

**CITY OF ONTARIO**  
**CITY COUNCIL AND HOUSING AUTHORITY**  
**AGENDA**  
**JULY 15, 2014**

**Paul S. Leon**  
Mayor

**Alan D. Wapner**  
Mayor pro Tem

**Jim W. Bowman**  
Council Member

**Debra Dorst-Porada**  
Council Member

**Paul Vincent Avila**  
Council Member



**Al C. Boling**  
City Manager

**John E. Brown**  
City Attorney

**Mary E. Wirtes, MMC**  
City Clerk

**James R. Milhiser**  
Treasurer

**WELCOME to a meeting of the Ontario City Council.**

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

**ORDER OF BUSINESS:** The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

**(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)**

**CALL TO ORDER (*OPEN SESSION*)**

**6:00 p.m.**

***ROLL CALL***

Wapner, Bowman, Dorst-Porada, Avila, Mayor/Chairman Leon

**CLOSED SESSION PUBLIC COMMENT** The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

***CLOSED SESSION***

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN's 0218-201-26 and 27; 9876 and 9928 Edison Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Jongsma Family Trust; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 0218-201-19; 10076 Edison Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Jong's Ontario, LLC; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:  
*1 case*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498.*

In attendance: Wapner, Bowman, Dorst-Porada, Avila, Mayor/Chairman Leon

**PLEDGE OF ALLEGIANCE**

Mayor pro Tem Wapner

**INVOCATION**

Pastor James Crawford, Loveland Worship Center

**REPORT ON CLOSED SESSION**

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

**AGENDA REVIEW/ANNOUNCEMENTS:** The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

**CONSENT CALENDAR**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

**I. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of June 17, 2014, and approving same as on file in the Records Management Department.

**2. *BILLS/PAYROLL***

**Bills** June 1, 2014 through June 14, 2014 and **Payroll** June 1, 2014 through June 14, 2014, when audited by the Finance Committee.

**3. *DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING***

That the City Council designate Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Annual Business Meeting scheduled for September 5, 2014.

**4. *AN AMENDMENT TO THE ACQUISITION, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND MISSION GROVE PARTNERS, L.P.***

That the City Council approve the First Amendment ("Amendment") to the Acquisition, Disposition and Development Agreement ("Agreement") between the City of Ontario ("City") and Mission Grove Partners, L.P. ("Developer") (on file with the Records Management Department) to include Building E and three (3) City-acquired Part 150 parcels in Phase 1 of the proposed Mission/Grove Business Park; and authorize the City Manager to execute the Amendment all documents necessary or desirable to implement said Amendment.

**5. *PURCHASE OF WATER METERS AND REPAIR PARTS/HD SUPPLY WATERWORKS***

That the City Council approve and authorize the sole source procurement of new water meters and repair parts for a total not to exceed amount of \$2,400,000 from HD Supply Waterworks of Perris, California.

**6. *A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF WATER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS/ALBERT A. WEBB ASSOCIATES***

That the City Council approve and authorize the City Manager to execute a Professional Services Agreement with Albert A. Webb Associates (on file with the Records Management Department) of Riverside, California, to provide engineering design services for water main improvements at various locations in the amount of \$216,948 plus a 15% contingency of \$32,542 for a total amount of \$249,490.

**7. *STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2014-15 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2013-14***

That the City Council confirm Keven Michel, Ontario High School, as the Student Representative and Ricardo Olca, Ontario High School as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2015; and recognize Consuelo Guzman, Ontario High School for serving as the Student Representative and Michael Hernandez, Ontario High School for serving as the Student Representative Alternate for the past year.

**8. A RESOLUTION MODIFYING AND AMENDING THE CITY COUNCIL MEETING DECORUM EXPECTATIONS, RULES OF CONDUCT AND ASSOCIATED CONSEQUENCES**

That the City Council adopt a resolution modifying and amending the City Council meeting decorum expectations, Rules of Conduct and associated consequences for City Council Members not adhering to decorum expectations.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING RULES GOVERNING THE CONDUCT OF CITY COUNCIL MEETINGS AND RESCINDING PREVIOUS RESOLUTION NO. 1992-050.

