



AGENDA

VALLEJO CITY COUNCIL SPECIAL MEETING 9:00 A.M. – 2:00 P.M.

VIA TELECONFERENCE

MARCH 25, 2021

MAYOR
Robert H. McConnell

CITY COUNCIL
Vice Mayor, Rozzana Verder-
Aliga, EdD
Tina Arriola
Hakeem Brown
Pippin Dew
Mina Diaz
Katy Miessner

PUBLIC COMMENT: Members of the Public may provide public comments during the City Council Meeting via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833.

For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment

VIEW THE MEETING:

There are three different ways you can view this public meeting:

- Watch Vallejo local channel 28
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://ZoomRegular.Cityofvallejo.net>

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the City Council without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the City Council will be available for public inspection at the City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the City of Vallejo website subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562.

¹ Due to the Coronavirus emergency, all City Council meetings will be held via teleconference. Members of the public may provide public comments during the City Council Meeting via ZOOM

<https://ZoomRegular.CityofVallejo.net>

Option to join by phone:

Dial (669) 900-6833

Enter Meeting ID: 914 0075 0676#

Press *9 to digitally raise your hand from the phone

For additional instructions on how to speak during public comment, please visit,

www.cityofvallejo.net/publiccomment

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TO THE MEMBERS OF THE VALLEJO CITY COUNCIL:

You are hereby notified that I do hereby call the Vallejo City Council in special session to consider only the matters stated on the agenda listed below.

NOTICE: Members of the public shall have the opportunity to address the City Council concerning any item listed on the agenda *before or during consideration of that item. No other items may be discussed at this special meeting.*

1. CALL TO ORDER & WELCOME BY THE MAYOR

2. ROLL CALL

3. PUBLIC COMMENTS REGARDING COUNCIL GOVERNANCE WORKSHOP

*NOTICE: Members of the public wishing to address the Council on the Team Building item may do so via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press *9 to digitally raise your hand from the phone.*

For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment. Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420.

4. CITY COUNCIL GOVERNANCE WORKSHOP

5. ADJOURNMENT @ 2:00 p.m.

ADDITIONAL CITY INFORMATION

Members of the public can:

Like us on Facebook (www.facebook.com/cityofvallejo)

Sign up to receive City Communications via e-mail (www.cityofvallejo.net/living/connect)

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Dated: Thursday, March 18, 2021



Robert H. McConnell, Mayor

I, Dawn Abrahamson, City Clerk do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo City Council, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 12:00 p.m., Thursday, March 18, 2021.

Dated: Thursday, March 18, 2021



Dawn G. Abrahamson, City Clerk

**City of Vallejo
City Council Governance Workshop
March 25, 2021
9 am to 2 pm
Via Zoom**

Workshop Objectives:

- Learn more about each other.
- Council agreement on practices for effective governance.
- Clarify roles of Mayor, Council, City Manager and City Attorney.
- Determine how Council will monitor its progress on its governance practices.

Agenda

1. Welcome by the Mayor
2. Public comments related to Council governance
3. Review agenda for today
4. Learn more about each other
5. Discuss best governance practices and what improvements we will make
6. Clarify roles of Mayor, Council, City Manager, City Attorney
7. Discuss training opportunities
8. Make commitments based on today's discussions
9. Wrap up

Documents Provided:

- "Attributes of Exceptional Councils," Institute for Local Government
- "Tips for Promoting Civility in Meetings," Institute for Local Government
- City of Vallejo Code of Ethics and Conduct for Elected and Appointed Officials
- Vallejo Municipal Code Chapter 2.02 – City Council Meetings
https://library.municode.com/ca/vallejo/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.02CICOME
- Ordinances No. 1819 (Decorum at Public Meetings) and No. 1820 (Boards & Commissions)

CITY MEETING GUIDELINES

(City of Vallejo Code of Ethics and Conduct, as amended 2019)

1. Treat everyone courteously.
2. Listen to others respectfully.
3. Exercise self-control.
4. Give open-minded consideration to all viewpoints.
5. Focus on the issues and avoid personalizing debate.
6. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions.
7. Refrain from personal attacks on others.

The full document can be found at this link:

[https://www.cityofvallejo.net/UserFiles/Servers/Server_13423/File/CityClerk/City%20Meeting%20Guidelines/City%20of%20Vallejo%20Code%20of%20Ethics%20and%20Conduct%20\(September%2010%202019\)%20APPROVED....pdf](https://www.cityofvallejo.net/UserFiles/Servers/Server_13423/File/CityClerk/City%20Meeting%20Guidelines/City%20of%20Vallejo%20Code%20of%20Ethics%20and%20Conduct%20(September%2010%202019)%20APPROVED....pdf)



Attributes of Exceptional Councils

Leading public organizations and governing with colleagues on a council is a challenging art of community service. The Institute recognizes that many aspects of leadership and governance are not intuitive. This piece is intended to provide councilmembers and city managers insight into the attributes of exceptional councils as well as provide practical tips to help them become exceptional.

1. Exceptional councils develop a sense of team – a partnership with the city manager to govern and manage the city

The mayor, councilmembers and city manager see themselves and work as a team as they undertake a series of tasks to further their common purpose. The individual team members work in a coordinated and collaborative manner with a high degree of respect, trust and openness. The team values diversity in style and perspective. The team thinks and acts strategically as it examines issues/situations and decides on a course of action serving their city's mission and goals.

KEY CHARACTERISTICS

- Successfully transition from candidate to a member of the council.
- Become a champion of the city. Make decisions based on the needs and interests of the community at-large / the greater good.
- Develop, communicate and support policy goals and council decisions.
- Demonstrate a willingness to work collaboratively (as a team) and have a citywide perspective.

BEST PRACTICE TIPS

Build capacity to create a more effective team. The governance team (mayor, councilmembers and city manager) should get to know each other; how each person approaches issues, decision making style and so on. This can be accomplished at annual meetings or workshops through-out the year. In the event that councilmembers disagree, clear ground rules (norms of behavior and practice) can help quell acrimony before it becomes a problem. It's important to remember that trust is built around understanding and respect, not necessarily agreement.

2. Exceptional councils have clear roles and responsibilities that are understood and adhered.

Exceptional councils understand their role is to serve as policy maker - to represent the values, beliefs and priorities of their community while serving in the community's best interest. They carry out a variety of responsibilities including: developing and adopting a vision for the city; focusing and aligning plans, policies, agreements and budgets in furtherance of this vision; and holding themselves and the city manager accountable for results.

Exceptional councils understand that the city manager is responsible for the day-to-day operations of the city. The city manager is responsible for undertaking and accomplishing the policy objectives of the council. Exceptional councils recognize the subject matter expertise of staff and utilize their knowledge and experience to guide and inform decision making.

KEY CHARACTERISTICS

- Understand the role of local government and their responsibilities.
- Know their role- to set vision and policy, avoid micromanagement.
- Councilmembers should strive to be informed about the issues facing the city and be prepared to ask questions of staff and each other.

BEST PRACTICE TIPS

Create a shared understanding of the city manager's role and the council's expectations to optimize the working relationships. This shared understanding is informed by local charter and ordinance provisions that provide the overall framework for the relationship. The council should make time to have conversations during retreats and or study sessions to define and/or reveal and refine their role and responsibilities. Since role clarity between the city council and city management is critical to mutual success, having clear protocols helps avoid misunderstandings.

3. Exceptional councils honor the relationship with staff and each other

Exceptional councils understand that a good working relationship with staff is vital for the city to be run successfully. Exceptional councils treat each other and staff with dignity and respect. They act with civility and a high level of professional decorum. Councilmembers build trust by not playing the “gotcha game” and strive to have a no secrets, no surprises approach as an operating norm. Finally, they respect the diversity of styles and perspectives among their colleagues and staff and are open to new ideas.

KEY CHARACTERISTICS

- Councilmembers have the ability to respectfully disagree (to disagree without being disagreeable). They are able to leave it at the dais; debates are about policy, not personality.
- Exceptional councilmembers reflect positive decorum/model of leadership by providing respectful tone with colleagues.
- Establish a set of behaviors ahead of time, potentially documented in a code of conduct, to help promote civility and respect.

BEST PRACTICE TIPS

Set council priorities and strategic goals at an annual meeting; these goals and priorities are a tool to guide the city manager and staff on where to focus their efforts. This annual meeting provides time for the council to reflect on community priorities as well as offer an opportunity to discuss their decorum and their relationship among each other and the relationship between the city manager/staff and the council.

4. Exceptional councils routinely conduct effective meetings

Open and public meetings are central to democratic decision-making. Exceptional councils master the art of effective meetings. They develop and adhere to meeting protocols and processes. They spend time planning and organizing the agenda with the aim of having a more focused meeting. They allocate the council's time and energy appropriately (focused on the council's role and responsibilities) and meeting short- and long-term priorities. They honor the public's participation and engagement and they generally start on time and are held during reasonable hours.

Exceptional councils use public meetings not only for their intended purpose, information sharing and decision-making,

KEY CHARACTERISTICS

- Councilmembers are respectful of each other, the public and everyone's time.
- Councilmembers use engaging body language as a way to demonstrate respect.
- Issues are not personalized, thoughtful dialogue is the objective.
- Agenda packets are read, councilmembers come prepared and have an open mind
- Respect is demonstrated for varied opinions.
- Everyone strives to be civil and act with decorum.

but they also use the meeting to demonstrate respect and civility for each other, staff and the public. Exceptional councilmembers prepare in advance of the meeting, remain focused on the city goals and objectives and mindful of their role and responsibilities.

