. This section shall apply to council members who were council members prior to this Charter being adopted but shall be able to finish their terms should they have served more than the allowed period of time. Any council members elected at the same election as this Charter shall serve their full elected term.

The above shall not disqualify any person from running for election to the Office of Mayor or for any term or terms which are not successive.

Section 405. Qualifications

1. A person shall not be eligible to take office as a member of the Council unless the person satisfies all of the following conditions:
2. The person must have been a citizen of the United States for at least one year immediately preceding the commencement of the term for which the person is elected or the date upon which the person is appointed.
3. The person must have been a resident of the City of Moreno Valley for at least one year and in the District represented , for at least (180) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.
4. If elected to office at a Regular Municipal Election, the person must have been a registered elector of the City of Moreno Valley on the last day specified by law for the filing of nomination papers with the City Clerk for such office.
5. If appointed to such office, the person must have been a registered elector of the City of Moreno Valley at the time of the person's appointment.

A person shall not be eligible to be a candidate at any election for any Council office, if the person would not be eligible under the above provisions of this Section to take office if

elected. Any determination as to whether a person has met the eligibility requirements shall be made at the time the nomination papers are filed and at the time of taking office.

The incumbent must, at all times, during the term of office continue being a citizen of the United States, a resident of the City of Moreno Valley, a registered elector of the City and a resident of the District which they represent.

The City Clerk of Moreno Valley will validate that the qualifications for any candidate for City Council have been fulfilled.

In the event of redistricting, the candidate may run in the district their residence is assigned after redistricting for the election immediately following redistricting.

It is the intention of this condition that the candidate be a bona-fide resident of the district. While no exact criteria for a bona fide resident can easily be drawn, evidence of such residency can include registered voters address, address of registration of motor vehicles and driver's license, utility bills, property taxes, including the homeowner's exemption.

All other requirements of a General Law City for a candidate to run for City Council must also be fulfilled.

Section 406. Judge of Qualifications

The Council shall be the judge of the election and qualification of its members and of the grounds for forfeiture or loss of their respective offices, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture or loss of their office shall be given, if he or she so demands, an opportunity to be heard in his or her own defense at a public hearing after reasonable notice to such members.

Section 407. Filling of Vacancy.

The office of a member of the Council becomes vacant on the happening of any of the following events before the expiration of such officer's term:

- (a) The death of the incumbent;
- (b) Insanity of the incumbent, when determined by a final judgment or final order of a court of competent jurisdiction;
- (c) Resignation of the incumbent;
- (d) The incumbent ceases to satisfy any requirements for retention of their office which are set forth elsewhere in this Charter;

- (e) Removal of the incumbent from office;
- (f) Absence of the incumbent from the State of California for more than sixty (60) days, unless either upon business of the City or with the consent of the Council. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State shall be extended by the Council;
- (g) The incumbent ceases to discharge the duties of their office for a period of three (3) consecutive months except when prevented by sickness or when absent from the State with permission required by this Charter;
- (h) The incumbent being convicted of a felony or of any offense involving a violation of his or her official duties;
- (i) The decision of a competent tribunal declaring void the incumbent's election or appointment;
- (j) The commitment of the incumbent to a hospital or sanitarium, by a court of competent jurisdiction, as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in such event the office shall not be deemed vacant until the order of commitment has become final;
- (k) The incumbent's absence from five (5) consecutive regular meetings of the Council, unless excused by written resolution of the Council. No such excuse shall operate retroactively. No resolution shall excuse an incumbent's absence from more than five (5) consecutive regular meetings immediately following the date of adoption of such resolution although additional resolutions may be adopted excusing an incumbent's absence from not more than five (5) additional regular meetings immediately following the date of each such resolution. For purposes of this subsection, regular meetings from which an incumbent has been absent shall not be deemed consecutive if separated by one or more regular meetings at which such incumbent has been present or his or her absence from which has been excused by the Council. Also, for purposes of this subsection, "regular meetings" shall not be deemed to mean or include "regular adjourned meetings", "special meetings", or any committee meetings.

Section 408. Filling of Vacancies

If for any reason, a vacancy, as defined by Charter Section 407, occurs in the office of Councilmember, the Council shall either fill the vacancy by appointment by a majority of its remaining members, or call an election for the purpose of filling such vacancy.

- (a) **APPOINTMENT.** If the vacancy is filled by appointment, the appointment shall be effective until the end of the unexpired term of office or January 8th following the next Regular Municipal Election after the appointment, which

ever first occurs.