**STAFF MATTERS**

City Manager Boling

**COUNCIL MATTERS**

Mayor Leon  
Mayor pro Tem Wapner  
Council Member Bowman  
Council Member Dorst-Porada  
Council Member Avila

**ADJOURNMENT**





# CITY OF ONTARIO

*Agenda Report*

July 15, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING**

**RECOMMENDATION:** That the City Council designate Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Annual Business Meeting scheduled for September 5, 2014.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

**FISCAL IMPACT:** There is no direct fiscal impact by taking this action; however, representation and participation in the League of California Cities (League) upcoming business meeting will help establish League policy on matters which may affect the City's finances.

**BACKGROUND:** The League has scheduled their Annual Business Meeting for September 5, 2014 during the Annual League Conference in Los Angeles, California. At the Annual Business Meeting, the League membership considers and takes action on resolutions that establish League policy.

Consistent with League bylaws, a city's voting delegate and alternate must be designated by the City Council.

**STAFF MEMBER PRESENTING:** Al C. Boling, City Manager

Prepared by: Nicholas Gonzalez  
Department: Citywide Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/15/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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# CITY OF ONTARIO

Agenda Report

July 15, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AMENDMENT TO THE ACQUISITION, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND MISSION GROVE PARTNERS, L.P.**

**RECOMMENDATION:** That the City Council approve the First Amendment (“Amendment”) to the Acquisition, Disposition and Development Agreement (“Agreement”) between the City of Ontario (“City”) and Mission Grove Partners, L.P. (“Developer”) (on file with the Records Management Department) to include Building E and three (3) City-acquired Part 150 parcels in Phase 1 of the proposed Mission/Grove Business Park; and authorize the City Manager to execute the Amendment all documents necessary or desirable to implement said Amendment.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport  
Invest in the Growth and Evolution of the City’s Economy**

**FISCAL IMPACT:** The City will generate approximately \$2.4 million from the sale of its Part 150 parcels in Phase 1 of the Mission/Grove Business Park project. Federal Aviation Administration (FAA) and Los Angeles World Airports (LAWA) noise mitigation guidelines require that such sale proceeds be reinvested into the Quiet Home Program. The Fiscal Year 2014-15 Quiet Home Program budget includes revenue based on the land sale proceeds as well as appropriations for program-related expenditures. There is no impact to the General Fund.

**BACKGROUND:** On December 3, 2013, the City Council approved the Agreement between the City and the Developer which allows for the construction of a two-phase 241,045 square foot industrial development named Mission/Grove Business Park. This development is located on City Part 150 owned land just southeast of the corner of Mission Boulevard and Grove Avenue.

Since approval of the Agreement, the Developer has been in the process of obtaining entitlements from the City for Phase 1, and has also been actively marketing the buildings within the development for sale. As the Developer has an Ontario-based business that wants to purchase a property within the Phase 2 site (Building E and Development Parcel 5), staff is recommending that this building and development

