



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council      **Date:** July 14, 2015

**From:** Lori Lamson, Assistant Town Manager      **Item No:** 7

**Subject:** ADOPT ORDINANCE NO. 469 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, MODIFYING CHAPTER 2.28 OF THE MUNICIPAL CODE AS IT PERTAINS TO THE FUNCTIONS, POWERS AND DUTIES OF THE EQUESTRIAN ADVISORY COMMITTEE

**T.M. Approval:** \_\_\_\_\_      **Budgeted Item:**  Yes  No  N/A

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### RECOMMENDED ACTION:

Adopt Ordinance No. 469.

### SUMMARY:

At its June 23, 2015 meeting, the Town Council reviewed and introduced Ordinance No. 469, amending Chapter 2.28 of the Town of Apple Valley Municipal Code as it pertains to the functions, powers and duties of the Equestrian Advisory Committee. As part of the requirements to adopt a new ordinance, Ordinance No. 469 has been scheduled for adoption at the July 14, 2015 Town Council meeting.

### FISCAL IMPACT:

Not applicable.

### ATTACHMENTS:

1. Ordinance No. 469

## ORDINANCE NO. 469

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING CHAPTER 2.28 OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO THE EQUESTRIAN ADVISORY COMMITTEE FUNCTIONS, POWERS AND DUTIES AND MEETINGS

The Town Council of the Town of Apple Valley does hereby ordain as follows;

**SECTION 1.** That Chapter 2.28 of the Municipal Code of the Town of Apple Valley is hereby amended to read as follows:

#### Chapter 2.28

#### EQUESTRIAN ADVISORY COMMITTEE

##### Sections:

<b>2.28.010</b>	<b>Created</b>
<b>2.28.020</b>	<b>Membership</b>
<b>2.28.030</b>	<b>Functions, Powers and Duties</b>
<b>2.28.040</b>	<b>Meetings</b>
<b>2.28.050</b>	<b>Staffing</b>
<b>2.28.060</b>	<b>Compensation of Members</b>
<b>2.28.070</b>	<b>Rules, Records and Number of Meetings</b>

**2.28.010 Created.** An Equestrian Advisory Committee for the Town is hereby created to perform functions, powers, duties hereinafter set forth, and such further tasks as the Town Council assigns the Committee in accordance with the provisions of this Chapter.

**2.28.020 Membership.** Membership of the Equestrian Advisory Committee shall conform to the following:

(A) The Committee shall be composed of five (5) members, appointed by at least three (3) affirmative votes of the Town Council, based on nominations from members of the Town Council, with due consideration for the representation of major age groups and segments of the community. Subject to the provisions of Municipal Code Section 2.06.010, Committee Members shall serve at the pleasure of their appointing Council Member and for a term(s) concurrent with the term of the Council Member who nominated the Committee Member.

(B) Members of the Committee shall be selected from among those residents of the Town, and those residents living within the boundaries of the previously dissolved Apple Valley Recreation and Park District, having a demonstrated interest in equestrian matters, standards, requirements and programs.

(C) The Equestrian Advisory Committee shall annually, at its first meeting held after February 1, choose one of its members as Chairperson and one as Vice-Chairperson. Vacancy in either such position occurring prior to February 1 may be filled as in the first instance, and a new Chairperson or Vice-Chairperson may be chosen at any time by majority vote of all members of the Committee.

(D) Vacancies shall be filled in the manner prescribed in Subsection 2.28.020 (A) above.

(E) A member shall be automatically terminated from membership on the Committee upon three (3) consecutive unexcused absences or unexcused absence from more than twenty-five percent (25%) of the meetings during any fiscal year, as prescribed in Section 2.06.010 of the Municipal Code.

(F) Any Committee Member may be removed from office at any time with or without cause, by the Town Council Member who nominated said appointee to the Committee or by a majority vote of the entire Town Council, as prescribed in Section 2.06.010 of the Municipal Code.

(G) The term of any member of the Committee will be automatically extended pending the selection and qualification of his or her successor. Except as modified by the provisions in this Chapter, the provisions of Section 2.06.060 of the Municipal Code shall apply.