- (b) ELECTION. If the vacancy is to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council.
- (c) INTERIM APPOINTMENT. If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 405 of this Charter.
- (d) ADVANCE REPLACEMENT. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.
- (e) NO REMAINING MEMBERS. If the offices of all of the Council members should become vacant and no member of the Council remains to fill any vacancies, the City Clerk shall call and conduct a Special Municipal Election, as soon as reasonably possible, to fill such offices for the remainder of the unexpired terms.
- (f) ELECTION DATES. All dates for elections to fill vacancies shall be set by resolution.

Section 409. Holding Other Office

Except as authorized by this Charter, no member of the Council shall hold any other City office or City employment during the term for which they were elected to the Council; provided and excepting, however, that a member of the Council may become a member of any advisory, administrative or governing body of any special purpose district, entity, organization or committee when such is authorized by State law or where the offices are not incompatible.

Section 410. Composition and Salary

Each member of the Council shall be paid as compensation for their services as a member of the Council, for each calendar month during which they are a member of the Council, a monthly salary which shall be established by ordinance adopted pursuant to and in accordance with the provisions hereinafter set forth in this Section. No salary shall be established for any member of the Council except as provided in this Section.

The office of City Council member is a part-time position. The salary of the City Council will be set every 5 years. The salary of the City Council members shall be the lower of the maximum authorized by the State of California laws covering General Law Cities for cities the size of Moreno Valley or the average salary paid to councilmember's of the cities of San Bernardino, Temecula and Riverside, whichever is lower. Additionally, an automobile allowance of no more than \$600 per month shall be paid along with the same benefits paid city executive employees. No Councilmember shall accrue any retirement in PERS or any other retirement plan although the Councilmembers shall receive the same medical and related benefits as any Division Manager employed by the City.

Section 411. Reimbursement

The members of the Council shall receive reimbursement, if and to the extent such is authorized by the Council, for expenses incurred in the performance of their duties or functions of office.

Section 412. Meetings

The Council shall establish rules for the conduct of its proceedings, and to preserve order at its meetings. It shall cause a record of its meetings to be maintained and this record shall be open to public inspection.

The Council shall provide, by ordinance or resolution, not inconsistent with other provisions of this Section, for the time, place, and manner of holding its meetings. Copies of such ordinances or resolutions shall be kept on file in the office of the City Clerk where they shall be available for public inspection. To the extent that they are not inconsistent with other sections of this Charter, the provisions of Chapter 9 of Part I of Division 2 of Title 5 of the Government Code, as they now exist or may hereafter be amended, insofar as they relate to the right of the public to attend meetings of the Council, the adjournment of regular or adjourned regular meetings, the calling of special meetings and the holding of executive sessions, shall govern meetings of the Council. No business shall be considered at any special meeting other than such as is specified in the notice of such meeting. Notice of any special meeting shall be published at least 24 hours in advance of such special meeting.

The meetings of the Council shall be held in City Hall, provided that, in case of emergency, the Council, by resolution, may designate some other appropriate place as its temporary meeting place. The City Council, by motion, may schedule special meetings of the Council in locations in Moreno Valley other than City Hall. Notice of special meetings being convened outside of City Hall shall be published and posted in City Hall at least 15 days in advance of such special meetings.

Additionally, the City Council, by motion, may authorize a committee of the City Council to schedule a special meeting of the committee of the Council in a location in Moreno Valley other than City Hall. Notice of special committee meetings being convened outside of City Hall shall

be published and posted in City Hall at least 15 days in advance of such special meetings.

Meetings of City Council-appointed and Mayoral-appointed standing and ad hoc Council committees, regardless of the number of City Council members who might be on such committees, shall be open to the public and the time and place of such meetings shall be publicly announced at the City Council meetings prior to such committee meetings.

All meetings of the City Council conducted in closed session under the Ralph M. Brown Act (California Government Code Sections 54950 et. seq.) shall be audio recorded. The recording shall be confidential and shall be available for inspection only as permitted by state law. The recording shall be retained for a period of at least two years.

Section 413. Citizen Participation

Within the established rules for the conduct of its official proceedings, no person shall be denied the right personally, or through authorized representatives, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council.

Section 414. Quorum

Except as otherwise specifically provided elsewhere in this Charter, a majority of the entire membership of the Council shall be necessary to constitute a quorum to do business, but a lesser number may adjourn from time to time.

In the absence of a quorum, a smaller number of members may compel the attendance of absent members in the manner and under the penalties established by the City Council.

Section 415. Investigations

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Disobedience of any subpoena or the refusal to testify upon other than constitutional grounds shall be punishable by contempt proceedings.