**STAFF MEMBER PRESENTING:** Brent Schultz, Housing and Municipal Services Director

Prepared by: Sigfrido G. Rivera  
Department: Housing

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/15/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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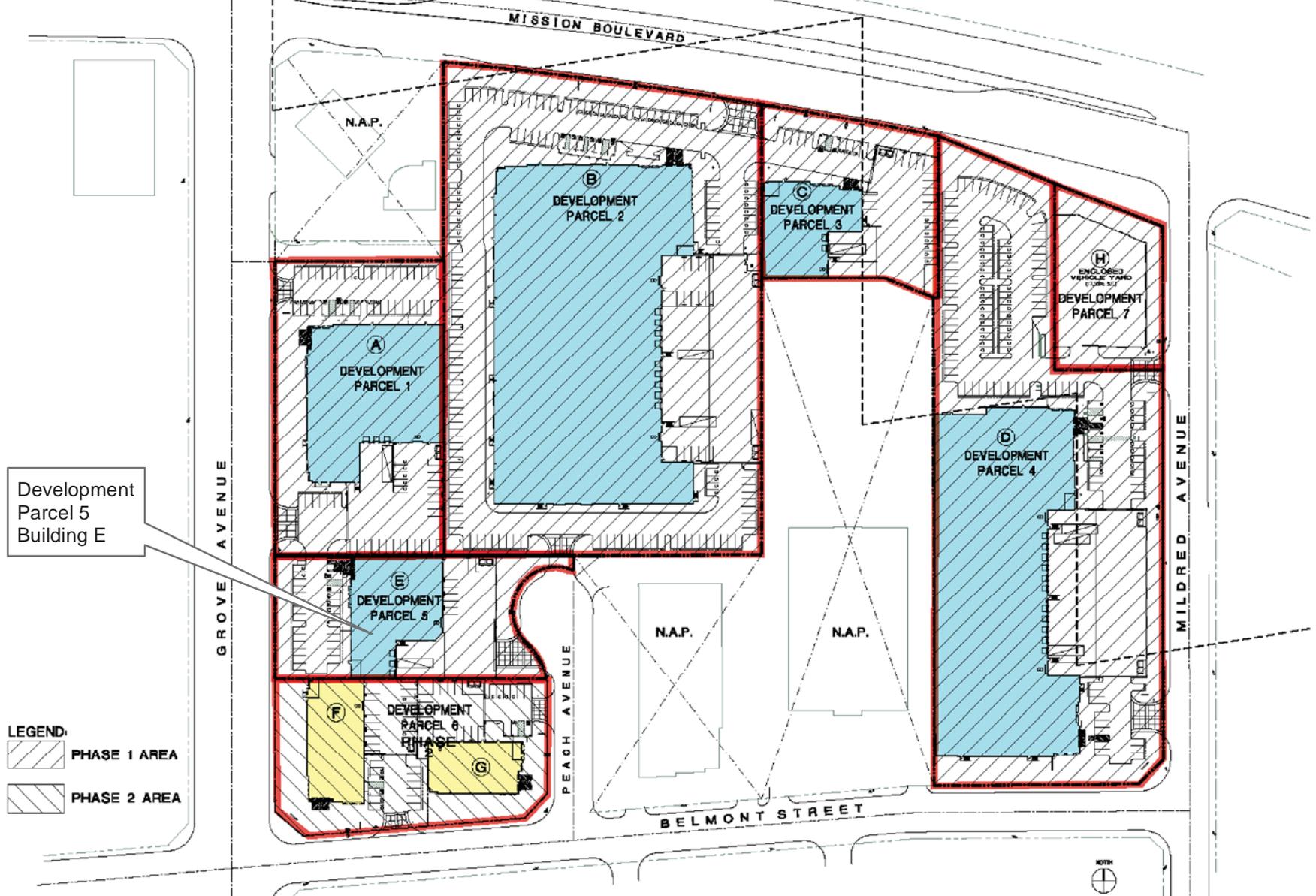
parcel be moved into Phase 1 so that the land can be conveyed to the Developer later this summer. This Amendment will help the Developer better secure financing to construct the project, and will also help keep the business here in Ontario. A location map is provided as Exhibit "A".

FAA and LAWA guidelines require that Part 150 parcels be sold at fair market value and that future development on these parcels is compatible with the airport. The proposed Amendment will comply with these requirements.

Given approval of this Amendment, construction for Phase 1 should commence later this year and be completed within one year of commencement. As to Phase 2, staff continues to work on acquisition of one remaining residential parcel within its boundaries. Accordingly, Phase 2 would proceed if, and only if, the City managed to acquire that parcel by June 30, 2016. However, to date, the homeowner has expressed no willingness to sell and move.

The proposed Amendment will not introduce any significant environmental impacts. As part of the original Agreement, staff prepared a Mitigated Negative Declaration and filed a Notice of Determination pursuant to CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines.

# Exhibit "A"



## Location Map

# CITY OF ONTARIO

Agenda Report  
July 15, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: PURCHASE OF WATER METERS AND REPAIR PARTS**

**RECOMMENDATION:** That the City Council approve and authorize the sole source procurement of new water meters and repair parts for a total not to exceed amount of \$2,400,000 from HD Supply Waterworks of Perris, California.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Sewers, Parks, Streets, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The actual cost of meters to be purchased will be determined based on unit pricing for the various sizes of meters and actual meter repair, replacement and new installation needs. The Fiscal Year 2014-15 Water Operating budget includes \$2,400,000 for the purchase of new and replacement meters and repair parts. New developments pay for new meter installations while the cost of meter testing, repair and replacement is included in the rates the City bills for water service. There is no impact to the General Fund.