BEST PRACTICE TIPS

Develop and adopt (with regular reviews and updates), guidelines for conducting meetings and making decisions. These governance protocols typically address meeting procedures (agenda preparation, how to put issues on the agenda, debate and voting procedures (parliamentary rules) and standards of decorum (civility)). As part of a regular self-assessment, councils should evaluate their meetings and their effectiveness and adjust behavior and practices for better results.

5. Exceptional councils hold themselves and the city accountable

Exceptional councils operate openly, ethically and work to engage the community in a myriad of decisions impacting the prosperity and well-being of their community. Toward that end, exceptional councils consistently provide short- and long-term strategic direction and goals, as well as provide budget, program and policy oversight.

Exceptional councils hold themselves accountable for the conduct, behavior and effectiveness of the council. They establish clear priorities and goals and hold the city manager accountable for results. And finally, they embrace accountability as a process and tool to calibrate ongoing efforts to address and meet policy and program objectives.

KEY CHARACTERISTICS

- Councilmembers operate ethically and with integrity.
- Councils conduct team building / goal setting exercise to track progress towards mutually agreed upon goals
- Councils taking responsibility for the results (good and bad).
- Councils celebrate success.
- Councilmembers hold themselves responsible for adhering to operating protocols and codes of conduct.

BEST PRACTICE TIPS

Annually evaluate council and city manager performance toward achieving the city's priorities and goals (consider having this be part of an annual goal setting meeting). Council should consider assessing its own behavior and effectiveness as part of its annual self-assessment.

6. Exceptional councils have members who practice continuous personal learning and development

Governance is not intuitive. In addition, the policy and economic environment impacting cities are ever changing. Exceptional councils continually provide the opportunity to build their knowledge and skills, to enhance their understanding of key issues, increase their awareness of best practices and sharpen their leadership and governance skills.

KEY CHARACTERISTICS

- Stay informed on key issues
- Gain key insights and knowledge on all aspects of governing, from budgets to plans and everything in between.
- Learning to listen is sometimes more important than learning to give a speech.

BEST PRACTICE TIPS

Seek out national, state and local professional growth and educational opportunities. These opportunities can focus on the nuts and bolts of governing to helping you gain valuable information and/or insights on key policy issues facing your city. In addition, city run orientations for newly elected officials provide a good way to acclimate new members to the council's norms and protocols as well as the budget and key policy issues.

Tips for Promoting Civility in Public Meetings

www.ca-ilg.org/OrientationMaterials

December 2011

What is Civility?

In the context of democratic debate, civility is about how people treat each other. Civility involves the display of respect for those who have positions with which one disagrees.

Even though disagreement plays a necessary role in governance and politics, the issue is *how* one expresses that disagreement. The key is to focus on the strengths and weakness of proposed solutions to community problems—not to engage in personal attacks against those who favor different solutions.¹ An even more powerful leadership strategy is to listen for the concerns and values that underlie people's diverse perspectives to try to identify points of agreement and common ground.

Specific Strategies

- **Embrace Diverse Points of View.** Local officials are grappling with difficult policy challenges. Bringing as many perspectives on what might be the best solution to a given problem increases the likelihood that the solution will indeed be successful and enduring. A goal is to create a culture of tolerance for differing points of view that credits everyone with having the best interests of the community in mind.
- **Everyone Gets a Chance to Share Their Views.** Voltaire said "I may not agree with what you say, but I will fight to the death for your right to say it." Everyone's right to have their view heard is a central democratic value. Conversely, a strategy that relies on drowning other perspectives out usually results in a turning up of the volume and corresponding decreases in civility in discussions.

Related Resources

This tip sheet is a distillation and update of the Institute for Local Government's 2003 whitepaper called *Promoting Civility at Public Meetings: Concepts and Practice*, available at www.ca-ilg.org/civility.

Additional resources from the Institute include

- *Dealing with Emotions at Public Hearings*, available at www.ca-ilg.org/respondingtoconflict and
- *A Leader's Role When Tragedy Strikes*, available at www.ca-ilg.org/tragedy

- **With Rights Come Responsibilities.** For there to be time for everyone to weigh in on an issue, there may need to be reasonable time limits on how long individuals speak. The goal is to create a culture in which as many people as possible (including decision-makers) are respectful of other people's time in attending and participating in the meeting.
- **Avoid Debates and Interruptions.** Interruptions should be discouraged so that individuals have the opportunity to complete their thoughts. A good practice for everyone participating in the conversation is to make a note of a question or different point of view that occurs to you when someone is speaking and then address that issue when it is one's turn to speak. This is an especially important approach for decision-makers to model.
- **Reduce Uncertainty.** Assuring people they will be allowed to share their views and how can reduce concerns that they will not be allowed to be heard. Explaining the process to be used to allow all views to be heard at the outset of a meeting or discussion item can reduce tension levels.
- **The Importance of Listening.** Listening is an important sign of respect, as is giving others the opportunity to listen. Decision-makers' active interest in what people are saying is vital. Repeating back core points that a speaker makes reassures the speaker that their message has indeed been heard—even if one does not necessarily agree with it. The mood turns ugly if the public thinks the matter has already been decided, decision-makers don't care about public input, or decision-makers are being impolite or disrespectful of the public they serve. Everyone attending a meeting should respect other attendees' right to both listen and be heard. One person should talk at a time, any private conversations should be taken outside or deferred, and smart phones should be turned off (texting and emailing should not occur during the meeting).
- **Be Compassionate About the Fear Factor/ Heckling and Applause Not Allowed.** Polls suggest many people fear public speaking.² This fear can come from concerns about

Agenda Guidance

Some local agencies include language to the following effect on their agendas:

Free expression of all points of view is an important democratic value in this community.

To allow all persons to speak who may wish to do so, each speaker is allowed a maximum of __ minutes. An effective approach is to lead with your key point or concern and then explain the reasons underlying it.

If others have already expressed your views, you may simply indicate that you agree with the previous speaker. If appropriate, a spokesperson may present the views of a group.

To encourage and respect expression of all views, meeting rules prohibit clapping, booing or shouts of approval or disagreement from the audience.

being judged negatively or having ideas that people will ridicule or reject. Allowing cheering and booing or other forms of heckling discourages people from sharing their views (even silence or no applause can be perceived as rejection). It also runs the risk that those that do speak will focus more on getting applause than moving the conversation towards addressing difficult issues. (Eye-rolling and grimacing can be non-verbal forms of heckling and also have no place in communities that value mutual respect.)

- **Separate People from The Problem.** Personal attacks or questioning people's motives or character rarely moves the conversation forward to a solution of a problem. In the book about effective negotiating called *Getting to Yes*,³ the authors encourage negotiators to attack the problem, not the people involved in the problem. Anything that approaches name-calling should be off limits.
- **Consider Using Titles.** Referring to each other by title and last name (Supervisor Hassan, Council Member Lee, Board Member Aviña) can serve as a way of showing respect that an individual has been elected and is participating in the conversation in that capacity. Using similar forms of respect for members of the public (Mr., Ms, Sir, Madam) when speaking can also reinforce the notion that everyone is engaged in a special kind of discussion. Community norms vary, however, and in some communities this may be perceived as an affectation.
- **Take a Break.** If conversations get heated, consider taking a break. As one veteran observer of public meetings noted "time can be an anti-inflammatory agent" that can give people a chance to calm down and restore order.⁴

A Note on Civility and Staff

Staff plays a critical role in providing service to the agency and the public the agency serves. An agency's ability to attract and retain capable and motivated staff is an important determinant of how satisfied the public is likely to be with the agency's performance and that of its elected officials.

An old management saw counsels those with oversight responsibilities to praise in public and criticize in private. That advice is sound for those in public service.

If an elected official has concerns about a staff member's performance or actions, a good practice is to make the top administrative official of the agency aware of those concerns.

Similarly, if a member of the public raises concerns about the performance of a public agency employee, refer it to management with a request for follow up.

If the communication is more in the nature of a personal attack, try to identify the underlying concern and respond to that. Encouraging the person to focus on the issue and avoid personal attacks. Separating people from the problem can be just as valuable a strategy when it comes to staff.

- **Ejection a Last Resort.** If a recess does not work to restore order and other techniques are not successful, calling in the sergeant of arms is a last resort. A good practice is to create a record that disruptor was given ample warnings and opportunity to leave or reform their behavior voluntarily. If selective removal of one or more disruptors does not restore order, state law does allow clearing the room with the media allowed to remain⁵ (as an even more last resort).

Parliamentary Procedure and Civility

Rules of parliamentary procedure are another tool to encourage civility and decorum at meetings. The most famous source of parliamentary procedure is Robert's Rules of Order. A good starting point is www.robertsrules.com/ (the "survival tips" page is especially helpful).

A former mayor and county supervisor (and now judge) has created a simplified version for use at the local level. Called "Rosenberg's Rules," the text and an explanatory video are accessible from the Institute's website at www.ca-ilg.org/rosenbergrules.

The following is an excerpt from Rosenberg's Rules on about courtesy and decorum:

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. . . .

Note that the chair may have greater latitude in enforcing decorum among decision-makers than between the public and decision-makers.

