City of Sacramento
Law and Legislation Committee Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2023-00389 4/4/2023 **Discussion Item 5.**

Councilmember Proposal Request for Committee Consideration - Tenant Anti-Harassment Ordinance (TAHO)

File ID: 2023-00389

Location: Citywide

Recommendation: Committee to review and provide direction on the attached councilmember proposal regarding a tenant anti-harassment ordinance (TAHO), and take one of the following actions:

1) Pass a **Motion** directing staff to commence work on the proposal and bring it back to the committee for review and consideration;
2) Pass a **Motion** directing staff to commence work on the proposal with committee members and forwarding the item to the city council for consideration without further review by the committee;
3) Pass a **Motion** sending the matter back to the sponsoring councilmember for additional information;
4) Pass a **Motion** deferring the request and directing staff to bring the proposal back to the committee at a later date; or
5) Pass a **Motion** denying the proposal request.

Contact: Councilmember Caity Maple; Ryan Brown, Chief of Staff, (916) 808-7005, rkbrown@cityofsacramento.org, Office of Councilmember Maple.

Presenter: None, see proposal.

Attachments:
1-Description/Analysis
2-Councilmember Proposal Request Submission
3-Council Rules of Procedure

Additional Description/Analysis

Issue Detail: Councilmembers may propose and item, ordinance, program, research, or initiative for council action by submitting a written request to the City Clerk. The process modulates the agenda requests of individual councilmembers by referring those requests to the relevant city council standing committee for review, as appropriate, and in so doing provides clear guidance to the council

appointees that their work demands are serving the council as a whole. It also ensures councilmember requests are duly tracked and assigned, thus promoting transparency and accountability.

The attached proposal number 2023-005 was submitted by Councilmember Maple, was reviewed by the mayor, in consultation with the city manager, city attorney, and city clerk, and is being referred to this city council standing committee for consideration.

Policy Considerations: Council Rules of Procedure, Chapter 12.

Economic Impacts: See proposal.

Environmental Considerations: See proposal.

Sustainability: See proposal.

Commission/Committee Action: Committee action is required to initiate staff work on any councilmember proposal request.

Rationale for Recommendation: Committee direction will provide clear guidance to the council appointees that their work demands are serving the council as a whole and are in alignment with council priorities.

Financial Considerations: See proposal.

Local Business Enterprise (LBE): See proposal.

City of SACRAMENTO

COUNCILMEMBER PROPOSAL REQUEST SUBMISSION

Process as outlined in the Council Rules of Procedure, Chapter 12.

Submission Date: March 23, 2023

SUBJECT *(brief summary)***:** Tenant Anti-Harassment Ordinance (TAHO)

Councilmember Sponsor: Caity Maple
Assigned Council Staff Member: Ryan Brown, Chief of Staff

Proposal Summary/Recommendation *(Provide a brief description of the proposal)*:
I propose that the City of Sacramento adopt a "Tenant Anti-Harassment Ordinance," similar to the cities of Oakland and Richmond, that will protect tenants from threats, intimidation, and other unlawful activities through civil remedies. This ordinance would set forth that if a landlord, in bad faith, engages in one of the prohibited activities, the tenant can take legal action. This ordinance would include penalties and recovery of attorney's fees.

Rationale for Recommendation *(Identify the issue(s) that this proposal will address)*:
Tenants in Sacramento are experiencing extraordinary levels of harassment, including intimidation and coercion, abusing their right to access rental units, removal of their possessions without authority, threats of violence, refusal to acknowledge receipt of rent payment, interference with their right to quiet use, interruption or termination of utility service, and refusals to do repairs, among others. While many federal and state laws exist making these activities illegal, tenants experience significant barriers in asserting their rights in Sacramento. Community legal services are overwhelmed, there are very few local private attorneys specializing in these areas, and more often than not, our lowest-income residents are most impacted and unable to fight for their rights. The reality on the ground is that our under-resourced communities are experiencing harassment with little recourse, and a strong Tenant Anti-Harassment Ordinance creates a framework to protect them.