Section 414. Ordinances and Resolutions

The Council shall act only by ordinance, by resolution or by motion made, seconded and adopted. The vote on all ordinances, resolutions and motions shall be by “ayes” and “noes.” The individual vote of each member of the Council shall be entered in the minutes of the Council, except that where a vote is unanimous, it may be so recorded. Upon request of any member, a roll-call vote shall be taken and recorded on any vote. Whenever a roll-call vote of the Council is in order, the City Clerk shall call the names of members and all members

present shall be required to vote unless disqualified from doing so by law. All written ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Section 415. Council Action, Vote Required

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the adoption of any ordinance or resolution. A voting machine that keeps all votes secret until all members have voted shall be used if feasible. No Councilmember may abstain from any vote without explaining the reason for the abstention.

Section 416. When Ordinances are Required

The City Council shall meet and transact its business according to rules which it shall adopt. The City Council shall act only by written ordinance or resolution, except that it may act by motion on matters over which the City Council has exclusive jurisdiction. All legislative acts shall be by ordinance. An ordinance or resolution may be introduced before the City Council by a member of the Council, a committee of the Council or the Mayor, and shall be referred to and reported upon by an appropriate committee of the Council.

An ordinance or resolution may be prepared in committee and reported out to the full Council for action, consistent with the public notice laws of the City. The affirmative vote of three members of the Council shall be required to adopt any ordinance or resolution, except as otherwise provided by this Charter or by general law.

An ordinance shall deal with only one subject matter, except that appropriations ordinances may cover appropriations with respect to any number of subjects. The title of each ordinance shall clearly reflect the content of the ordinance. The following acts of the Council shall be by ordinance:

- (1) Those acts required by specific provision of this Charter to be by ordinance;
- (2) Each act the violation of which will constitute a misdemeanor punishable by a fine or other penalty;
- (3) Each act imposing a new or additional tax, other than the annual property tax;
- (4) Each act granting a franchise;
- (5) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency as authorized by this Charter;
- (6) Regulate the rates charged for its services by a public utility;
- (7) Authorize the borrowing of money except as otherwise provided in this Charter;

- (8) Convey or lease, or authorize the conveyance or lease for longer than one year, of any real property of the City, or any interest therein, or the acquisition of real property, the purchase price of which is more than Five Thousand Dollars (\$5,000.00);
- (9) Amend or repeal any ordinance previously adopted.

Provided, acts other than those referred to hereinabove under this section, or other than may be specifically otherwise provided for in other sections of this Charter, may be done either by ordinance or by resolution.

Section 417. Requisites of Ordinances

Every proposed ordinance shall be introduced in writing. The enacting clause shall be “Be it Ordained by the Council of the City of Moreno Valley”. Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance. No section of any ordinance or of any code shall be amended unless the whole section to be amended is set forth as amended.

Section 418. Procedures for Adoption of Ordinances

Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, no ordinance shall be adopted unless (a) it is first passed for publication of title, (b) the title of the ordinance is published as hereinafter provided in this Section, and (c) at least six (6) days have elapsed between the date it was passed for publication of title and the date it is adopted.

The title of an ordinance shall be deemed to have been “published”, as said term is hereinabove used in this Section if such title is posted in a prominent location on the City’s website no later than the third day immediately preceding the date of its adoption. No part of any ordinance, or proposed ordinance, other than its title, need be published.

Ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, may be adopted without compliance with the above provisions of this Section.

Section 419. Ordinances; Effective Date

Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

The following ordinances shall take effect immediately upon adoption:

- (a) An ordinance calling for or otherwise relating to an election;

- (b) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing a rate of ad valorem taxation or levying the annual tax on property;
- (c) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City;
- (d) An ordinance adopted as and declared by the Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety, containing a statement of the facts constituting such urgency, if adopted by the affirmative vote of at least five (5) members of the Council;
- (e) An ordinance relating to a bond issue;
- (f) An ordinance adopted pursuant to a State law by virtue of which such ordinance shall be effective immediately.

Passage of an ordinance, except as otherwise provided in the Charter, shall require two readings at separate meetings of the City Council that shall be held at least 20 days apart. If an ordinance is amended at its second reading, the ordinance shall require a further reading prior to final passage.

Resolutions shall require only one reading and may be adopted upon introduction without reference to committee by unanimous affirmative vote of the members of the City Council who are present, but in no event less than a quorum. Resolutions may take effect immediately upon passage, or at such other time as shall be specified in the resolutions.