- **Walk the Talk.** For civility to be a regular part of community discourse, community leaders must set the standard. Scholars are concerned—and the data seems to demonstrate—that public officials’ incivility to one another contributes to voter alienation and antipathy toward public officials and public agencies.⁶

A good approach is to treat people how you would like to be treated. This includes a) limiting one’s statements in discussions to those that move the conversation forward, b) keeping one’s remarks brief, to the point and non-repetitive of comments others have made (other than to note one’s agreement), c) avoiding personal attacks (in public and private) and d) otherwise adhering to the strategies described above.

Conclusion

How a community conducts its public meetings is a reflection of the community and its values. As Dr. Martin Luther King’s observed:

In a neighborhood dispute there may be stunts, rough words, and even hot insults; but when a whole people speaks to its government, the dialogue and the action must be on a level reflecting the worth of that people and the responsibility of that government.⁷

Dr. King’s admonition to his listeners to set their standards of discourse high--irrespective of how others behave--is consistent with the quote from Gandhi to his followers that “you must be the change you wish to see in the world.”

About This Resource

This resource is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute’s resources on Local Government 101, go to www.ca-ilg.org/localgovt101.

*The Institute welcomes feedback and suggestions on enhancing this resource:

- *Email:* info@ca-ilg.org Subject: *Tips for Promoting Civility in Public Meetings*
- *Mail:* 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

Sample Codes of Civility

Drafting Note: A threshold issue is whether an agency's code will be positive or negative. In other words, will the code describe conduct that is prohibited or describe the kind of conduct it desires to be the norm. Describing the kind of conduct that is preferred has the advantage of being more instructive in setting the goal and encouraging people to meet that goal.

Commitment to Civil Behavior

To maintain a cohesive, productive working environment, the members of the San Diego County Water Authority Board of Directors commit to:

1. Support the Authority's mission.
2. Bring Authority related concerns, issues, and conflicts to the Authority Board for discussion.
3. Offer alternative solution(s) when addressing a problem or issue.
4. Show respect to each other as appointed representatives of their member agencies.
5. Promote civility during Board meetings and tolerate nothing less.
6. Maintain the confidentiality of material discussed during closed Board meeting sessions. Similarly, not to disclose the content or substance of confidential or privileged communications relating to Authority business.
7. Limit the length of comments during Board meetings to three minutes per Director per item and not repeat points that already have been stated by other Directors.

Pledge of Civility

1. The manner in which we govern ourselves is often as important as the positions we take.
2. The organization's collective decisions will be better—and truer to our mission—when differing views have had the opportunity to be fully vetted and considered.
3. All those who appear before the organization's board and committees have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.⁸

Resources and References

¹ Burgess, Guy and Heidi, *The Meaning of Civility*, Conflict Research Consortium at www.colorado.edu/conflict/civility.htm.

² <http://www.gallup.com/poll/1891/Snakes-Top-List-Americans-Fears.aspx> (fear of public speaking ranks second to fear of snakes).

³ Fisher, Roger and Ury, William L., *Getting to Yes: Negotiating Agreement Without Giving In* (1991).

⁴ See Vermont Institute for Government, *Born to Chair: An Introduction to the Science and Art of Chairing a Board Meeting* (1998), available at <http://www.sec.state.vt.us/municipal/pubs/chair.pdf> and <http://crs.uvm.edu/citizens/chair.pdf>, page 3.

⁵ See Cal. Gov't Code § 54957.9, which provides:

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

⁶ Carter, Stephen L., *Civility: Manners, Morals and the Etiquette of Democracy* (1998) at 9.

⁷ *From the March on Washington for Jobs, Peace and Freedom*, 1963.

⁸ Adapted from the Pledge of Civility adopted by the California Public Employee Retirement System Board.



City of Vallejo

Code of Ethics and Conduct

For

Elected and Appointed Officials

Adopted March 28, 2017

Amended January 22, 2019

Amended September 10, 2019

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PURPOSE

The Vallejo City Council has adopted this Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to ensure public confidence in the integrity of local government and its effective and fair operation.

ETHICS

The citizens and businesses of Vallejo are entitled to have a fair, ethical and accountable local government which has earned the public's full confidence in its integrity. In keeping with the City of Vallejo's commitment to excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Vallejo City Council has adopted this Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to ensure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

Members of the City Council, City Manager, City Attorney, and of all Boards and Commissions shall conduct themselves in accordance with the following ethical standards:

- 1. Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Vallejo and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
- 2. Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of Vallejo in the performance of their public duties.
- 3. Conduct of Members.** The professional and personal conduct of members while exercising the powers and duties of their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, Boards and Commissions, the staff or public.

4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

5. Conduct at Public Meetings. Members shall prepare themselves for review and consideration of public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.

6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts particular to an individual case), members shall refrain from making public statements of support or opposition, including statements on social media (including “likes” on Facebook or other online venues), shall maintain an open mind until the conclusion of the hearing on the matter, and shall base their decisions on the facts presented at the hearing and the law.

7. Communication. For adjudicative matters pending before the body, members shall rely upon agenda materials and information received at the public meeting for information to support their decision, and shall refrain from receiving information outside of an open public meeting, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias. Additionally, members will use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or

comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. Gifts and Favors. Members shall not take any special advantage, by virtue of their public office, of services or opportunities for personal gain that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. Confidential Information. Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources. Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of the City Council shall not appear on behalf of the private interests of third parties before the City Council or any Board, Commission or proceeding of the City, nor shall members of Boards and Commissions appear before their own bodies or before the City Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy. Members shall represent the official policies or positions of the City Council, Board or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Vallejo, nor will they allow the inference that they do. Councilmembers and Board and Commission members have the right to endorse candidates for all City Council seats or other elected offices. It is inappropriate to mention or display endorsements during City Council meetings, Board/Commission meetings, or other official City meetings. Members shall refrain from publicly supporting or opposing a project that will be considered in a quasi-judicial capacity by the City Council, or any Board or Commission unless that member has been given authorization to do so by the body to which the member has been appointed.

14. Policy Role of Members. Members shall respect and adhere to the council-manager structure of Vallejo City government as outlined in the Vallejo City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of Boards and Commissions to the public decision-making process, members of the City Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board and Commission proceedings.

16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

CONDUCT

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Vallejo.

1. General Behavior Guidelines.

City appointed and elected officials and staff will endeavor to communicate with each other and with members of the public in accordance with the following behavior guidelines at all public meetings and while discussing municipal affairs in public fora including social networks and social media platforms and listserves.

- a. Treat everyone courteously.
- b. Listen to others respectfully.
- c. Exercise self-control.
- d. Give open-minded consideration to all viewpoints.
- e. Focus on the issues and avoid personalizing debate.
- f. Embrace respectful disagreement and dissent as democratic rights that are inherent components of an inclusive public process and tools for forging sound decisions.
- g. Refrain from personal attacks on others.

2. Elected and Appointed Officials' Conduct with One Another.

Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may disagree on contentious issues.

(a) In Public Meetings.

Use formal titles.

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate.

Public officials shall not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Shouting or physical actions that could be construed as threatening will not be tolerated.

Honor the role of the Chair in maintaining order.

It is the responsibility of the Chair to keep the comments of members on track during public meetings. Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with stated reasons, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other members.

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches.

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(b) In Private Encounters.

Continue respectful behavior in private.

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

3. Elected and Appointed Officials' Conduct with the Public.

(a) In Public Meetings.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an

individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen, not to interrogate.

Be fair and equitable in allocating public hearing time to individual speakers.

The Chair will determine and announce limits on speakers at the start of the public hearing process.

Practice active listening.

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

Maintain an open mind.

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

Ask for clarification, but avoid debate and argument with the public.

Only the Chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

(b) In Unofficial Settings.

Make no promises on behalf of the Council, board/commission or City.

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc).

Make no personal comments about other members.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

4. Elected and Appointed Officials' Conduct with City Staff.

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Do not disrupt City staff from their jobs.

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

Never publicly criticize an individual employee.

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager.

Do not get involved in administrative functions.

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

Do not solicit political support from staff.

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

No Attorney-Client Relationship.

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

5. Council Conduct with Boards and Commissions.

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a Board or Commission meeting, be careful to only express personal opinions.

Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation could be viewed as unfairly affecting the process, especially if the councilmember endorses a position, or if attendance is on behalf of an individual, business or developer. Any public comments by a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Respect that Boards and Commissions serve the community, not individual Councilmembers.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums.

Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

6. Conduct with the Media.

Board and Commission members are not authorized to represent the City to media outlets (including broadcast, print, and social media sites) outside of official board/commission meetings unless specifically authorized to do so.

The Mayor is the official spokesperson for the City Council on City positions.

The Mayor is the designated representative of the City Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

COMPLIANCE

Acknowledgement of Code of Ethics and Conduct.

Members shall sign an acknowledgement that they have read and understand the Code of Ethics and Conduct.

Ethics Training for Local Officials.

The Mayor, Councilmembers, City Manager, City Attorney, Board and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees.

Primary and Additional Responsibility.

The Vallejo Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Vallejo City Council, Boards and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards and Commissions and the Mayor and City Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Violations.

City Council:

Individual Councilmembers should first point out perceived violations of the Vallejo Code of Ethics and Conduct directly to the member believed to be in violation. If the violation(s) continues, then the matter should be referred to the Mayor in private. If the Mayor is the

individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a member is not in compliance with the Code of Ethics and Conduct. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full City Council.