**BACKGROUND:** There are over 32,500 water meters citywide, which includes 4,500 meters that serve landscape areas, as well as industrial and commercial businesses. Approximately 28,000 meters are used for residential. The accuracy of meters has a direct relationship to accounting and billing for water service. To maintain accuracy and functionality, meters need to be replaced approximately every ten years and they are repaired as needed.

The Fiscal Year 2014-15 Work Plan includes replacement of approximately 3,250 meters, as part of the ten-year meter replacement program and new development, and development in the New Model Colony is expected to add an additional 800-1,000 new connections.

The Master Meter 3G Radio Read Meter was selected as the City standard specification for all new and replacement meter installations as a result of a public bid process and product evaluation that took place in 2001 when six different vendors and product lines were evaluated. To maintain consistency with our

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Tom O'Neill  
Department: MU/Utilities

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/15/2014  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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standardized meters that are already in place throughout the City, the purchase of these new meters can only be made directly through the manufacturer. Section 2-6.11 (b) (2) of the Ontario Municipal Code states that sole source purchases are authorized if there is only one procurement source. HD Supply Waterworks is the exclusive distributor in California for Master Meter 3G Radio Read Meters and staff has reviewed pricing and recommends this sole source award to HD Supply.

# CITY OF ONTARIO

Agenda Report

July 15, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF WATER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a Professional Services Agreement with Albert A. Webb Associates (on file with the Records Management Department) of Riverside, California, to provide engineering design services for water main improvements at various locations in the amount of \$216,948 plus a 15% contingency of \$32,542 for a total amount of \$249,490.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Fiscal Year 2014-15 Capital Improvement Program includes appropriations from the Water Capital Fund for this project. The recommended agreement is for \$216,948 plus a 15% contingency of \$32,542 for a total amount of \$249,490. There is no impact to the General Fund.

**BACKGROUND:** The Water Master Plan has identified the need to replace undersized aging pipelines to maintain the reliability of water services to the community and to improve service pressure and fire flow availability. The City's water system includes approximately 546 miles of pipeline, about 25% of which is more than 50 years old. The proposed pipeline improvement locations have been prioritized based on the need to replace undersized aging pipelines with capacity deficiencies and the current level of maintenance activities required to provide adequate service reliability (see attached location map).

A Request for Proposal (RFP) was sent to professional engineering firms. Six proposals were received and were reviewed and evaluated in accordance with State law governing selection of professional engineering services.

The following firms submitted proposals:

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Katie Gienger  
Department: MU/Utilities