Applicable Council Priority Goal: Housing/Anti-Displacement

Recommended Priority Level:

- ☐ 0-30 days
- ☒ 30-60 days
- ☐ Greater than 60 days

City Council Committee Review Recommended:

- ☐ Budget and Audit Committee (B&A)
- ☒ Law and Legislation Committee (L&L)
- ☐ Personnel and Public Employees Committee (P&PE)

- ☐ Racial Equity Committee (RE)
- ☐ City Board, Commission, or Committee Review Recommended *(list advisory body(ies))*:

Do any of the following Council Policy Considerations apply? If so, give a brief explanation:

- ☒ DEI: This policy should be considered under a racial equity lens.
- ☐ Climate Action:

Financial Considerations: This ordinance would create a negligible administrative cost for development and implementation.

Attachments to Support Summary/Recommendation:

(Please attach and explain council staff research that has been done on this proposal; Include all information received from outside careholders, drafts or examples compiled).

1. Draft language based on the City of Richmond's Tenant Anti-Harassment ordinance.

Mayor's Review:

Date Reviewed:

Committee Review Required:

- ☐ Budget and Audit Committee (B&A)
- ☐ Law and Legislation Committee (L&L)
- ☐ Personnel and Public Employees Committee (P&PE)
- ☐ Racial Equity Committee
- ☐ City Board, Commission, or Committee Review *(list advisory body(ies))*:

Committee Review Exception Applies:

- ☐ Urgent matter that requires quick council action.
- ☐ A matter related to a pending council matter.
- ☐ A matter that on its face falls fully outside the jurisdiction of the City.
- ☐ A matter within the City Manager's executive function that does not need council authorization.

Department(s) Collaboration Needed:

Mayor's Additional Direction:

Mayor's Signature: _____Date: _____

City Council Standing Committee Scheduling:

Transmitted for addition to the following agenda(s) for committee review to initiate staff work on the proposal:

Standing Committee	**Tentative Agenda Date**
Budget and Audit Committee (B&A)	
Law and Legislation Committee (L&L)	
Personnel and Public Employees Committee (P&PE)	
Racial Equity Committee (RE)	

Proposal will also be made part of the Councilmember Proposal Tracking Log.

City Clerk's Additional Comments:

City Clerk's Signature: _____Date: _____

Chapter XX - TENANT ANTI-HARASSMENT

XX - Short title.

This Ordinance shall be known as the "Tenant Anti-Harassment Ordinance."

XX - Purpose.

The Tenant Anti-Harassment Ordinance provided in this chapter augments existing protections provided to residential tenants under federal, state, and local laws to prohibit and deter tenant harassment by landlords in all residential rental units, including single-family residences and condominiums.

XX - Applicability.

The Tenant Anti-Harassment Ordinance shall apply to all rental units within the City of Sacramento where there is a rental agreement between a landlord and one or more tenants, unless exempted herein.

XX - Definitions.

(a) ...

XX - Exemptions.

(a) Rental units in any hospital, skilled nursing facility or health facility.

(b) Rental units in a nonprofit facility that has the primary purpose of providing short-term treatment, assistance, or therapy for alcohol, drug, or other substance abuse and the housing is provided incident to the recovery program, and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception and is licensed for such purpose where such license is required.

(c) Rental units in a nonprofit facility that provides a structured living environment with the primary purpose of helping homeless persons obtain skills necessary for independent living in permanent housing and where the occupancy is restricted to a limited and specific period of time of not more than 24 months, and where the client has been informed in writing of the temporary or transitional nature of the housing at its inception and is licensed for such purpose where such license is required.

(d) Rental units exempted from Part 4, Title 4, Chapter 2 of the California Civil Code by section 1940(b)(transient occupancy in hotels/motels), or successor statute, unless either the landlord offers for rent or rents the rental unit for a period of 30 days or more, or the landlord violates California Civil Code section 1940.1, or successor statute, to avoid tenancy status.

XX - Tenant harassment.

