

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
AMENDING CHAPTER 1, ARTICLE I, SECTION 1.2 OF THE MOUNTAIN VIEW
CITY CODE TO MODIFY THE DEFINITION OF "HOLIDAY" AND AUTHORIZING CITY STAFF TO
RETURN DIRECTLY TO CITY COUNCIL WITH A RESOLUTION AMENDING SECTION 8.05 OF
COUNCIL POLICY D-7 GOVERNING HOLIDAY LEAVE FOR CITY EMPLOYEES

WHEREAS, the term "holiday" for purposes of the construction of the Mountain View Code is defined in Section 1.2 of the Mountain View City Code; and

WHEREAS, Section 2.14 of the Mountain View City Code requires City Council to adopt by resolution personnel rules and regulations governing the implementation and administration of the city's personnel system; and

WHEREAS, in accordance with Section 2.14 of the Mountain View City Code, City Council adopted Council Policy No. D-7 (Personnel Rules); and

WHEREAS, Section 8.05 of Council Policy No. D-7 governs holiday leave for city employees and lists the holidays on which city offices shall be closed; and

WHEREAS, on June 25, 2024, the City Council adopted resolutions for employee compensation and memorandums of understanding (MOU) that added two new City-observed holidays, Cesar Chavez Day and Juneteenth; and

WHEREAS, Section 1.2 of the Mountain View City Code and Section 8.05 of Council Policy D-7 must be amended to add Cesar Chavez Day and Juneteenth as City-observed holidays; and

WHEREAS, Section 1.2 of the Mountain View City Code was last amended on August 26, 1974, and, therefore, also needs to be amended to update the list of holidays currently observed by the City of Mountain View; now, therefore,

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Code Amendments. Chapter 1, Article I, Section 1.2 of the Mountain View City Code is hereby amended to add, delete or modify its provisions as specifically set forth in **Exhibit A** attached hereto and incorporated herein (section titles are shown in **bold** font, additions are shown in underline font and deletions are shown by ~~striketrough~~ font).

SECTION 2. Council Policy Amendments. In accordance with Mountain View City Code section 2.14, City staff is hereby authorized to bring a resolution directly to City Council amending

Section 8.05 of Council Policy No. D-7 (Personnel Rules), to add the new Cesar Chavez Day and Juneteenth holidays, and to make any other necessary modifications to ensure Mountain City Code Section 1.2 and Council Policy No. D-7 are consistent.

SECTION 3. CEQA. Pursuant to California Code of Regulations section 15060(c)(2), these code amendments are not subject to the California Environmental Quality Act (“CEQA”) because they will not result in a direct or a reasonably foreseeable indirect physical change in the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 5. Publication. Pursuant to Mountain View City Charter section 522, at least two (2) days prior to final adoption of this ordinance, the City Clerk shall post the ordinance in three (3) prominent places in the City and publish in the City’s official newspaper notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the ordinance are posted.

SECTION 6. Effective Date. Pursuant to Mountain View City Charter section 519, this ordinance shall become effective thirty (30) days after the date of its adoption.

SEC. 1.2. Definitions and rules of construction.

In the construction of this code and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

City. The words "the city" or "this city" shall be construed as if followed by the words "of Mountain View."

Code. The words "the code" or "this code" shall mean "The Code of the City of Mountain View, California."

Computation of time. The time period during which any act provided by this code is to be done is computed by excluding the first day and including the last day, unless the last day is a holiday, in which case such period shall be extended to the first day which is not a holiday.

(Ord. No. 19.66, 8/8/66.)

Council. Whenever the word "council" is used in this code, it shall be construed to mean the city council of the City of Mountain View.

County. The words "the county" or "this county" shall mean the County of Santa Clara.

Day.* A day is the period of time between any midnight and the midnight following.

* For similar state law, see Gov. C.A., Sec. 6806.

Daytime, nighttime.* "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

* For similar state law, see Gov. C.A., Sec. 6807.

Gender.* The masculine gender includes the feminine and neuter.

* For similar state law, see Gov. C.A., Sec. 12.

Holiday. Every Saturday and Sunday; January 1st, known as New Year's Day; the third Monday in January, known as Martin Luther King Jr. Day; ~~February 12th, known as Lincoln's birthday~~; the third Monday in February, known as President's Day ~~Washington's birthday~~; March 31st, known as Cesar Chavez Day; the last Monday in May, known as Memorial Day; June 19th, known as Juneteenth; July 4th, known as Independence Day; the first Monday in September, known as Labor Day; ~~September 9th, known as Admission Day~~; November 11th, known as Veterans' Day; the fourth Thursday in November, known as Thanksgiving Day; the Friday following Thanksgiving Day; December 25th, known as Christmas Day; the day before or the day after Christmas day as designated by City Council; and every day appointed by the President of the United States, the Governor of California, or the City Council or their designee. Should any of the ~~previously designated~~ above-listed holidays fall on a Saturday, the preceding Friday shall be deemed a holiday, and should any of the ~~previously designated~~ above-listed holidays fall on Sunday, the following Monday shall be deemed a holiday.

In the city. The words "in the city" shall mean and include all territory over which the city now has, or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

* See C. C., Sec. 12.

Month.* The word "month" shall mean a calendar month.

* For similar state law, see Gov. C.A., Sec. 6804.

Number.* The singular number includes the plural, and the plural the singular.

* For similar state law, see Gov. C. A., Sec. 13.

Oath.* "Oath" includes an affirmation.

* For similar state law, see Gov. C. A., Sec. 15.

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to in this code shall mean officers, departments, boards, commissions and employees of the City of Mountain View, unless the context clearly indicates otherwise.

Official time. Whenever certain hours are named in this code, they shall mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the city.

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person.* "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company, and, where applicable shall include the United States, the State of California, and any public corporation, political subdivision, city, county, district, or any agency thereof.

* For similar state law, see Gov. C. A., Sec. 17; C.C.P., Sec. 17.

Personal property.* "Personal property" includes every species of property, except real property as defined in this section.

* See C. C., Sec. 14, 663.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Process.* "Process" includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

* For similar state law, see Gov. C. A., Sec. 22.

Property.* The word "property" shall include real and personal property.

* See C. C., Sec. 14; C. C. P., Sec. 17.

Real property.* "Real property" shall include lands, tenements and hereditaments.

* See C. C., Sec. 14, 658.

Shall, may.* "Shall" is mandatory and "may" is permissive.

* For similar state law, see Gov. C. A., Sec. 14.

Signature or subscription by mark.* "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but, a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

* For similar state law, see Gov. C.A., Sec. 16.

State. The words "the state" or "this state" shall be construed to mean the State of California.

Tenant or occupant. The words "tenant" or "occupant" applied to a building or land, shall include any person holding a written or an oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

Tenses.* The present tense includes the past and future tenses, and the future includes the present.

* For similar state law, see Gov. C. A., Sec. 11.

Week.* A "week" consists of seven (7) consecutive days.

* For similar state law, see Gov. C. A., Sec. 6805.

Writing.* "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

* For similar state law, see Gov. C. A., Sec. 8.

Year.* The word "year" shall mean a calendar year, except where otherwise provided.

* For state law definition of "year", see Gov. C. A., Sec. 6803.