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/15/2014  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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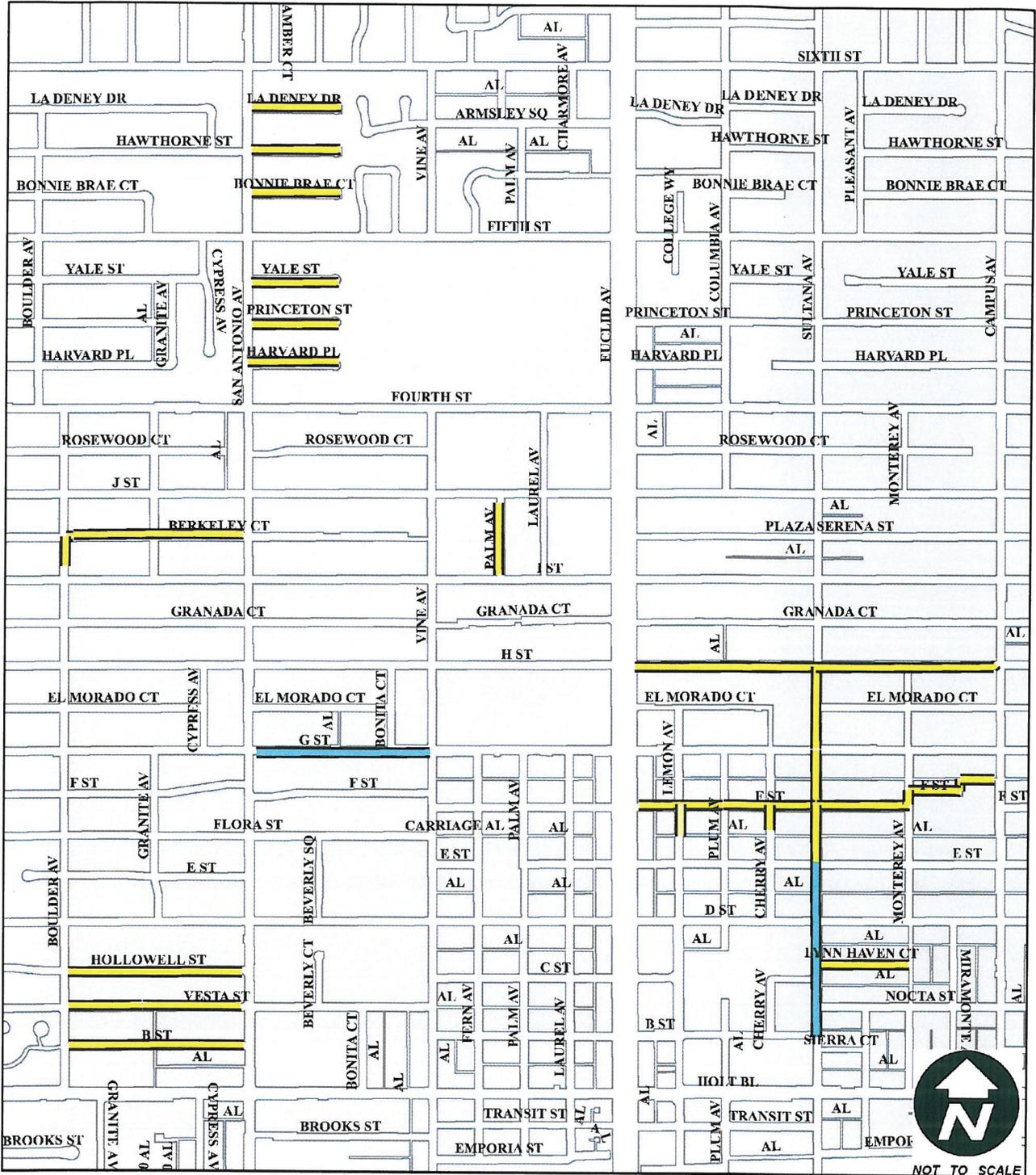
<b><u>Firm</u></b>	<b>Location</b>
<b>Albert A. Webb Associates</b>	<b>Riverside, California</b>
David Evans and Associates, Inc.	Ontario, California
Hall & Foreman, Inc.	Tustin, California
Parsons Brinckerhoff	San Bernardino, California
Psomas	Santa Ana, California
TKE Engineering	Riverside, California

Albert A. Webb Associates is recommended based on their proposal, expertise, ability to perform the work in a timely manner and has successfully performed similar design services and is familiar with the City's plan approval process.

The authorization to provide professional design services for the water main replacement project is not a project under CEQA. Upon completion of the water pipeline replacement design, an environmental review will be performed pursuant to CEQA. At that time, any required CEQA compliance measures will be brought to the City Council for consideration.



# FY 14-15 WATER MAIN REPLACEMENT PROJECT AT VARIOUS LOCATIONS



# CITY OF ONTARIO

*Agenda Report*

July 15, 2014

SECTION:  
CONSENT CALENDAR

**SUBJECT: STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2014-15 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2013-14**

**RECOMMENDATION:** That the City Council confirm Keven Michel, Ontario High School, as the Student Representative and Ricardo Olca, Ontario High School as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2015; and recognize Consuelo Guzman, Ontario High School for serving as the Student Representative and Michael Hernandez, Ontario High School for serving as the Student Representative Alternate for the past year.

**COUNCIL GOALS:** Regain Local Control of the Ontario International Airport  
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** None.

**BACKGROUND:** The Student Representative Program was approved by the City Council in 2002. The Student Representative is a non-voting member of the Recreation and Parks Commission. Since its inception, twenty-two students have participated in the program.