No landlord, and no agent or employee of the landlord, shall do any of the following in bad faith:

(a) Interrupt, terminate, or fail to provide housing services or threaten to interrupt, terminate or fail to provide housing services required by a rental agreement or by state, county or local housing health or safety laws. This includes the following:

(1) Curtailing any utility services by any means whatsoever including, but not limited to, the cutting or removal of wires, removal of fuses, switching of breakers, and non-payment of bills for utilities that are part of the housing services. Utility services includes, but is not limited to, water, heat, electricity, gas, telephone, cable, internet, garbage and recycling collection, and sewage.

DRAFT

(2) Impeding reasonable access to the rental unit.

(3) Removing, without replacement within a reasonable time period, when building permits are obtained, if required, doors or windows of the rental unit.

(b) Fail to perform repairs or threaten to fail to perform repairs or maintenance required by a rental agreement or by state, county or local housing, health or safety laws.

(c) Fail to exercise due diligence in completing repairs or maintenance once undertaken or fail to follow appropriate industry repair containment or remediation protocols designed to minimize exposure to noise, dust, lead paint, mold, asbestos, or other building materials with potentially harmful health impacts.

(d) Abuse the right of access into a rental unit as established and limited by California Civil Code section 1954 or successor statute, including entering or photographing portions of the rental unit that are beyond the scope of a lawful entry or inspection.

(e) Remove from the rental unit personal property, furnishings, or other items that belong to the tenant or that are part of the housing services without the prior written consent of the tenant, except when done pursuant to the procedures set forth in Civil Code section 1980 et seq., or successor statute.

(f) Influence or attempt to influence a tenant to vacate a rental unit through fraud, intimidation, or coercion. This includes threatening to report a tenant or other person known to the landlord to be associated with the tenant to any local, state, or federal agency based on their perceived or actual immigration status. The prohibition shall not be construed as preventing communication with such agencies regarding an alleged immigration violation as permitted by law. This provision shall also not be construed to conflict with Civil Code section 1940.2(a)(5) or successor statute.

(g) Offer payments to a tenant to vacate more than once in six months, after the tenant has notified the landlord in writing the tenant does not desire to receive further offers of payments to vacate.

(h) Attempt to coerce a tenant to vacate with offer(s) of payments to vacate that are accompanied with threats or intimidation.

(i) Threaten the tenant, or their guests, by word or gesture, with physical harm.

(j) Interfere with a tenant's right to quiet use and enjoyment of a rental unit as that right is defined by California law.

(k) Violate a law that prohibits discrimination based on actual or perceived race, gender, sexual preference, sexual orientation, ethnic background, nationality, place of birth, immigration or citizenship status, religion, age, parenthood, marriage, pregnancy, disability, AIDS or occupancy by a minor child.

(l) Refuse to accept or acknowledge receipt of a tenant's lawful rent payment.

(m) Refuse to cash a rent check or money order for more than 30 days.

(n) Interfere with a tenant's right to privacy or request information that violates a tenant's right to privacy, including, but not limited to, residency or citizenship status or social security number, except as authorized by law.

(o) Misrepresent to a tenant that they are required to vacate a rental unit or otherwise entice a tenant to vacate a rental unit through misrepresentations or concealment of material facts.

(p) Force a tenant to vacate their rental unit and reregister to avoid classification as a tenant. Forced vacation can be implied from the totality of the circumstances.

(q) Unilaterally impose or require an existing tenant to agree to material new terms of tenancy or to a new rental housing agreement.

(r) Other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, peace or quiet of any person lawfully entitled to occupancy of such rental unit and

DRAFT

that cause, are likely to cause, or are intended to cause any person lawfully entitled to occupancy of a rental unit to vacate such rental unit or to surrender or waive any rights in relation to such occupancy.

XX - Retaliation prohibited.

Retaliation against a tenant because of the tenant's exercise of rights under this chapter is prohibited. Retaliation claims may only be brought in court and may not be addressed administratively. A court may consider the protections afforded by this chapter in evaluating a claim of retaliation.

XX - Notices.

(a) Landlords are required to provide a written notice via a form prescribed by the city regarding the provisions of Section XX to all tenants using the form prescribed by the city, at the beginning of the tenancy and with any notice of termination of tenancy.