Board and Commission Members:

Whenever it is perceived that a Board and Commission member may have violated the Vallejo Code of Ethics and Conduct, such perception will be referred to both the Council Liaison and the City Manager. The Council liaison and the City Manager shall have a conversation with the Member who has allegedly violated this Code. In the event the Council Liaison determines that the conduct violates the Vallejo Code of Ethics and Conduct, the matter shall be either 1) discussed privately with the member or 2) discussed in a written warning issued by the Liaison to the Member alerting the Member to the applicable section of the Code of Conduct. Egregious or repeated violations may lead to additional sanctions as set forth below. Copies of written warnings shall be distributed to all Councilmembers, the City Manager, and the City Attorney.

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the Chair of the respective Board or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board or Commission member conduct. Additionally, should the City Manager or City Attorney believe an investigation into a member's conduct is warranted, they may refer the matter to the Mayor or City Council. The Mayor or City Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

Nothing in this Code of Ethics and Conduct shall limit what might otherwise be available to remedy conduct that violates City, state, or federal law. These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual, including the City Manager and the City Attorney (after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct), who knows or reasonably believes that a member has acted or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the annual trainings of the City Council Board and Commissions, and newly elected and appointed officials including the City Manager and the City Attorney. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct, and a copy of such statement shall be filed with the City Clerk. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, and updated as necessary.

I affirm that I have read and understand the City of Vallejo Code of Ethics and Conduct for Elected and Appointed Officials.

Name

Date

Chapter 2.02 - CITY COUNCIL MEETINGS

I. - Authority

2.02.010 - Preamble.

The purpose of these rules is to assure the orderly and efficient conduct of the meetings of the city council. These rules are intended to assure the right of the majority of the council to decide items of business brought before the council; the right of the minority to be heard; and the rights of any absentee councilmembers to be protected. These rules also are intended to foster and promote the right of citizens to have adequate notice of business scheduled for consideration by the council and a fair and reasonable opportunity to attend and be heard.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.020 - Source.

These rules of order and procedure for the meetings of the city council are adopted in compliance with the requirements of Section 310 of the city Charter and are further adopted in compliance with laws of the state (see in particular, the Ralph M. Brown Act, Govt. Code, Sections 54950 through 54962, as amended). Whenever these rules are found to be in conflict with the terms and provisions of the Brown Act, the Act shall apply and govern.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

II. - General Rules

2.02.030 - Quorum.

A quorum shall be four or more councilmembers, except as provided otherwise by the Charter or state law, but fewer may adjourn from time to time and compel attendance of absent members in such manner as may be prescribed by ordinance.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.040 - Seniority of councilmembers.

Seniority shall be determined by length of time in office. In the event that two or more councilmembers have been in office for the same length of time, seniority shall be determined by the highest vote count in the most recent general municipal election.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.050 - Seating arrangements during meeting.

Upon reorganization, as prescribed by Section 319 of the city Charter, after the mayor and vice-mayor have been seated, councilmembers shall select their respective seats in the order of their relative seniorities in office and shall occupy seats so selected until the next regular reorganization of the council; provided, however, that any two or more councilmembers may exchange seats at any time by mutual consent.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.060 - Journal of proceedings.

An account of all open sessions of the council shall be prepared and kept by the city clerk and shall be entered in a permanent book or other permanent form constituting the official record of the council meetings (excluding closed sessions).

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.070 - Ordinances; limitations.

- A. No ordinance, except an appropriations ordinance, an ordinance adopting or embodying an administrative or government code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.
- B. Any proposed new or revised zoning ordinance shall be reviewed by the planning commission before submission to the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999; Ord. No. 1640 N.C.(2d), § 1, 4-12-2011)

III. - Staffing of Council Meetings

2.02.080 - City manager.

The city manager, or the city manager's authorized deputy or assistant, shall attend each council meeting unless excused by the presiding officer or council, and shall be subject to the direction of the council during council meetings. The city manager may make recommendations to the council and shall have the right to take part in all discussions of the council, but shall have no vote.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.090 - City attorney.

The city attorney, or the city attorney's authorized deputy or assistant, shall attend each council meeting unless excused by the presiding officer or council, and shall be subject to the direction of the council during council meetings. The presiding officer, the council or any councilmember, may call upon the city attorney at any time for an explanation of, or written opinion on, a point of law. Rulings on points of order shall, however, be made by the presiding officer, subject to the right of appeal by a councilmember as set forth in Section 2.02.500.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.100 - City clerk.

The city clerk, or the city clerk's authorized deputy or assistant, shall attend each council meeting unless excused by the presiding officer or council, and shall be subject to the direction of the council during council meetings. The city clerk shall keep the official minutes and perform such other duties as may be requested by the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.110 - Officers and employees.

Departmental directors, or other designated representatives, where there is pertinent business from their department on the council agenda, shall attend such council meetings upon request of the city manager.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.120 - Security officers.

The city manager shall arrange to have a sufficient number of trained and sworn security officers in attendance at the council's public meetings who shall be sergeants-at-arms of the council meetings. Such security personnel shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meetings. Upon direction of the presiding officer and/or city manager it shall be the duty of such security personnel to place any person who violates the order and decorum of the meeting after appropriate warning under arrest, and cause such person to be prosecuted under provisions of applicable law, the complaint to be signed by the presiding officer.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

IV. - Meetings of the Council

2.02.130 - Regular meetings.

- A. Regular meetings of the council shall be held on Tuesdays at the hour of seven p.m. The city council meeting agenda schedule prepared and circulated by the city clerk at the beginning of the calendar year may provide for cancellation of regular meetings for recognized holidays, and may be modified by the council from time to time to conduct the city's business. If at any regular meeting, business before council remains unfinished, the council may adjourn from time to time to dispose of the same or to transact any other unfinished business. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the city clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 2.02.140 special meetings, unless such notice is waived as provided for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, or adjourned regular, meeting was held within twenty-four hours after the time of adjournment. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.
- B. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held on the next regular meeting day set forth in the city council meeting agenda schedule at seven p.m.

(Ord. 1428 N.C.(2d) § 1, 2000; Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.140 - Special and emergency meetings.

Special and emergency meetings shall be held and noticed in compliance with the terms and provisions of the Brown Act, Sections 54956 and 54956.5.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.150 - Closed sessions.

Closed sessions shall be held and noticed in compliance with the terms and provisions of the Brown Act, Sections 54956.7 through 54957.8.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.160 - Annual goals meeting.

The council shall at a regular meeting, or special meeting called for that purpose, and as soon as feasible after its annual reorganization meeting each year, determine its goals and the relative priority of such goals to which city staff and resources are to be committed for their accomplishment. The council may conduct such additional meetings on its goals throughout the year as deemed necessary or advisable.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

V. - Chamber Attendance and Facilities

2.02.170 - Council chamber attendance; limitations.

Council chamber attendance shall be limited to the posted seating capacity thereof. Entrance to the city hall will be appropriately regulated by the city manager on occasions when the council chamber capacity is likely to be exceeded. While the council is in session, members of the public shall not remain standing in the council chamber except to address the council, and sitting on the floor shall not be permitted. During council meetings, no musical instruments, firearms (except in the possession of peace officers), toy firearms, placards or other items of potentially disruptive nature, shall be brought into the council chamber nor shall any handbills or fliers be distributed in the council chamber. The council proceedings may be conveyed by loud speaker to those who have been unable to enter the council chamber.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.180 - Facilities.

Regular and special meetings of the council shall be held in the council chamber, City Hall, 555 Santa Clara Street, Vallejo, California, or at such other locations as permitted by the Brown Act, Section 54954. Whenever at a regular or special meeting of the city council it is anticipated by the city manager that the attendance will be substantially greater than the posted capacity of the council chamber, the city manager may make arrangements for the use of a suitable alternative facility for such meeting of the council. The city council shall not conduct any regular or special meeting in any facility that prohibits the admittance of any person or persons on the basis of race, religion, creed, color, national origin, ancestry, gender, or sexual orientation. Facilities shall be accessible to the physically disabled.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

VI. - Decorum

2.02.190 - Presiding officer.

The presiding officer, as described in Section 2.02.480, shall take all action reasonably necessary to preserve order at all times during council meetings.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.200 - Responsibility of councilmembers.

During council meetings, councilmembers shall conduct themselves in accordance with these rules and in such a manner as to avoid disrupting the meeting. Except as otherwise provided in these rules, councilmembers shall abide by the rulings of the council and presiding officer.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.210 - Responsibility of other persons.

Other persons attending council meetings shall observe these rules, any additional rules the council may establish or concur in for a particular matter, and the orders of the presiding officer with respect to the conduct of the meeting. No person shall willfully disrupt or disturb any council meeting without lawful authority. This includes, but is not limited to, unsolicited comments, talking or making noise so loud as to interfere with the conduct of business at the meeting. No person shall approach a councilmember while the council is in session, unless specifically requested to do so by the presiding officer. Any message to, or contact with a councilmember while the council is in session shall be made through the city clerk.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.220 - Remedies for disruption of council meeting.