All ordinances shall take effect no sooner than 30 days following the date of passage except for ordinances not subject to referendum and those authorizing bonded indebtedness and lease financings, which shall take effect immediately. Ordinances granting franchises shall take effect no sooner than 60 days after passage. No ordinance granting a franchise may be passed within 90 days of its introduction.

Nothing contained in this Section shall be deemed to require an ordinance when an ordinance is not otherwise required.

Section 420. Penalty for Violation of Ordinances

The Council may make the violation of its ordinances a misdemeanor, which may be prosecuted in the name of the People of the State of California or may be redressed by civil action, and may prescribe punishment for such violations by a fine not to exceed \$1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

Section 421. Codification

To the extent that it has not already so done, the Council shall cause to be codified all general ordinances in force, and cause the same to be printed in book or pamphlet for the use of the City, its officers and the public.

Section 422. Public's Right to Know

The City Council shall adopt and maintain a Sunshine Ordinance to liberally provide for the public's access to their government meetings, documents and records. The City Clerk shall keep a permanent public record of the proceedings of the Council showing all action considered and taken, the text of ordinances and resolutions voted upon and the vote of each member of the Council regarding any matter before the Council. The City Clerk shall cause the text of all ordinances or resolutions passed by the Council to be readily available to the public.

A written calendar of the business scheduled for each meeting of the City Council or any standing or special committee comprised of Council members and established by the Council shall be prepared and available to the public before each meeting. Summaries of Council and committee calendar items of general public interest, as determined by the City Clerk, and a statement of where and when copies of proposed ordinances and resolutions may be obtained, shall be published commencing at least 36 hours before the commencement time of each regular meeting and at least 18 hours before the commencement time of each special meeting. Posting in a prominent location on the City's website shall meet the requirements of this section.

Except as otherwise provided in this Charter, or by ordinance, notice of the title or the purport and subject matter of each proposed ordinance which is introduced and referred to committee shall be published within five days after its presentation to the Council and a copy of such proposed ordinance shall be kept available for inspection in the office of the City Clerk. Each ordinance required to be included in the municipal code shall be posted on the City's website promptly after final passage. For those that request printed versions, copies shall be made available.

All ordinances, after final passage or upon their becoming effective shall be certified by the Clerk of the Council and recorded in a book kept for that purpose, and resolutions adopted shall be certified and recorded in a like manner. Notice that an ordinance has been passed for second reading, that an ordinance has been finally passed, and that a resolution has been adopted, together with a statement of where copies may be obtained, shall be posted in a prominent location on the City's website within five days of such passage for second reading, final passage, or adoption.

Section 423. Veto Override

The City Council may enact an ordinance or resolution which has been vetoed by the Mayor pursuant to this charter if, within 30 days after such veto, not less than two-thirds of the City Council shall vote in favor of such measure, except as provided by the charter. If a larger vote is required for the adoption of the measure by provisions of this Charter, such larger vote shall be required to overcome the veto of the Mayor.

Section 424. Emergency Ordinances

An emergency ordinance may be passed in cases of public emergency affecting life, health, property, or for the uninterrupted operation of any City or County department or office required to comply with time limitations as established by law. Emergency ordinances shall require only one reading, and the affirmative vote of four members of the City Council shall be required for the passage of an emergency ordinance.

The form and manner of introduction of an emergency ordinance shall be as required for ordinances generally. In addition, an emergency ordinance shall contain:

1. A declaration setting forth the existence of the emergency;
2. A clear and concise description thereof; and
3. An explanation of how the measures in the ordinance will address the emergency.

An emergency ordinance shall be effective upon passage and shall automatically terminate on the 61st day following passage. An emergency ordinance may be reenacted upon the same terms and conditions applicable to its initial enactment. Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

An emergency ordinance may suspend specific sections of this Charter, but may not: levy taxes or user fees; grant, renew or extend a franchise; set or change user fees or rates; set salaries; issue bonds; or buy, sell or lease land.

The Mayor may veto an emergency ordinance but only with the affirmative concurrence of the Acting City Administrator and the Acting City Attorney.

Section 425. Rates, Fees and Similar Charges

Within 30 days of submission by the Mayor, the City Council shall approve by ordinance or reject any rate, fee or similar charge to be imposed by any department, official, Council or commission.

Section 426. Fidelity Bonds

The City Council shall determine which officials of the City, if any, shall be required to post fidelity bonds and the respective amounts of any such bonds. An annual review of bonding requirements shall be conducted by the City Council.

Section 427. Legislative Initiative

The City Council, or three or more members, may submit to the voters declarations of policy, and any matter which the City Council is empowered to pass.