(b) If a rental unit is already occupied, a landlord shall provide a written notice regarding the provisions of Section XX to all existing tenants in the form prescribed by the city, within 30 days of the effectiveness of this chapter.

(c) If rental units subject to this chapter are in a building with an interior common area to which all the building's tenants have access, the landlord must post a written notice regarding the provisions of Section XX in at least one such common area in the building via a form prescribed by the city.

XX - Severances prohibited.

The following amenities, supplied in connection with use or occupancy of a rental unit, may not be severed from a tenancy without good cause: garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks, patios, backyards, gardens on the same lot, kitchen facilities, toilet facilities, or lobbies in residential hotels. For purposes of this section, good cause shall include:

(1) Required by federal, state, or local law;

(2) Acceptance of the severance in writing by the tenant after receipt of written notice from the landlord that the tenant need not accept the severance;

(3) Severance results from the removal of a balcony for which repair or removal was necessary for safety and the landlord has obtained all necessary permits for the removal.

A severance does not include noticed temporary unavailability of the above housing services to perform necessary work with all required permits.

XX - Non-waiverability.

It is against public policy, void and unenforceable to waive or modify any provision of this chapter in an oral or written rental housing agreement.

XX - Civil remedies.

(a) Civil. Any aggrieved person, or the city, may enforce the provisions of this chapter by means of a civil action. The burden of proof in such cases shall be preponderance of the evidence.

(b) Injunction/Equitable Relief. Any person who commits an act or engages in any pattern and practice that violates Section XX may be enjoined therefrom by a court of competent jurisdiction. A court may issue other equitable relief as appropriate. An action for injunction under this subsection may be

DRAFT

brought by an aggrieved person, by the City Attorney, or by any person or entity who will fairly or adequately represent the interests of the protected class.

(c) Penalties and Other Monetary Awards. Any person who violates, or aids or incites another person to violate, the provisions of this chapter is liable in a court action for each and every such offense for money damages of not less than three times actual damages suffered by an aggrieved tenant (including damages for mental or emotional distress), or for the minimum damages in the sum of $1,000.00, whichever is greater, or whatever other relief the court deems appropriate, and shall be liable for such attorneys' fees and costs as may be determined by the court. In the case of an award for damages for mental or emotional distress, said award shall be trebled only if the trier of fact finds that the landlord acted in knowing violation of or reckless disregard of this chapter. A prevailing defendant in a civil action under this section shall be entitled to an award of attorneys' fees only if it is determined by the court that the action was devoid of merit and brought in bad faith. Moreover, any person who violates, or aids or incites another person to violate, this chapter shall be liable for an additional civil penalty of up to $5,000.00 for each offense committed against a person who is disabled within the meaning of California Government Code section 12926, et seq., or successor statute, or aged 65 or over. The court may also award punitive damages to any plaintiff, including the city, in a proper case as defined by Civil Code section 3294 or successor statute.

(d) Nonexclusive Remedies and Penalties. The remedies provided in this section are not exclusive and are not intended to be exclusive of each other or to any other existing legal remedies.

DRAFT

Richmond is beefing up protections for renters facing harassment from landlords

Annie Sciacca
East Bay Times
PUBLISHED: July 13, 2021 at 8:06 a.m. | UPDATED: July 14, 2021 at 6:28 a.m.

RICHMOND — Clara Luz Realageno was at work at the end of May when she received a notification on her phone that there was movement detected by security cameras she had installed just days earlier.

The camera monitor on her phone showed that it was her landlord. He was entering her home and changing the locks, barring her from returning to the studio she had rented for four years.

“I left for work; I had no idea I would be coming back to nothing,” she said through a translator in a recent interview.

Realageno didn’t expect to be locked out of her house that day, but her landlord’s violation wasn’t unprecedented. In fact, his pattern of harassment toward her in recent weeks was what prompted her to buy and install the two security cameras inside her home.