- A. Any person who unlawfully disrupts or disturbs a council meeting may be removed and barred from further attendance before the council at that meeting, unless permission to remain or return is granted by a majority vote of the council.
- B. Decorum at the meeting shall be enforced in the following manner:
 - 1. Warning. The presiding officer shall request that a person who is disrupting or disturbing the meeting be orderly and silent. If, after receiving a warning from the presiding officer, a person persists in disrupting or disturbing the meeting, the presiding officer shall order him or her to leave the council meeting. If such person does not remove him or herself immediately, the presiding officer may order any security officer or other law enforcement officer who is on duty at the meeting as sergeant-at-arms of the council to remove that person from the council chamber.
 - 2. Resisting or interference with removal. Any person who resists removal or interferes with the removal of a person by the security officer may be charged with a violation of this section and/or any other applicable state penal statute, including, but not limited to, Penal Code, Section 148.
- C. Any person who unlawfully disrupts or disturbs a council meeting may be arrested for a violation of Penal Code, Section 403, or any other then applicable statute. Such arrest may be accomplished in any manner authorized by law, including, but not limited to, a citizen's arrest at the request of the presiding officer.
- D. In the event that any council meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer or council may order the meeting room cleared and continue in session pursuant to the Brown Act, Section 54957.9, or any other then applicable statute.
- E. The remedies set forth above are in addition to any other remedies provided by law. The barring of a person from further attendance before the council at a meeting pursuant to Subsection A and the clearing of the meeting room pursuant to Subsection D are not intended to preclude the bringing of criminal charges against any person who unlawfully disrupts or disturbs the council meeting.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

VII. - Agenda and Order of Business for Regular Meetings

2.02.230 - Items included.

Prior to a deadline established by the city manager for the preparation of a regular meeting agenda, items of business shall be included on the agenda at the request of the mayor, by an individual councilmember, by the city manager, or by the city attorney; provided, however, that no item of business which has been acted upon by the council at a prior meeting, within the past one year, shall be placed upon the written agenda except at the request of a councilmember who voted in the majority on such matter or question, or upon the consent in writing of a majority of the members of the council filed with the city clerk prior to the agenda's deadline.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.240 - Preparation and posting.

The city manager or designee shall prepare and furnish to each councilmember and to the city attorney, and to such other persons as the council may designate, a written agenda for the regular meetings. The city manager or designee shall endeavor to arrange the agenda in such a manner that adjournment, if at all possible, shall be had no later than eleven p.m. of the date scheduled for the meeting. The written agenda shall be published and posted, and no action or discussion shall take place on any item not appearing on the posted agenda except as permitted by the terms and provisions of the Brown Act, Section 54954.2. The city clerk shall post the agenda on the bulletin board located immediately outside the front entry to city hall or other location that is freely accessible to members of the public at least seventy-two hours prior to the regular meeting. Not less than three copies of the agenda, with all attachments, placed in binders, shall be made available at the office of the city clerk for perusal by members of the public commencing at eight-thirty a.m. of the next business day following the posting of the agenda. At the place of the regular meeting, a copy of the agenda, plus all attachments, placed in a binder shall be available to members of the public thirty minutes prior and during the council meeting. Each member of the public shall be entitled to receive a copy of the agenda, without attachments, free of charge by making a request for a copy in person at the office of the city clerk. Requests for agendas to be mailed shall be furnished upon receipt by the city clerk of self addressed, stamped, envelopes provided by the requesting party. A copy of the agenda, plus all attachments, placed in a binder, shall be delivered to the front desk of the JFK Public Library, 505 Santa Clara Street, Vallejo, California, at or before 9:30 a.m. of the day of the regular meeting, for the convenience of the public.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.250 - Order of business.

The business of the council at its regular meetings shall be as set forth in the agenda as published and posted by the city manager or designee and shall be taken up for consideration and disposition in the order hereinafter set forth. On the majority vote of the council, a matter may be taken out of order as is deemed necessary or advisable so long as there is no discernible prejudice to the right of the public to be heard on the matter. Any item not on the posted agenda may be added to the agenda and considered only in the manner prescribed by the California Government Code Section 54954.2.

Order of Business

- A. Call to order;
- B. Pledge of allegiance;
- C. Roll call;
- D. Presentations and commendations;

- E. First community forum (fifteen minutes maximum);
- F. Comments on consent calendar by members of the public;
- G. Consent calendar and approval of agenda;
- H. Action calendar;
- I. Information calendar;
- J. City manager's report;
- K. City attorney's report;
- L. Second community forum;
- M. Reports of the presiding officer and councilmembers;
- N. Closed session; and
- O. Adjournment.

(Ord. 1604 N.C.(2d) § 1, 2008: Ord. 1428 N.C.(2d) § 2, 2000: Ord. 1422 N.C.(2d) § 2 (part), 1999.)

(Ord. No. 1640 N.C.(2d), § 2, 4-12-2011)

2.02.260 - Roll call.

After initial roll call by the city clerk, the later arrival of any absentee councilmember shall be entered in the minutes with the time of arrival to be noted.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.270 - Special presentations.

Special presentations by members of the public to the council may be made from time to time provided that prior notice is given both the office of the city manager and the mayor's office that a special presentation is being planned, giving the subject matter and the date requested to appear on the agenda. The mayor and the city manager shall determine when the presentation shall appear on the agenda, scheduling it as promptly as time permits, taking into account the date requested.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.280 - Minutes.

The city clerk shall distribute copies of the unadopted minutes of any previous meeting(s) to each councilmember along with the agenda and accompanying materials (agenda packet). Unless reading the minutes is requested by a councilmember, such minutes may be adopted on the consent calendar without reading.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.290 - Written communications.

Written communications from the public to the council must be received by the city clerk not later than the time and date established by the city manager for preparation of the next meeting's agenda. The

city clerk shall prepare copies of such communications for the members of the council. When the council so directs, appropriate replies shall be made by the city manager or other person designated by the council. Anonymous or unsigned communications shall not be submitted to the council for any purpose.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.300 - Community forum.

The presiding officer shall announce, subsequent to presentations and commendations, that members of the public shall have the opportunity to directly address the council on items of interest to the public that are within the subject matter jurisdiction of the council. The conduct of this community forum shall be limited to a maximum of fifteen minutes, with each speaker limited to three minutes. A second community forum shall be announced by the presiding officer subsequent to the city attorney's report. The second community forum shall be subject to the same subject matter and individual speaker time limit as set forth above for the first community forum. Except as otherwise permitted by the Brown Act, Government Code Sections 54954.2 and 54954.3, no discussion or action shall be taken on matters brought up during the community forum.

(Ord. 1604 N.C.(2d) § 2, 2008: Ord. 1428 N.C.(2d) § 3, 2000: Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.310 - Consent calendar.

The city manager, city attorney, or the city clerk may recommend that certain items be placed on the consent calendar for action by the council. Each item placed on the consent calendar shall appear with a recommendation of the city manager or city attorney as to the action to be taken by the council. Upon motion of any councilmember, all items placed upon the consent calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the city manager or city attorney. If any councilmember requests removal of any item from the consent calendar, or if any member of the public requests removal of an item for the purpose of addressing it and the council by a majority vote concurs in that request, the item shall be removed from the consent calendar and shall be heard and acted upon immediately after the approval of the consent calendar and approval of agenda. Consistent with the Brown Act, prior to the council taking action on the consent calendar and approval of agenda, members of the public shall be given the opportunity to directly address the council on any item appearing on the consent calendar, including requesting the removal of any item thereon as set forth above, with each speaker limited to three minutes.

(Ord. 1428 N.C.(2d) § 4, 2000: Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.320 - Approval of agenda.

After making such changes in the agenda, if any, as permitted under these rules of order and procedure and the applicable state law, the council shall approve the agenda, which shall be and constitute the agenda of business to be considered at the meeting. The motion offered to approve the agenda shall include the adoption of the consent calendar.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.325 - Action calendar.

The action calendar may include, but is not limited to, the following items:

- A. Public hearings;

- B. Policy items;
- C. Administrative items; and
- D. Appointments to boards, commissions, and committees.

(Ord. No. 1640 N.C.(2d), § 3, 4-12-2011)

2.02.330 - Public hearings—General.

- A. The council may from time to time order that public hearings be conducted on items of public interest even though such may not be required by law. The presiding officer, with the consent of the council, may set a reasonable time limit in which the public hearing is to be conducted. Anyone desiring to address the council on the subject of the public hearing shall conform to the provisions of Section 2.02.400. The presiding officer may direct those making a presentation to avoid repetition in order to permit maximum information to be provided the council, and may require that one person be designated to represent groups or organizations to facilitate maximum community input.
- B. Procedure for Hearing.
 - 1. The city clerk shall announce the public hearing.
 - 2. The staff report, if any, shall be presented.
 - 3. The presiding officer shall declare the public hearing open.
 - 4. The council shall hear those members of the public interested in the matter. The presiding officer:
 - a. May limit individual presentations, may limit the amount of time allotted for public input, and may limit the number of speakers with similar positions.
 - b. May order that no person speak more than once until all persons wishing to speak have spoken once.
 - c. May use the card system provided for in Section 2.02.400.
 - 5. The presiding officer shall close the public hearing.
 - 6. A councilmember:
 - a. May question any speaker during the hearing.
 - b. Shall not introduce a motion, resolution, or ordinance to approve, modify, or deny the subject matter being heard until the public hearing is closed by the presiding officer.

(Ord. 1461 N.C.(2d) § 1 (part), 2001: Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.340 - Procedures for public hearings on appeals from decisions of commissions or staff.

- A. On an appeal to the council from a decision of a commission or staff, the city clerk shall secure from the appropriate department the documents upon which the commission or staff has acted. The city clerk shall inform the appellant that the council will not consider the appeal if any concept, substantive portion, or detail of the plan(s) or document(s) upon which the commission or staff has acted will be changed by the time of the hearing. Should the appellant desire to submit any new or illustrative material at the time of the hearing, the appellant shall first submit it to the originating department, which shall certify on the material whether or not the additional material conforms to that upon which the commission or staff has acted. The material, so certified, shall then be delivered to the city clerk.
- B. Procedure for Hearing.
 - 1. The city clerk shall announce the public hearing.

