



Item Number: 17

City Council / Board of Directors

Written Communications

Meeting of: May 2, 2023

Submitted By:

Jennifer Thompson, City Clerk

Subject:

City Council Members' Proof of Residency

Recommendation:

Any action is at the discretion of Your Honorable City Council.

Fiscal Impact:

There is no fiscal impact associated with this item.

Background:

At the City Council meeting of April 4, 2023, it was moved by Council Member Becerra and approved by a majority vote to agendaize an item for discussion and possible action regarding Council Members providing proof of residency.

Discussion:

City Council Policy and Procedure Manual, Chapter 2, Section IV A states,

A. Annual Review of Residency

Government Code Section 36052(a) requires Councilmembers of this City to maintain a legal residence or domicile within the City of Victorville and rules regarding residency are further discussed in Section 243 and 244 of the Government Code. To properly ensure compliance, Councilmembers shall be required to certify with the City Clerk annually, their residency or domicile within the City of Victorville.

Acceptable forms of proof of residency are as follows:

Councilmembers are required to live in the District they represent and are required to live in the City of Victorville during their entire term in

office. To ensure that the Councilmembers continue to live in the area they represent, each elected official must submit one of the following documents to the City Clerk during the first 31 calendar days of the year (January 1st to 31st):

1. Proof of home ownership as evidenced by:

- 1) a copy of a title deed or grant deed, a mortgage payment billing statement verifying the address or any other document that can verify home ownership and residency of the property, or
- 2) evidence of a homeowner's property tax exemption filed with the County of San Bernardino Assessor for proof that the home is their primary residence.

If the elected official does not have a tax exemption on file they must submit an affidavit signed by the elected official verifying that the home is their primary residence; or

If the home ownership is in the name of a person other than the elected official, or in the name of a legal entity, such as a trust, partnership or corporation, the elected official must submit an affidavit signed by the homeowner or authorized legal representative of the entity verifying that the elected official is living in the home as their primary residence; or If the residence is rented or leased by the elected official, the elected official will provide proof of residency by submitting a signed copy of a current and legally enforceable lease or rental agreement demonstrating that the elected official resides at the specified address; or

If an elected official is living at a residence without a lease/rental agreement the elected official must have the landlord or property owner sign an affidavit verifying, under penalty of perjury, the elected official's residency in landlord or owner's property.

2. Proof of current motor vehicle registration, if any motor vehicles are registered to the elected official for the residence claimed or proof of a valid California driver's license showing their address on their license is within the District they represent. If the residence address on either the driver's license or auto registration is in process of being changed, the elected official must provide a document from the California Department of Motor Vehicles (Form DMC14) verifying the change is in process. If the elected official does not own an automobile or does not have a California driver's license, the elected official must submit any other State of California issued identification

showing that their address on the identification document is consistent with the address shown on their current voter registration.

3. A current utility bill in the elected member's name showing that the service address is within the respective District for the Councilmember in the elected official's name. In the event a utility bill has not been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the elected official's name will suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental contract or lease contract, that the landlord or other legal entity will pay the utility bill, the elected official must submit an affidavit signed by the landlord or the other legal entity's authorized legal representative, verifying that the landlord or other legal entity is responsible for paying the utility bill.
4. Other documents showing current residence address in the respective District for Councilmembers:
 - A. School records or any official document issued by an accredited educational institution, sealed by the school.
 - B. Current paycheck stub or personnel record issued by the elected official's employer.
 - C. Current homeowner or renter insurance policy.
 - D. Current documents issued by any California court or a federal court that lists the name of the elected official and their residence address.
 - E. Original record issued by any state or national bank, state or federal savings association, trust company, industrial loan company, state or federal credit union, or any institution or entity that has issued a credit card.

Additionally, the elected official must sign an affidavit verifying, under penalty of perjury, residency.

In the event that a Councilmember moved to a new residence within the District, after the filing of the previous affidavit, the elected official must confirm the new address within 60 days of moving by providing one of the documents listed in items 1 through 4 and an affidavit to the City Clerk.

Incumbent elected officials who have not relocated since the information required by this Section was last provided may comply with this Section by supplying a copy of a current driver's license or State of California issued identification card and an affidavit that they have not relocated and all previously supplied information remains true and correct. The City Clerk shall confirm that the residence address on the incumbent elected official's voter registration is consistent with the other items supplied to demonstrate the residence address in the respective District that residence is claimed for serving in a City Council seat.

Failure to provide any of the above-required documents on or before January 31st of each year shall be referred to the City Council for further action and could result in his/her office becoming vacant in accordance with Government Code Section 36502, and the City Council could take an action to remove said Councilmember.

Government Code Section 36502(a) provides:

“A person is not eligible to hold office as councilmember...unless he or she is at the time of assuming the office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate...If, during his or her term of office, he or she moves his or her place of residence outside of the city limits or ceases to be an elector of the city, his or her office shall immediately become vacant.”

Alternatively, for non-compliance with this Section, the Council could consider taking action to remove the Councilmember from committee assignments and access to public facilities outside of normal working hours.

To date, the following documents have been provided.

Council Member	Documents Provided	District
Mayor Jones	Deed & Utility Bill	2
Mayor Pro Tem Becerra	Utility Bill	At Large
Council Member Gomez	Voter Registration and DMV Registration (Street Numbers Redacted)	At Large
Council Member Harriman	Utility Bill	4
Council Member Irving	Utility Bill	At Large

If Council desires, which is not addressed in the City Council Policy and Procedure Manual, staff can prepare an update, on consent calendar in February of each year advising if residency requirements have been met.

Staff remains available for any questions or comments you might have.

Attachments: None