She said that the problems with her landlord started earlier this year when he announced he was raising the rent on her studio by 20% to $1,200 a month. When she explained she could not pay that amount after her work hours were cut dramatically because of the COVID-19 pandemic and its subsequent economic fallout and needed more time to pay the increase, the landlord’s behavior turned hostile quickly, Realageno said.

Over the course of a couple of months, harassing text messages from him asking about the money turned into aggressive words, with him swearing at her and threatening to call the police, even as she tried to pay him in installments for the new rent increase, she said. She could hear him stomping and yelling in the unit he lived in next to

hers, and when she tried to cook a meal on the barbecue outside as she had done dozens of times before, he told her she could not.

Since the day at the end of May that her landlord broke into her apartment and changed the locks, Realageno has been forced to sleep in her car.

She is not alone in facing such harassment in Richmond, according to renters, housing attorneys, and city leaders and staff — which is why the city is trying to beef up its protection for tenants in the form of a new ordinance barring landlords from harassing tenants.

The City Council approved the ordinance on its first introduction July 6. If passed a second time, the new law will take effect 30 days from its approval.

The ordinance provides a list of actions that landlords are forbidden from doing "in bad faith." For example, property owners cannot cut off utility services such as electricity, gas, water, telephone, garbage or internet as an effort to retaliate against or push out tenants. They also can't fail to perform repairs that are required either by law or by a rental agreement, and they cannot influence or try to influence a tenant to leave a unit through "coercion, fraud or intimidation."

They also cannot refuse to accept or acknowledge receipt of a tenant's lawful rentpayment or refuse to cash a rent check or money order for more than 30 days.

Violators of the ordinance can face paying money damages "three times actual damages suffered by an aggrieved tenant (including damages for mental or emotional distress)," according to the ordinance, or at least $1,000 — whichever is greater. They can face another $5,000 penalty if the violation is against a disabled person or a person over the age of 65.

According to a memo presented to the City Council that was based on information from housing advisers at the Richmond Rent Program, one-third to one-half of counseling sessions they conduct involve landlord harassment of tenants.

"Based on the Rent Program's average number of monthly counseling sessions, this equates to roughly 150 to 230 consultations involving residential tenant harassment each month," wrote councilmembers Gayle McLaughlin and Melvin Willis, who drafted the memo and introduced the ordinance. They added that "according to Bay Area Legal Aid's requests for assistance from Richmond residents, from March 1, 2020, to May 19, 2021, approximately 41% of those requests were related to landlord harassment."

The law comes after other cities, including Oakland, have passed similar protections. Los Angeles adopted an ordinance just last month that, like Richmond's, lists specific activity that constitutes harassment by landlords and bans it.

It received almost unanimous support from the City Council in Richmond, with one "no" vote from Mayor Tom Butt, who questioned why it was needed in addition to tenant protections already in place at the state.

But tenant advocates say state and federal laws don't go far enough in protecting renters, and local ordinances can strengthen them.

Leah Simon-Weisberg, legal director for the Alliance of Californians for Community Empowerment, said that by defining and prohibiting specific instances of harassment, the local anti-harassment laws for which tenants have urged "fill in the spaces" between just-cause eviction laws that prevent landlords from booting out renters without specific reasons and those that ban retaliation, Simon-Weisberg explained in an interview.

She said attorneys and advocates representing tenants have seen an uptick in situations during the pandemic in which property owners try to make tenants so uncomfortable that they leave — apparently a way around eviction moratoriums in place through most of the pandemic.

A feature of the Richmond ordinance is that tenants or city staff can enforce the code by going to court to stop the harassment and try to recoup damages.

In other cities, the California Apartment Association has spoken out against similar laws, saying they could open up property owners to "frivolous" lawsuits.

But Simon-Weisberg noted that it's important to allow recourse for tenants in an area of the law — housing — where cities and district attorneys' offices don't usually have tons of resources to go after bullying landlords.

And as more anti-harassment laws are put on cities' books, she said, it may represent a change in how landlord-tenant relationships are perceived. She compared it to the change in social views toward harassment of women in the workplace.

"We don't tolerate it anymore," Simon-Weisberg said. "You don't get to create a hostile work environment — you don't get to create a hostile living environment."

