

ORDINANCE NO. 09-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 2 OF THE ORANGE MUNICIPAL CODE BY ADDING CHAPTER 2.07, RELATING TO CITY COUNCIL REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

WHEREAS, in November, 2011, the City Council adopted an ordinance eliminating reimbursement for the Mayor and City Council members for actual and necessary expenses incurred in the performance of official duties, or to otherwise have such actual and necessary expenses paid for by the City, which applied prospectively to future Mayors and City Council members; and

WHEREAS, in an effort to enhance the stature and presence of the City throughout the State, and necessitated by recent events such as the COVID-19 pandemic and civil unrest, the City is unable to reimburse any elected officials for travel outside of Orange County to conduct official business and advance the legislative and financial interest of the City of Orange; and

WHEREAS, Government Code Section 36514.5 provides the authority for the City Council to be reimbursed for actual and necessary expenses incurred in the performance of their duties; and

WHEREAS, Government Code Section Sections 53232.2 requires the City Council to adopt a written policy for the reimbursement of actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, Government Code Section Sections 53232.3 requires the City Council members to provide documentation and an expense report, and report out on the meetings attended at the expense of the local agency, following reimbursement for expenses incurred on behalf of the local agency; and

WHEREAS, a City Council member may waive any or all of the reimbursement permitted by this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

The Ordinance is not a project under the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15378, because it involves administrative activities of the City that will not result in direct or indirect physical changes in the environment.

SECTION II:

Title 2, of the Orange Municipal Code is hereby amended to add Chapter 2.07 entitled “City Council Reimbursement for Actual and Necessary Expenses”, which shall read as follows:

Chapter 2.07 – CITY COUNCIL REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES

2.07.010 - Authority.

The authority for the City Council to be reimbursed for actual and necessary expenses incurred in the performance of their duties is set forth in Government Code Section 36514.5, subject to Government Code Sections 53232.2 and 53232.3.

2.07.020 – Reimbursement.

Notwithstanding any other provision of Title 2 of the Orange Municipal Code, members of the City Council may receive reimbursement for actual and necessary expenses incurred in the performance of their official duties for the City, pursuant to state law and City Council adopted policies.

2.07.030 – Waiver.

A City Council member may waive any or all reimbursement for actual and necessary expenses incurred in the performance of their official duties provided by this Chapter.

SECTION III:

To the extent required to implement the provisions of this Ordinance, City staff is directed to modify any Administrative Policies in conflict herewith and return to the City Council for any City Council approvals deemed necessary.

SECTION IV:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION V:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this _____ day of _____, 2021.

Mark A. Murphy, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2021, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2021 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange