

## **CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE M**

Under existing regulations, City legislative bodies (which include the City Council and Council Committees) are subject to the Brown Act (California's Open Meeting Law), Oxnard City Code, and rules of procedure adopted by the City Council.

Measure M, which was placed on the ballot by a petition signed by the required number of voters, would impose new local regulations regarding the way in which meetings of City legislative bodies are run:

-- Robert's Rules of Order – Measure M would require that the latest version of Robert's Rules of Order Newly Revised govern the way City's legislative bodies are run (subject to certain exceptions). Measure M would require that each member of the legislative body receives a copy of the current edition of Robert's Rules of Order Newly Revised. In addition, City would be required to train members of the legislative bodies regarding Robert's Rules of Order using a Professional Registered Parliamentarian certified by National Association of Parliamentarians or a Certified Parliamentarian credentialed by American Institute of Parliamentarians.

-- Allowed Start Time for Meetings – Measure M would prohibit meetings of the City's legislative bodies starting before 5 p.m. on weekdays and 9 a.m. on weekends (with limited exceptions).

-- Advanced Videotaping of Staff Presentations – Measure M would require that staff presentations for City legislative bodies be "videotaped" in advance. Such recording must be available for viewing at City Hall when the meeting agenda is posted. Measure M then states that: "[t]he primary role of the staff at meetings is to answer questions posed by the legislative body, not the reenactment of pre-recorded presentations."

Because of the City's Sunshine Ordinance (Oxnard City Code Section 2-220 et seq.), video presentations would need to be posted (with very limited exceptions) at least 12 days in advance for regular City Council meetings and 7 days in advance for special City Council meetings.

-- Public Comments – Measure M would add the requirement that each person shall have at least three minutes to comment on an agenda item at a meeting. This requirement will apply even if the matter has been considered at a prior committee composed exclusively of members of the City Council. In addition, the City would be required to make reasonable accommodations to allow for presenters to present video, PowerPoints and similar presentations during public comments.

The validity of Measure M was the subject of a pre-election lawsuit. On July 15, 2020, the court ordered that the measure be placed on the November 3, 2020 ballot. The court determined that "...time had effectively run out for a comprehensive pre election review of the Starr sponsored initiatives." The court stated that specific legal authority

"gives the court wide discretion to review post-election an initiative which has procedurally qualified for the ballot. The court is exercising that discretion by this ruling and expresses no opinion regarding the legal sufficiency of the initiatives. It is simply putting off for another day should they be approved."

If Measure M passes, the outcome of the pending lawsuit challenging Measure M cannot be predicted with certainty.

  
\_\_\_\_\_  
*Stephen M. Fischer*  
*Oxnard City Attorney*

*The above statement is an impartial analysis of Measure M. If you would like a copy of the measure, please call the Oxnard City Clerk's office at 805-385-7803 and a copy will be mailed to you at no cost. You may also access the full text of the measure and other election materials on the City's home page at [www.oxnard.org](http://www.oxnard.org).*