City of
SACRAMENTO

Council Rules of Procedure

Resolution No. 2023-0066 Adopted on March 7, 2023



915 I Street, Sacramento, CA 95814 • clerk@cityofsacramento.org • (916) 808-7200

Table of Contents

Chapter 1 – Authority/Administration 5
- A. General Authorities and Applicability 5
- B. General Administration 5
- C. Amendment 5
- D. Suspension 5
- E. Rosenberg's Rules of Order 6

Chapter 2 – Duties 7
- A. Duties of Members and Staff 7
- B. Duties of Mayor and Vice Mayor 7

Chapter 3 – Conduct of Members 8
- A. Norms and Expectations 8
- B. General Conduct 8
- C. Conduct with Members 9
- D. Conduct with City Manager and Staff 9
- E. Conduct with the Public 10
- F. Conduct with Other Agencies 10
- G. Conduct with Boards and Commissions 11
- H. Conduct with the Media 11
- I. Ethical Conduct 11

Chapter 4 – Conduct of City Staff 13
- A. General Conduct 13

Chapter 5 – Conduct of the Public 14
- A. General Conduct 14
- B. Addressing the City Council 15
- C. Electronic Devices 17
- D. Location of Speaker 17

Chapter 6 – Meeting Types and Schedules 18
- A. Regular Meetings 18
- B. Adjourned Meetings 18
- C. Special Meetings 18
- D. City Council Emergency Meetings 18
- E. Closed Sessions 19
- F. Public Hearings 19
- G. Teleconference Meetings 21

H. Televised Meetings 21
Chapter 7 – Meeting Agendas 22
A. Requirements for Agenda Item Submission 22
B. Declaration of Policy 23
C. Procedures for Submission of Reports 23
D. Written Communications from the City and the Public 24
E. Preparation of the Agenda Packet 24
F. Distribution of the Packet 25
G. Posting of Agenda 25
H. Failure to Meet Agenda Deadlines 25
I. Exceptions to the Agenda Requirement 25
J. Order of Business and Types of Agenda Items 26
K. Ordinances and Non-Binding Resolutions 27
Chapter 8 – Conduct of Meeting 28
A. Call to Order – Presiding Officer 28
B. Roll Call/Attendance 28
C. Order of Discussion 29
D. Public Comment for Matters Not on the Agenda 30
E. Quorum Call 31
F. Obtaining the Floor 31
G. Motions 31
H. Voting 31
Chapter 9 – Council Vacancies 33
A. Procedures 33
Chapter 10 - Facilities 34
A. Meeting Locations 34
B. Meeting Capacity 34
Chapter 11 - City Council Committees and Regional Organizations 35
A. General 35
B. Council Standing Committees 35
C. Council Ad Hoc Committees 36
D. Regional Organizations 37
Chapter 12 – Councilmember Proposal Requests 38
A. General 38
B. Procedures 38

C. Councilmember Proposal Request Flowchart 39
Chapter 13 – Law and Legislation Committee 41
A. Authority; Purposes 41
B. Procedures 41
Chapter 14 – Personnel and Public Employees Committee 43
A. Purposes 43
B. Procedures 43
Chapter 15 – Budget and Audit Committee 44
A. Purposes 44
B. Procedures 44
Chapter 16 – Racial Equity Committee 46
A. Purposes 46
B. Procedures 46
Chapter 17 – City Advisory Bodies 47
A. Vacancies and Appointments 47
B. Requests for Future Agenda Items 48
C. Advisory Body Reports 48
Chapter 18 – Annual Review of City Council Appointive Officers 50
A. Purposes 50
B. Procedures 50
Glossary 51

Chapter 1 – Authority/Administration

A. General Authorities and Applicability

1. The Charter of the City of Sacramento provides that the city council shall determine its own rules and order of business (Sacramento City Charter, § 30). These Council Rules of Procedure ("Rules") apply when not in conflict with the Charter of the City of Sacramento, Sacramento City Code, the Constitution, or laws of the State of California, including the Ralph M. Brown Act (Government Code, § 54950 et seq). (Brown Act). Until such time as they are amended or new rules are adopted by resolution, these Rules govern the order and conduct of business of the city council legislative bodies that meet concurrently with the council, council committees, and council-established boards, commissions, and committees (collectively, "legislative bodies").