2. The staff report shall be presented.
3. The commission report shall be presented.
4. The presiding officer shall declare the public hearing open.
5. The presiding officer shall first call on the appellant to be heard, with twenty minutes as the time limit for presentation. If the appellant is not also the applicant, the applicant shall be permitted ten minutes for rebuttal. Ten minutes shall then be permitted the commission representative or staff for rebuttal, and ten minutes thereafter for surrebuttal by the appellant. These time limitations may be extended by permission of the council. Presentation of plans or drawings containing substantive changes from those upon which the commission or staff has acted shall be ruled out of order.
6. The council shall hear those members of the public interested in the appeal. The presiding officer:
 - a. May limit individual presentations, may limit the amount of time allotted for public input, and may limit the number of speakers with similar positions;
 - b. May order that no person speak more than once until all persons wishing to speak have spoken once;
 - c. May use the card system provided for in Section 2.02.400.
7. The presiding officer shall close the public hearing.
8. A councilmember:
 - a. May question any speaker during the hearing.
 - b. Shall not introduce a motion, resolution, or ordinance to approve, modify, or deny the subject matter being heard until the public hearing is closed by the presiding officer.
- C. Any appellate hearing being held, or noticed or ordered to be held, may by the council at any meeting be continued or recontinued to any subsequent meeting, in the same manner and to the same extent set forth herein for the adjournment of meetings; provided, however, if the hearing is continued to a time less than twenty-four hours after the time specified in the original order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or notice of continuance was adopted.

(Ord. 1461 N.C.(2d) § 2 (part), 2001: Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.350 - Appointments to boards, commissions and committees.

- A. At the expiration of the designated terms of office of those members of various boards, commissions, and standing committees, or upon a vacancy in such office, the council shall be notified by the city clerk, and appointments shall be made by the council to fill such offices with qualified persons. Prior to the council making the appointments, the city clerk shall post and otherwise advertise the fact of such vacancies, and solicit applications therefor, in the manner and for the time prescribed by law.
- B. Any person who wishes to be considered for appointment or reappointment to a board, commission, or committee, shall submit an application on the form supplied by the city clerk and within a time limit set by the city clerk. Failure to do so shall be grounds for disqualification.
- C. At least five days before the meeting scheduled to make such appointments, the city clerk shall deliver to the councilmembers all resumes and applications submitted by interested citizens who have expressed a willingness to serve the city in the office(s) to be filled.
- D. Appointments to boards, commissions and committees shall be considered and acted upon by the council in open public meetings of the council, unless otherwise permitted by law.

- E. Appointments to committees composed solely of councilmembers, and appointments to special ad hoc committees of limited duration or purpose, shall be made by the mayor with the consent of the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.360 - Payment of claims.

- A. All demands, invoices or claims for purchases, supplies or services included within budgetary appropriations shall be presented in writing to the finance director.
- B. Each demand shall be appropriately documented to the standards of best business practices as provided by general accounting principles.
- C. Such demands, invoices, or claims shall be audited by finance director or his or her designee, who shall prepare a check register.
- D. The check register shall be ratified by the city council at a regular city council meeting. An affidavit of the finance director shall be attached to the check register certifying its accuracy.
- E. Payroll claims paid by checks or electronic transfer and nonpayroll claims paid by electronic transfers shall be presented to the city council for ratification and approval in the form of an audited comprehensive annual financial report.
- F. All claims shall be paid by checks, petty cash, or electronic transfer.

(Ord. 1588 N.C.(2d) § 1, 2007: Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.365 - Information calendar.

The information calendar may include, but is not limited to, the following items:

- A. Information reports;
- B. Presentations that are not scheduled for another section of the agenda;
- C. Study sessions; and
- D. Written communication.

(Ord. No. 1640 N.C.(2d), § 4, 4-12-2011)

VIII. - Public Participation

2.02.370 - Policy.

Pursuant to the Brown Act, Section 54954.3, members of the public shall be afforded the opportunity to speak on any agenda item of a substantive nature providing they are first recognized by the presiding officer.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.380 - Addressing the council.

Any person desiring to address the council by oral communication shall first secure the permission of the presiding officer; provided, however, that preference will be given to those persons who have submitted a card provided for that purpose, or in the absence of the card system those who have

submitted to the city clerk a written request in advance or at the commencement of the meeting of their desire to speak, and they will be given preferential recognition by the presiding officer in the order in which received.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.390 - Spokespersons.

Designated spokespersons for recognized groups or organizations may be given priority over individuals who desire to address the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.400 - Card system.

Cards will be available at the rear of the council chambers for persons who wish to address the council at a public hearing or on another item of agenda business. After filling out the information requested, the cards shall be handed to the city clerk or designated staff member, no earlier than fifteen minutes before the commencement of the meeting. The presiding officer will call on those wishing to speak in the order in which the cards are received, except as provided elsewhere in this chapter. After such persons are heard, the presiding officer may then call for any additional speakers.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.410 - Method for obtaining recognition by presiding officer.

If a written request for permission to address the council has not been submitted, a person wishing to gain recognition may approach the speaker's podium and wait, silently, to be recognized by the presiding officer.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.420 - Time limit.

Persons wishing to address the council on items of business listed on the agenda will have five minutes to do so; provided, however, that any speaker may request additional time and will be granted such only with the permission of the presiding officer and subject to the consent of the council.

(Ord. 1428 N.C.(2d) § 5, 2000: Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.430 - Discussion between citizens and council.

All remarks shall be addressed to the council as a body and not any member thereof. No person, other than the presiding officer, council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember or member of the staff except through the presiding officer.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.440 - Topic for discussion.

Members of the public shall address their remarks only to the agenda item then under discussion by the city council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.450 - Manner of addressing council.

Prior to speaking, each member of the public shall state their name and business or home address in a clear and audible tone of voice.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.460 - Repetition.

Recognized speakers shall refrain from unnecessary repetition of issues and points already raised by previous speakers.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

IX. - Rules of Order and Debate

2.02.470 - Rules of order.

At all meetings of the council, Roberts Rules of Order, as amended, shall be the governing rules of order and debate, unless such are in conflict with these rules, in which case these rules shall apply and govern.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.480 - Presiding officer.

The mayor, if present, shall preside at all meetings of the council. In the absence of the mayor, the vice-mayor shall preside. In the absence of the mayor and the vice-mayor, the senior councilmember present shall preside. The presiding officer may debate and vote, and may make a motion, offer a resolution, or introduce an ordinance, without relinquishing the chair.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.490 - Preservation of order.

The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of councilmembers' motives, confine councilmembers in debate to the question under discussion, and otherwise curtail disruption of the meeting.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.500 - Points of order.

The presiding officer shall determine all points of order, subject to the right of any councilmember to appeal to the council. If an appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained?"

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.510 - Personal privilege.

The right of a councilmember to address the council on a question of privilege shall be limited to cases in which the member's integrity, character or motives are assailed, questioned or impugned.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.520 - Dissents and protests.

Any councilmember shall have the right to dissent from any action of the council or ruling of the presiding officer and have the reason therefor entered in the minutes. Such dissent shall be in writing, couched in respectful terms, and presented to the council not later than the next regular meeting following the date of such action.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.530 - Councilmembers.

Councilmembers desiring to speak shall so signify by utilizing the lighting system provided for that purpose, or in its absence shall address the presiding officer. The presiding officer shall call upon councilmembers in the sequence in which they have sought recognition. A councilmember shall not call for a showing of hands or other demonstration of those present in the audience, unless granted permission to do so by the presiding officer. No councilmember may speak for longer than fifteen minutes at any one time, unless additional time is granted upon a majority vote of the council.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.540 - Discussion prior to formal action.

It shall not be necessary to make a motion, offer a resolution, or introduce an ordinance, before debate by the council, or before the public is allowed to speak. No such motion or resolution, or introduction of an ordinance, shall be made at any time before a public hearing is closed.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.550 - Second not required.

A second shall not be required in order to make a motion, offer a resolution, or introduce an ordinance for council action.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.560 - Amendment.

An amendment merely changes the wording of the motion or matter to be voted upon; it is made by striking out, inserting, adding, or substituting certain words, phrases, sentences or paragraphs in the original motion. An amendment to an amendment cannot be amended, i.e., there can be no more than two amendments under consideration at the same time.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.570 - Substitute motion.

A substitute motion, proposing to strike out the entire original motion and to insert in its place a more satisfactory motion, ranks as an amendment to the main motion.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.580 - Division of question.

If a motion, or any proposed amendment thereto, contains two or more separable propositions, the presiding officer may, and upon request of a councilmember shall, divide the question.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.590 - Motion to postpone.

- A. A motion to postpone indefinitely is debatable if the main motion to which it applies is debatable. The motion cannot be amended nor referred. If carried, the subject cannot be brought up again except by way of a motion to reconsider at a subsequent meeting as provided in Section 2.02.660.
- B. A motion to postpone definitely (i.e. to a time certain), has priority over motions to refer, to amend, to postpone indefinitely, and the main motion. It is debatable as to desirability of postponement and the time to which postponement is to be made. It can be amended by changing the time to which postponement is to be made. It yields only to a motion to close debate or to table.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.600 - Motion to refer.

