



Item Number: 19

City Council / Board of Directors

Written Communications

Meeting of: May 2, 2023

Submitted By:

Andre de Bortnowsky, City Attorney

Subject:

Councilmember Reprimand for City Councilmember Blanca Gomez

Recommendation:

Any action is at the discretion of the City Council.

Fiscal Impact:

There is no fiscal impact associated with this action.

Background:

Allegations have been made against Councilmember Gomez that she is attaching her City business cards in connection with personal food and/or product deliveries within the City of Victorville and other areas in the Victor Valley. Specifically, there is evidence that her business card was attached to an Instacart delivery.

Unauthorized use of City business cards, which contain the City's logo, is a violation of Chapter 8, Section III, subdivision I of the City Council Policy and Procedures Manual ("**Policy Manual**"). Improper use of the City logo is also prohibited by Chapter 8, Section II, subdivision B.1 of the Policy Manual and is a violation of Chapter 1.06 of the Victorville Municipal Code. Such use of public resources may also be a violation of California Government Code Section 8314. (See Attachment A).

The use of the City's business cards in this manner may also create significant liability for the City to the extent a recipient of delivered items is in some way harmed as a result of the delivery. In such an event, a delivery recipient might look to the City for compensation.

Providing a business card with the delivery of food or other products may further give the recipient the impression that these products are endorsed by the City and may also create issues for the suppliers of such food or products to the extent such suppliers may not want to be affiliated with the City of Victorville.

Discussion:

To the extent it can be established that the aforementioned activities are in fact occurring, the recommendation would be to immediately transmit a Cease-and-Desist letter to Councilmember Gomez and to the extent said Cease-and-Desist letter is not complied with, the Council should consider a Resolution of Reprimand. In addition, the City should also consider notifying members of the public, as well as local businesses, that not only is this practice not being endorsed by the City, but it is also in violation of numerous City policies and laws and may also be in violation of State Law.

Attachments:

- A. California Government Code, Victorville Municipal Code, Victorville Policy Manual