Upon approval by the voters, the City Council shall within 90 days of such approval take such actions within their powers as shall be necessary to carry such declarations of policy into effect. A special municipal election shall not be called with respect to a declaration of policy.

Section 428. Non-Interference in Administration

Except for the purpose of inquiry, the City Council shall deal with the administrative service for which the City Administrator is responsible solely through such officer, and for administrative or other functions for which elective officials or Councils or commissions are responsible solely through the elective official, the Council or commission or the chief executive officer of such Council or commission concerned, or their designees.

Neither the City Council, its committees, nor any of its members, shall have any power or authority, nor shall they dictate, suggest or interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or requisition for purchase or other administrative actions or recommendations of the City Administrator or of department heads under the City Administrator or under the respective Councils and commissions. The City Council shall deal with administrative matters only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited on the part of any Councilmember shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

Notwithstanding any other provisions of this section, it shall not constitute prohibited interference for a member of the City Council to testify regarding administrative matters other than specific contract and personnel decisions at a public meeting of a City Council, commission, task force or other appointive body, or for the City Council to adopt legislation regarding administrative matters other than specific contract and personnel decisions.

Violation of this section shall constitute official misconduct.

Section 429. Financial Audit

The City Council shall select a firm or firms of independent accountants to audit and report upon the annual financial statements of the City.

Section 430. President of the City Council

At its regular meeting on the second Tuesday of each year, the City Council shall by majority vote elect one of its members as President for a one-year term. If a vacancy in the office of President of the City Council shall occur prior to the end of the term, the City Council shall by majority vote elect one of its members to fill the unexpired portion of the term. The President shall preside at all meetings, appoint all standing and special committees, assign legislation to committees, and have such other powers and duties as may be assigned by the City Council.

Section 431. Offices of the City Council

The City Council shall have two full-time staff members pursuant to this charter. The City Council shall appoint a City Clerk. The City Clerk shall have charge of the office and records of the Council and its committees and its classified staff. The Clerk shall keep a public record of the proceedings of the Council. The City Clerk shall record and shall keep properly indexed files of all ordinances and resolutions.

The Clerk shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the Council for which publication is specified. The Clerk shall have such other duties and responsibilities as the City Council may prescribe.

The salary and benefits of the City Clerk shall be set by the City Council by ordinance and subject to veto as with any other ordinance. The City Clerk may enter into a written employment agreement if so determined by ordinance but such term may not exceed 3 years.

ATTACHMENT INFO

CONTRLNM: EMT000011539

Filename: ATT00002..htm

Comments: UNSUPPORTED, BLANK, PASSWORD
PROTECTED OR EXCLUDED FILE TYPE

ATTACHMENT INFO

From: Tom Owings
Sent: Monday, May 06, 2013 2:01 PM
To: msg@wolffe.com
Subject: Fwd: Medical Marijuana case decided

Sent from my iPad

Begin forwarded message:

From: Suzanne Bryant <suzanneb@moval.org>
Date: May 6, 2013 11:28:41 AM PDT
To: Council <CityCouncil&SupportStaff@moval.org>
Subject: Medical Marijuana case decided

The opinion in *City of Riverside v. Inland Empire Patient's Health and Wellness Center* was released by the California Supreme Court this morning **upholding the ban by the city.**

"We have consistently maintained that the CUA and the MMP are but incremental steps toward freer access to medical marijuana, and the scope of these statutes is limited and circumscribed. They merely declare that the conduct they describe cannot lead to arrest or conviction, or be abated as a nuisance, as violations of enumerated provisions of the Health and Safety Code. Nothing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical marijuana will not be permitted to operate within its borders. We must therefore reject defendants' preemption argument, and must affirm the judgment of the Court of Appeal."

You can review the opinion at the following link:
<http://www.courts.ca.gov/opinions/documents/S198638.PDF>.

-*Suzanne*

Suzanne Bryant
Acting City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
T: 951.413.3036
F: 951.413.3034
E: suzanneb@moval.org
W: www.moreno-valley.ca.us

CONFIDENTIAL

THIS E-MAIL, ITS CONTENTS, AND ANY ATTACHMENT(S) ARE CONFIDENTIAL, ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT PRIVILEGED, AND ARE INTENDED ONLY FOR THE PERSON, ENTITY, OR ADDRESSEE NAMED ABOVE. UNAUTHORIZED USE, DISCLOSURE, DISSEMINATION, FORWARDING, DISTRIBUTION, OR COPYING OF THIS E-MAIL, OR THE ATTACHMENT(S), OR BOTH, IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL.

MV00261296

DO NOT FILE WITH PUBLICLY ACCESSIBLE RECORDS.