A motion may be made to refer the question at hand to a specified committee, staff member, other person, or to a special committee to be appointed. The motion is debatable as to desirability of referring, as to size and method of appointment of the committee if one is to be appointed, and as to instructions and responsibility of those to whom referred. The motion shall have priority over the main motion, a motion to amend, and a motion to postpone indefinitely. It cannot be tabled or postponed.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.610 - Motion to close debate (previous question); limit debate.

- A. A motion to close debate requires a two-thirds vote for passage. It is not debatable and cannot be amended. It yields only to a motion to lay on the table. If the motion carries, and unless the motion is made to include "all pending questions," the presiding officer shall put pending amendments to the main question, without debate, in the inverse order of their introduction, before putting the main question to vote.
- B. A motion to limit debate shall be subject to the same rules as a motion to close debate, said motion to specify time limits for each speaker, or the number of speakers for affirmative and negative sides, or the total time limit for consideration of the main motion or question.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.620 - Motion to table.

A motion to table (i.e. to lay on the table) is not debatable and cannot be amended. The motion is in order where a motion to close debate has been carried, or when it is pending. The motion is proper only when the pending subject needs to be set aside temporarily because something else of immediate urgency has arisen. If the motion is carried, consideration of the subject matter may be resumed at that meeting or the next succeeding meeting on motion to take from the table made by any councilmember, and if not taken up by that time, the subject expires. The subject, however, may be reintroduced before the city council at a later date as a new matter.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.630 - To withdraw a motion.

A motion or offer of a resolution may be withdrawn by the maker at any time before vote by the council, after first gaining recognition from the presiding officer.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.640 - Motion to reconsider.

A motion to reconsider any action taken by the council may be made at any time at the meeting such action was taken or at a recessed session of that meeting. The motion may be made only by a councilmember who had previously voted with the prevailing side. A resolution or motion authorizing or relating to the approval of a contract may be reconsidered only prior to the actual execution of the contract. A question can be reconsidered only once during the meeting.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.650 - Motion to reconsider at subsequent meeting.

After the council has taken action on a matter or question, a motion to reconsider that action, or to reconsider any prior action taken on a matter or question having substantially the same content or purpose of the matter already acted upon, shall not be made at any subsequent meeting for at least one calendar year from the date of such action, except by a councilmember who voted in the majority on such matter or question, or upon the written consent of majority of councilmembers filed with the city clerk. The item then before the council shall be whether the matter or question should be reconsidered, and, if the council approves the request, the matter or question shall be placed on a future agenda for consideration.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.660 - Method of voting.

Votes of the council shall be cast and displayed on the electronic voting board so that each councilmember's vote may be recorded by the city clerk. In the event of a breakdown or a malfunction of the electronic voting equipment, the city clerk shall call the roll for voting in the descending order that the names of the councilmembers appear on the electronic voting board. At the conclusion of the voting the clerk shall announce the results of the vote by stating whether the measure carried or failed and by what vote. Voting by proxy shall not be permitted.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.670 - Tie vote.

Except as otherwise provided by the city Charter or by general law, the affirmative vote of at least four councilmembers shall be necessary to adopt any ordinance, resolution or motion. Any question on which the vote is tied is lost, provided, that the presiding officer or any councilmember may request the city clerk to carry over the item to the next regular meeting at which a full council will be present.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.680 - Abstention.

It shall be the duty of each councilmember present at a meeting of the council to vote on each matter or question before the council for action, unless:

- A. Disqualified under the terms of the Political Reform Act (Government Code, Sections 87100, et seq.) wherein it is reasonably foreseeable that the decision would have a material financial effect on the councilmember, the councilmember's immediate family, or on specified economic interests of the councilmember if that financial effect is different from the effect on the general public; or
- B. Disqualified under the terms of Government Code, Sections 1090 et seq., dealing with public contracts in which the councilmember may have a direct or indirect financial interest, the prohibition including preliminary discussions, negotiations, planning, and solicitation of bids.
- C. Abstention for any reason other than those mentioned above shall constitute consent to the action proposed, and the city clerk shall announce at the meeting and enter in the minutes that the abstention was cast as an "aye" vote pursuant to this rule.
- D. Nothing in this section is intended to abrogate the judicially declared "limited rule of necessity" adopted in the state pertaining to the duty of members of public and legislative bodies to vote on matters which require their action.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.690 - Point of order.

A councilmember may, without waiting for recognition, rise to a point of order to secure a ruling from the presiding officer on a matter thought to be of sufficient importance to require immediate attention. A councilmember may:

- A. Question the validity of the parliamentary procedure being followed;
- B. Call a speaker to order for the inappropriate use of language or any breach of decorum;
- C. Call attention to a condition that inconveniences members;
- D. Raise a parliamentary inquiry, or call attention to a violation of correct procedure; or
- E. Question a ruling by the presiding officer on a point of parliamentary procedure prior to appealing the decision of the presiding officer to the council.

Rising to a point of order is in order at any time, may interrupt a speaker who has the floor, is not debatable, cannot be amended, and requires no vote of the council. The councilmember rising to a point of order may explain his/her position and the presiding officer may state his/her position in ruling on the request.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.700 - Appeal from the decision of the presiding officer.

A councilmember may appeal to the council a decision or ruling of the presiding officer. It must be made immediately following the decision or ruling in question, and it may be made when another has been recognized (had the floor). The motion is debatable if appeal is to a decision regarding a debatable motion. It may not be amended, postponed, or referred to a committee. It is not debatable if the ruling appealed relates to decorum or violation of rules of speaking, or is made when an undebatable motion is pending. The appeal is subject to a motion to close debate and to table when debatable. The motion may be reconsidered.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.710 - Points of information.

A councilmember may make a request for information relevant to the business at hand but not related to parliamentary procedure. The request may be directed to the presiding officer or through the presiding officer to another councilmember or to an officer or employee of the city. The request must be put in the form of a question. If directed to a councilmember who has the floor, the presiding officer will ask consent of the speaker to the interruption.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.720 - Motion to adjourn or recess.

An unqualified motion to adjourn has priority over all other motions except the motion to fix time of the next meeting. It is always in order, except:

- A. When repeated without intervening business or discussion;
- B. When made as an interruption of a councilmember speaking;
- C. When a previous question has been ordered and is being discussed; and
- D. While a vote is being taken.

The motion to adjourn is not debatable and cannot be amended. Before putting the motion to adjourn to vote of the council, the presiding officer may inform the council of any important matter demanding its attention and consideration before adjournment.

As a privileged motion, that is, when other business is pending, the motion to recess yields only to the unqualified motion to adjourn and to the motion to fix time of the next meeting. After a recess business proceeds from the point reached immediately preceding the recess.

(Ord. 1422 N.C.(2d) § 2 (part), 1999.)

2.02.730 - Precedence of motions.

When a question or motion is before the council, only the following motions may be entertained, in descending order of preference.

- A. A motion to fix the time of the next meeting under Section 2.02.720;
- B. A motion to adjourn under Section 2.02.720;
- C. A motion to table or lay on the table under Section 2.02.620;
- D. A motion to close debate under Section 2.02.610;
- E. A motion to refer under Section 2.02.600;
- F. A motion to postpone definitely or to a time certain under Section 2.02.590;

G. A motion to postpone indefinitely under Section 2.02.590;

H. An amendment, motion to amend, or a substitute motion under Sections 2.02.560 and 2.02.570.

The debatability of any such motion is as described in the sections referred to hereinabove. No such motion shall be entertained, though, if it is not in order.

(Ord. 1428 N.C.(2d) § 6, 2000.)

ORDINANCE NO. 1819 N.C. (2d)

**AMENDING MUNICIPAL CODE CHAPTER 2.02 RELATED
TO DECORUM AT PUBLIC MEETINGS**

SECTION 1. Section 2.02.190 of the Vallejo Municipal Code is hereby amended to read as follows:

2.02.190 – Rules of Decorum at Public Meetings.

- A. The purpose of these rules is to promote orderly meetings and respectful communications so that government business can be discussed and conducted in an atmosphere of respect and collaboration rather than one marked by divisiveness or antagonism.
- B. These rules of decorum shall apply at all meetings of the city council and at all public meetings of the city of Vallejo (hereinafter "Public Meetings") including those conducted by any commission, committee or board appointed by the city council.
- C. City appointed and elected officials, members of the public and city staff will observe these rules of decorum at Public Meetings:
 - 1. No person participating in or attending a Public Meeting shall engage in disorderly or boisterous conduct, including but not limited to applause, whistling, stamping of feet, booing, or making any loud, threatening, profane, abusive, personal, impertinent, or slanderous utterance that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting.
 - 2. All remarks by members of the public shall be addressed to the Mayor or the Chair (hereinafter "Presiding Officer") and not to any other member of the public or to any single Council, Board or Commission Member unless in response to a question from that Member.
 - 3. Signs, placards, banners, or other similar items shall not be permitted in the audience during a Public Meeting if the presence of such item obstructs the view of members of the public or disturbs, disrupts or otherwise impedes the orderly conduct of the meeting.
 - 4. All persons attending a Public Meeting shall remain seated in the seats provided, unless addressing the body at the podium or entering or leaving the meeting.
 - 5. All persons attending a Public Meeting shall obey any lawful order of the Presiding Officer to enforce the Rules of Decorum.
 - 6. No person shall approach a councilmember while the council is in session, unless specifically requested to do so by the Presiding Officer. Any message to, or contact with a councilmember while the council is in session shall be made through the city clerk.