A recruitment process was conducted to include all local high schools and City teen programs. Candidate finalists were invited to the Recreation & Parks Commission meeting on June 23, 2014 for the final step in the recommendation process before being presented to the City Council. These appointments represent the recommendation of the Recreation and Parks Commission.

**STAFF MEMBER PRESENTING:** Mark Chase, Community and Public Services Agency Director

Prepared by: Julie Dorey  
Department: Recreation/Community Services

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/15/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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# CITY OF ONTARIO

*Agenda Report*  
July 15, 2014

**SECTION:  
CONSENT CALENDAR**

**SUBJECT: A RESOLUTION MODIFYING AND AMENDING THE CITY COUNCIL MEETING DECORUM EXPECTATIONS, RULES OF CONDUCT AND ASSOCIATED CONSEQUENCES**

**RECOMMENDATION:** That the City Council adopt a resolution modifying and amending the City Council meeting decorum expectations, Rules of Conduct and associated consequences for City Council Members not adhering to decorum expectations.

**COUNCIL GOALS: Regain Local Control of the Ontario International Airport Operate in a Businesslike Manner**

**FISCAL IMPACT:** None.

**BACKGROUND:** On June 3, 2014, the City Council directed staff to work with the City Attorney's Office to review existing practices and policies regarding City Council decorum, code of conduct, censure protocols and sanction options. At the July 1, 2014 City Council meeting, staff presented the City Council a compilation of documents to assist the City Council in: understanding the current "Rules of Conduct for Members of the City Council"; developing possible amendments to said rules as well as determining consequences and courses of action for City Council Members not adhering to decorum expectations.

The City Council established an ad-hoc sub-committee to review those documents. The attached resolution and updated Rules of Conduct reflect the recommendations of the sub-committee.

**STAFF MEMBER PRESENTING:** Jim W. Bowman and Debra Dorst-Porada, Council Members

Prepared by: Al C. Boling  
Department: Citywide Administration

City Manager  
Approval: 

Submitted to Council/O.H.A. 07/15/2014

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING RULES GOVERNING THE CONDUCT OF CITY COUNCIL MEETINGS AND RESCINDING PREVIOUS RESOLUTION NO. 1992-050.

WHEREAS, the City Council adopted Resolution No. 1992-050 on May 5, 1992 setting the Rules of Conduct of City Council meetings; and

WHEREAS, the City Council desires to update and amend its Rules of Conduct to provide for the orderly and dignified conduct of City business.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council has established its updated Rules of Conduct of City Council meetings as set forth in the attached document.

SECTION 2. Previous Resolution No. 1992-050 is hereby rescinded to the extent it is inconsistent with the provisions of this resolution.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 15<sup>th</sup> day of July 2014.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF ONTARIO )

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2014- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 15, 2014 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2014- duly passed and adopted by the Ontario City Council at their regular meeting held July 15, 2014.

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MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

# City of Ontario City Council Rules of Conduct



Resolution No. 14-XX

Adopted July 15, 2014



# Resolution No. 14-XX City Council Rules of Conduct

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# Resolution No. 14-XX

## City Council Rules of Conduct

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### **POLICY**

The Ontario City Council is committed to conducting the City's business in a fair, responsible, and impartial manner; that all governmental policies be made in the proper channels of the government structure; and that the public have confidence in the integrity of its government. Therefore, the following Rules of Conduct shall be observed by each City Council Member.

### **CITY MANAGER FORM OF GOVERNMENT**

These Rules of Conduct affirm the City Manager form of government. As stated in Article 1 of Chapter 3 of the Ontario Municipal Code, the City Manager is the administrative head of the City government. All City staff are under the direct management and control of the City Manager. Staff is directed to report to the City Manager any attempts by individual members of the City Council to influence or otherwise pressure them into making, changing or suppressing staff decisions or recommendations.

The City Manager shall serve as the central point of contact by which Council Members can direct complaints, suggestions and information directly and quickly. It is important that all such matters be handled promptly through the City Manager's Office for the satisfaction of the City Council Members and their constituents.