**2.28.030 Functions, Powers and Duties.** The functions, powers and duties of the Equestrian Advisory Committee shall include the functions, powers and duties prescribed below and such other functions and duties as may be prescribed or directed by the Council **(Amended per Ordinance 469, adopted 7/14/15):**

(A) The Equestrian Advisory Committee shall act in an advisory capacity to the Town Council in matters pertaining to Equine, equestrian and other citizen concerns of equestrian matters and their needs, including, but not limited to, the care of horses, establishment and maintenance of equestrian trails, establishment of equestrian programs and preservation of the Town's equestrian heritage. **(Amended per Ordinance 348, adopted 6/26/07.)**

(B) The Equestrian Advisory Committee shall be empowered to assemble information on problems and proposed solutions to equestrian matters pertaining to the implementation of the Multi-Use and Equestrian Trails Standards. **(Amended per Ordinance 348, adopted 6/26/07.)**

(C) The Equestrian Advisory Committee shall be empowered, on its own initiative, to make recommendations to the Town Council on matters within its purview, including, but not limited to, standards, requirements and criteria for the boarding, care and protection of Equine.

(D) The Equestrian Advisory Committee shall act to facilitate coordination between existing and proposed equestrian programs and provide for equine care.

(E) The functions and duties of the Equestrian Advisory Committee shall not be construed as preempting or otherwise interfering with the functions, duties or responsibilities of other commissions, boards, committees or officers which are empowered or mandated by law or ordinance or other regulation to act upon or make recommendations to the Town Council concerning matters such as applications or requests for permits, approvals or other entitlements, the enactment or repeal or amendment of Town ordinances or regulations, or taking such other actions as are mandated, prescribed or permitted by law.

#### **2.28.040 Meetings.**

(A) Not less than thirty (30) days following the appointment of its initial members, the Committee shall meet to organize and elect officers as prescribed in Section 2.28.020 above. Following the election of the Chairperson and Vice-Chairperson, the Committee shall inform the Council thereof.

(B) The Equestrian Advisory Committee shall meet at whatever interval of time that the Committee and/or the Town Council finds expedient for the completion of the Committee's assigned function and tasks. Special meetings may be called by the Chairperson, a majority of the Committee and the Town Manager, provided notice has been given to all members at least twenty-four (24) hours prior to the meeting, and as otherwise required by law. **(Amended per Ordinance 469, adopted 7/14/15.)**

(C) Written notice of special meetings shall set forth the time and place of business to be conducted at such meeting(s), and be personally served on each Committee member given at least twenty-four (24) hours prior to the meeting in accordance with the Ralph M. Brown Act.

(D) Meetings shall be held at announced times and places and shall be open to the public in compliance with the Ralph M. Brown Act.

(E) A majority of the Committee Members shall constitute a quorum for the transaction of business, and a majority vote of a quorum shall be required to pass a motion or other enactment, but a lesser number may adjourn from time to time to a day certain.

**2.28.050 Staffing.** The Town Manager may appoint appropriate staff and provide such compensation for their services as may be authorized by the Town Council and/or by the annual Town budget of expenditures, to support the Equestrian Advisory Committee in the performance of its duties. Said staffing shall be provided in the discretion of the Town Manager, considering the issue being addressed by the Committee.

**2.28.060 Compensation of Members.** No direct compensation shall be paid to Committee Members; however, members shall be reimbursed for actual and necessary expenses, including travel expenses incurred in the discharge of their duties as members of the Equestrian Advisory Committee, as may be authorized by the Town Council.

**2.28.070 Rules, Records and Number of Meetings.** The Equestrian Advisory Committee shall adopt rules of proceedings for the transaction of its business and shall keep a public record of its resolutions, recommendations, transactions, findings, and determinations, and shall hold at least one regular meeting annually. Minutes of the regular Equestrian Advisory Committee meetings shall be filed with the Town Clerk. **(Amended per Ordinance 469, adopted 7/14/15.)**

**SECTION 2.** Except as specifically amended or revised by the provisions of this ordinance, the provisions of the Town of Apple Valley Municipal Code shall remain in effect.

**SECTION 3.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

**SECTION 4.** Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption.

**SECTION 5.** Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.

**APPROVED** and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 14th day of July, 2015.

**ATTEST:**

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Larry Cusack, Mayor

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La Vonda M-Pearson, Town Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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John Brown, Town Attorney

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Frank Robinson, Town Manager