SECTION 2. Section 2.02.220 of the Vallejo Municipal Code is hereby deleted in its entirety and a new 2.02.220 is enacted to read as follows:

2.02.220 - Enforcement of the Rules of Decorum.

- A. The Presiding Officer shall take all action reasonably necessary to preserve order at all times and uniformly enforce the Rules of Decorum at the Public Meeting.
- B. In the event that any person breaches the Rules of Decorum in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting, the Presiding Officer shall order that person to cease the offending conduct.
- C. If any person continues to breach the Rules of Decorum in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting following an order from the Presiding Officer to cease the offending conduct, the Presiding Officer may order that

- person to leave the Public Meeting.
- D. If any person refuses to leave the Public Meeting following an order from the Presiding Officer to do so, the Presiding Officer may order any law enforcement officer on duty to remove that person from the Public Meeting.
- E. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. The Council may vote to readmit an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or work of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 4. Effective Date.

This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its final passage.

First read at a regular meeting of the Council of the City of Vallejo held on the 10th day of September 2019 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 24th day of September 2019 by the following vote:

AYES: Mayor Sampayan, Vice Mayor Dew, Councilmembers Brown, McConnell,
Miessner, Sunga and Verder-Aliga
NOES: None
ABSENT: None
ABSTAIN: None



BOB SAMPAYAN, MAYOR

ATTEST:



DAWN G. ABRAHAMSON, CITY CLERK

ORDINANCE NO. 1820 N.C. (2d)

AMENDING CHAPTER 2.26 OF THE VALLEJO MUNICIPAL CODE

SECTION 1. Section 2.26.090 of the Vallejo Municipal Code is hereby amended to read as follows:

2.26.090 - Meetings and quorum.

- A. Each board, commission or committee shall fix the time and place of its regular meetings and may hold special meetings in the manner prescribed by state law. Each board, commission or committee shall hold regular meetings at least once each quarter except as otherwise provided by ordinance or resolution.
- B. A majority of the board, commission or committee appointed constitutes a quorum for the transaction of business. An affirmative vote of at least a majority present is required to take official action. Any question on which the vote is tied is lost; provided, that the presiding officer or any member may request the item be carried over to the next regular meeting at which a full board, commission or committee will be present.

SECTION 2. Section 2.26.110 of the Vallejo Municipal Code is hereby amended to read as follows:

2.26.110 - Rules of Procedure.

- A. Each board, commission or committee shall use Rosenberg's Rules of Order, which shall be the rules of order and procedure for the transaction of business.
- B. Notwithstanding (A) above, rulemaking and appellate commissions may propose their own more specific rules of order and procedure which shall be reviewed by the city attorney and approved by council prior to use.

SECTION 3. Section 2.26.120 of the Vallejo Municipal Code is hereby added to read as follows:

2.26.120 - Work Plan.

Each board, commission or committee may adopt a work plan that serves to fulfill the purpose of the commission. The work plan shall be aligned with the council's goals and priorities, be feasible in light of staffing and financial resources, and shall be brought to council for approval prior to implementation.

SECTION 4. Section 2.26.130 of the Vallejo Municipal Code is hereby added to read as follows:

2.26.130 - Agenda items.

- A. All items placed on the agenda shall be within the jurisdiction of the board, commission or committee.
- B. The secretary will be responsible for the preparation of the regular meeting agenda. The written agenda shall be published and posted and no action or discussion shall take place on any item not appearing on the posted agenda except as permitted by the terms and provisions of the Brown Act, Cal. Gov. Code § 54954.2.
- C. Any board, commission or committee member may propose that an item be placed on a future agenda. The member's proposal shall be agendized first for discussion and evaluation by the board, commission or committee. The criteria for agendizing an item for future consideration shall be:
 - 1. Whether the item is within the jurisdiction of the board, commission or committee.

2. Whether the item is part of the approved work plan for the board, commission or committee.
 3. Whether sufficient staffing and resources are available to ready the item for action on the future date that is requested.
- D. If the above criteria is satisfied and if the board, commission or committee agrees by a majority vote that the proposed item should be agendized for a future date, the secretary of that commission shall place the item on an appropriate future agenda of the board, commission or committee.

SECTION 5. Section 2.26.140 of the Vallejo Municipal Code is hereby added to read as follows:

2.26.140 - Role of the member.

Upon taking office and throughout their time of service, each commissioner or board member appointed by the City Council shall reflect the following public service values at all times:

- A. Each member will strive to act fairly and respectfully when reviewing and considering items presented and making decisions based on the merits of the issues, honoring the city's obligations imposed by law, and honoring the public's expectation that decision makers will be fair and impartial treating all people, projects and perspectives equitably.
- B. Each member will exhibit compassion, conveying the city's care for and commitment to its community members and remaining attuned to and caring about the needs of the public, officials, and staff.
- C. Each member will treat fellow officials, staff and the public with courtesy, even when disagreeing, and focus on the merits in discussions, not personalities, character or motivations, and comply with the rules of decorum and behavior guidelines contained in Section 2.02.190 of this Code.
- D. Each member will discharge their role in a responsible manner, attending all scheduled meetings in adherence to the attendance policy, reviewing materials and not disclosing confidential information, and representing the city's official positions to the best of the member's ability when authorized to do so, while refraining from taking any action that might appear to compromise the member's independent judgment. In taking responsibility for the member's own actions, the member will not use information acquired in the member's public capacity for personal advantage, and will not represent a third parties' interests to the city.
- E. Each member will exercise the functions of the appointed office with integrity, remaining truthful with fellow commissioners, the public and others, and prepared to make unpopular decisions to further the public's interest, and disclosing instances of wrongdoing to the appropriate authorities.
- F. Each member will be mindful of their obligation as a public official to serve the whole community, to be a keeper of the public trust, and promoting the efficient use of the city's resources.
- G. Each member will strive to collaborate with city staff and with each other, recognizing that staff and members are on the same 'team' as individuals who are part of the same city organization.
- H. Each member will be mindful of and promote the city's interests as articulated in the council's adopted goals, general plan, resolutions and ordinances. Achieving the public's benefit as articulated therein shall guide the member's actions above their own individual interests or the interests of special interest groups.
- I. If authorized by the board, commission or committee to speak to council on its behalf, the member shall strive to fairly represent the stance and views of the entire board, commission or committee on the item being discussed.

- J. Failure to follow any of the above items established in this section may be grounds for removal upon request by any council member and an affirmative vote of at least five members of the council after one written communication from the council liaison and the failure of the member to voluntarily resign when given an opportunity by the liaison to do so.

SECTION 6. Section 2.26.150 of the Vallejo Municipal Code is hereby added to read as follows:

2.26.150 - Role of the chairperson.

- A. In collaboration with the Secretary, and subject to the preparation of items for the agenda, the chairperson will schedule dates and times for meetings on matters within the jurisdiction of the commission or board, ensuring that agendas are created, circulated and duly posted in compliance with the Brown Act and local regulations.
- B. The chair will officiate and conduct meetings, serving as the parliamentarian, providing leadership and ensuring that members are aware of their obligations and that the commission, board or committee complies with its responsibilities.
- C. The chair will ensure there is sufficient time during the meeting to fully discuss agenda items.
- D. The chair will ensure that discussion on agenda items is on topic, productive and professional.

SECTION 7. Section 2.26.160 of the Vallejo Municipal Code is hereby added to read as follows:

2.26.160 - Role of the council liaison.

- A. The Mayor will assign members of the council as council liaison to some of the city's boards and commissions in his or her discretion.
- B. The council liaison will discharge the following functions:
 - 1. To facilitate communications between staff and the board or commission in a manner that is consistent with this chapter.
 - 2. To be accessible and to serve as a resource to other members in resolving issues which may arise.
 - 3. As time permits, and as need arises, to attend the portion of meetings that relate to common interests of the council and the board or commission. Unlike a voting member of the board or commission, the council liaison is not expected to attend the full meeting, or every meeting, but may do so at his or her discretion.
 - 4. The council liaison is not a voting member of the board or commission and is not expected to participate in discussion and debate on matters being considered by the board or commission.
 - 5. The council liaison will not make requests of the board or commission, and will not make commitments or representations on behalf of the city council that have not been authorized by the city council.

SECTION 8. Section 2.26.170 of the Vallejo Municipal Code is hereby added to read as follows:

2.26.170 - Role of the secretary.

The secretary shall attend all meetings of the board, commission and committee. In collaboration with the chairperson, the secretary shall establish the agenda, which shall be finalized, furnished to the city clerk, and posted in compliance with the Brown Act. The secretary shall ensure that adequate records are maintained reflecting every determination, finding and action by the board, commission or committee, consistent with city guidelines and state law. Either the secretary or the attorney which may be assigned to staff the board,

commission and committee may be called upon by the chair to be a resource on items involving parliamentary process and procedure.

SECTION 9. Severability. If any section, subsection, sentence, clause, phrase of work of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 10. Effective Date. Section 2 of this Ordinance shall take effect and be in full force and effect after thirty (30) days of its final passage.

First read at a regular meeting of the Council of the City of Vallejo held on the 10th day of September 2019 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 24th day of September 2019 by the following vote:

AYES:	Mayor Sampayan, Vice Mayor Dew, Councilmembers Brown, McConnell, Miessner, Sunga and Verder-Aliga
NOES:	None
ABSENT:	None
ABSTAIN:	None


BOB SAMPAYAN, MAYOR

ATTEST:


DAWN G. ABRAHAMSON, CITY CLERK