### **REPRESENTING THE CITY**

Except where specifically authorized by City Council action or for purely ceremonial purposes, no Council Member shall make any statement or appearance or indicate in any way that he or she is representing the City on any action, decision, or policy direction. Individual Council Members shall not insert themselves into or take positions on matters which will or are likely to be the subject of public hearings or City Council deliberations and actions.

### **NON-DISCLOSURE OF CONFIDENTIAL MATTERS**

From time to time, matters come before the City Council which shall be kept confidential: such as employee discipline, the prosecution and defense of potential or pending



## Resolution No. 14-XX City Council Rules of Conduct

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legal matters, salary negotiations, and matters properly handled in closed session meetings. Council Members shall not disclose such information to others.

### **CITY COUNCIL APPOINTMENTS**

Unless otherwise provided by law, ordinance, resolution, or City Council action, all City commissioners and committee members shall be appointed by majority vote of the City Council as outlined in Ontario Municipal Code Section 2-2.101.

### **CITY COUNCIL MEETINGS**

- A. City Council meetings are for the orderly conduct of City business.
- B. The City Council shall, from time to time and by majority vote, establish the City Council meeting format as to time for public hearings, public comments, time limits for speakers, and time limits for City Council comments, all toward the goal of preventing unnecessarily long City Council meetings.
- C. After legal notice has been given, closed sessions of the City Council shall be conducted at 6:00 p.m. preceding the regular City Council meeting, or preceding a legally noticed Special City Council meeting.
- D. The City Council shall make an effort to conclude each City Council meeting by 10:00 p.m. If it appears that all items cannot be considered within that time period, the City Council may, by majority vote, either continue hearing such agenda item or continue such item to the next regular City Council meeting, special City Council meeting or an adjourned City Council meeting.
- E. Items shall be placed on the City Council agenda by the following persons:
  - i. Mayor;
  - ii. Majority of City Council;
  - iii. City Manager; and
  - iv. City Attorney (as to legal matters only).
- F. The consent calendar shall be reserved for matters of a non-controversial nature which have been fully disclosed to the Council Members. The City Council and staff shall make every effort to ensure that the consent calendar is promptly acted upon.



## Resolution No. 14-XX City Council Rules of Conduct

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- G. In order to ensure that all members of the public have an opportunity to speak and that the City Council is able to complete its business within the prescribed time frame, there will be a three (3) minute limitation on comments by the public, unless otherwise prohibited by law or additional time is required to adequately present a matter before the City Council or the City Council establishes a different time limitation. The three (3) minute time limitation for each speaker will be monitored by the City Clerk and enforced by the Mayor or Chair. In accordance with State law, during the public comment period the City Council should refrain from responses, debate, or action on non-agendized matters.
- H. All written informational material requested by individual Council Members shall be submitted by City staff to all Council Members with a notation indicating which Council Member requested the information. Where such written material relates to a City Council agenda item, Council Members will be provided such material at least three (3) days prior to the City Council meeting. All written responses to City Council shall be provided by the City Manager or his/her designee.
- I. Any Council Member desiring to speak shall address the Mayor, and upon recognition by the Mayor, shall confine himself/herself to the question under debate.
- J. A Council Member desiring to question a staff member shall address his/her question to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate a staff member for that purpose.
- K. A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.
- L. Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of the City Council.



## Resolution No. 14-XX City Council Rules of Conduct

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- M. After each individual City Council Member has addressed a matter and after the closing of a public hearing, if applicable, the City Council, by majority vote, may close further City Council debate and call for a vote on any related matters.
- N. Council Members shall accord the utmost courtesy to each other, to City employees and to the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

### **DECORUM AND ORDER OF CITY COUNCIL**

- A. Individual Council Members shall not direct the City Manager; such direction shall be made by the majority of the City Council.
- B. Council Members shall not direct City staff in the performance of any work without approval of the City Manager.
- C. Council Members shall never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance shall only be made to the City Manager through private correspondence or conversation.
- D. Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- E. Council Members shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.
- F. It is inappropriate for a Council Member to contact a commission or committee member to lobby on behalf of an individual, business, or developer, and vice versa. Commissions and committees serve the community, not individual Council Members. The City Council appoints individuals to serve on commissions and committees, and it is the responsibility of commissions and committees to follow policy established by the City Council.



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- G. Commission and committee members do not report to individual Council Members, nor shall Council Members feel they have the power or right to threaten commission and committee members with removal if they disagree about an issue. Appointment and re-appointment to a commission or committee shall be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A commission or committee appointment shall not be used as a political reward.
- H. Commission and committee members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support commission and committee members who are running for office, but not in an official forum in their capacity as a Council Member.
- I. Council Members who fail to follow proper conduct as determined by the City Council may be reprimanded or formally censured by the City Council, lose seniority or committee assignments (both within the City of Ontario or with inter-government agencies) or have official travel restricted. Infractions of the Rules of Conduct could lead to other sanctions as deemed appropriate by a majority vote of the City Council.

### **DECORUM AND ORDER OF THE PUBLIC**

- A. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.
- B. Each person who addresses the City Council from the podium shall do so in an orderly manner and shall not make personal, slanderous, or profane remarks to any member of the City Council, staff, or the general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting, whether from the podium or in the audience, may, at the discretion of the Mayor, be escorted from the Council Chambers and barred from further audience before the City Council during that meeting.



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### **SANCTIONS AND PROCEDURES FOR VIOLATIONS OF RULES OF CONDUCT**

- A. Council Members who fail to observe these Rules of Conduct, or violate any State or Federal law, or any City ordinance or policy, may be reprimanded or formally censured, lose seniority or committee assignments (both within the City of Ontario or with inter-government agencies), have official travel restricted or be ordered to attend City Council meetings, if the Council Member is absent without justification. Infractions of these Rules of Conduct could lead to other sanctions as deemed appropriate by the City Council, including, but not limited to, referral to the San Bernardino County District Attorney and/or Civil Grand Jury if the conduct is egregious or allegedly criminal in nature. Council Members should point out to the offending Council Member any perceived infraction of these Rules of Conduct as it occurs. No Council Member shall be reprimanded, sanctioned or censured for the exercise of his or her First Amendment rights. However, nothing herein shall be construed to prohibit the City Council from individually or collectively condemning or expressing disapproval of behavior in violation of these rules.
- B. It is the responsibility of the Mayor to initiate formal action if a Council Member's behavior may warrant reprimand, sanction or censure. If no action is taken by the Mayor, action on the alleged violation may be placed on a future agenda for consideration by a majority vote of the City Council.
- C. Reprimand is the least severe form of action for a violation of these rules and may be issued by majority vote of the City Council without findings of fact or investigation. Reprimand is not considered a sanction or censure.
- D. Formal censure, loss of seniority, committee assignments, travel restrictions, or other sanctions deemed appropriate by the City Council may be requested by any Council Member in writing submitted to the Mayor. The written request must set forth specific allegations of violations of State or Federal law, or City ordinances or policies, including these Rules of Conduct, upon which the proposed sanction is based. If the Mayor determines that the request for censure or sanction warrants City Council consideration, the request shall be scheduled for consideration by the City Council at the next regularly scheduled City Council meeting. If a majority of the City Council wishes



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to take action on the request for sanction or censure, the request shall be agendized for a public City Council meeting. The Mayor, or the most senior Council Member, if the Mayor is the subject of the sanction request, shall preside over the proceedings. The rules of evidence shall not apply. A decision to censure or impose other sanctions with respect to the specific charges, based on substantial evidence, requires a majority vote of the City Council.

### **IMPLEMENTATION**

As an expression of the standards of conduct and decorum for Council Members expected by the City, the City of Ontario Rules of Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for newly elected and appointed City Council Members. Members entering office are urged to sign the attached statement affirming they received, read, understood, and shall abide by the City of Ontario Rules of Conduct. The City Council shall consider recommendations to update the Rules of Conduct as necessary.

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I, \_\_\_\_\_, City Council Member of the City of Ontario, DO HEREBY AFFIRM that I have received, read, understood, and shall abide by the City Council Rules of Conduct.



\_\_\_\_\_  
CITY COUNCIL MEMBER SIGNATURE

ATTEST:

\_\_\_\_\_  
CITY OF ONTARIO, CITY CLERK