2. These rules are applicable to council-established boards, commissions, and committees, as well as to the persons sitting on those boards, commissions, and committees. Those council-established boards, commissions, and committees that are authorized to adopt rules of procedure shall adopt rules that are consistent with these Rules and may not be in conflict with the Charter of the City of Sacramento, Sacramento City Code, the Constitution, or laws of the State of California.

3. In the absence of council-adopted administrative policies, council staff shall abide by the administrative policies approved by all charter officers.

B. General Administration

1. The council shall review and revise these Rules at least annually, or as needed.

2. During council discussions, deliberations, and proceedings, the presiding officer has the primary responsibility to ensure that the council, staff, and members of the public adhere to these Rules.

3. Any member who thinks the Rules are being violated may make a "point of order" to call for the presiding officer to enforce the Rules.

C. Amendment

Any rule may be adopted, altered, amended, or repealed by resolution at any time by a majority vote of the council, provided that at least a 120-hour notice of such proposed rule change is given to the councilmembers.

D. Suspension

1. Any rule may be temporarily suspended by a two-thirds vote of all councilmembers present, being not less than five votes.

E. Rosenberg's Rules of Order

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century* shall apply.

Chapter 2 – Duties

A. Duties of Members and Staff

1. Members and city staff shall conduct the business of the City of Sacramento:

   a. recognizing that stewardship of the public interest is of primary concern;

   b. working for the common good of the people of Sacramento; and

   c. assuring fair and equal treatment of all persons, claims, and transactions coming before the council, council committees, and council-established boards, commissions, and committees.

B. Duties of Mayor and Vice Mayor

1. The mayor is:

   a. the presiding officer of the city and of all meetings of the council;

   b. the official head of the city for performance of duties lawfully delegated to the mayor by the charter;

   c. referred to as "chair" or "chairperson" when acting as presiding officer of legislative body meetings other than the council;

   d. considered a member of the council;

   e. entitled to make and second motions on matters before the council and vote on actions, but possesses no veto power over actions of the council;

   f. the primary, but not the only, person responsible for interpreting the policies, programs, and needs of city government to the people; and for informing the people of any major change in policies or programs; and

   g. empowered, but not exclusively empowered, to make recommendations to the council on all policies and programs that require council decisions; and to perform such other duties as prescribed by the charter.

2. The vice mayor and mayor pro tem shall be elected annually from among the members of the council, other than the mayor, by a majority vote at the council's first meeting in January.

   a. In the absence of the mayor from the city or a council meeting, the vice mayor shall possess all powers of the office of the mayor and be subject to all prescribed duties for that office.

   b. In the absence of the mayor and vice mayor from the city or a council meeting, the mayor pro tem shall possess all powers of the office of the mayor and be subject to all prescribed duties for that office.

Chapter 3 – Conduct of Members

A. Norms and Expectations

1. Members shall:

   a. Put constituents first at all times;

   b. Treat each other, staff, and members of the public with dignity, courtesy, and respect;

   c. Value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation;

   d. Follow through on commitments and be accountable to each other;

   e. Clarify when items are discussed in confidence and maintain appropriate confidentiality;

   f. Be attentive to others, limiting interruptions and distractions;

   g. Encourage dissent in debate while being mindful not to prolong discourse or block consensus;

   h. Be candid with each other about ideas and feelings, and resolve conflicts directly;

   i. Keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;

   j. Continuously strive to improve how members work as a team;

   k. Place clear and realistic demands on staff resources and time when requesting action;

   l. Start and end meetings on time, work from an agenda, and be present, attentive, and prepared;

   m. Present problems in a way that promotes discussion and resolution; and

   n. Continually work to build trust in each other.

B. General Conduct

1. Members shall:

   a. Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;

   b. Be fair, impartial, and unbiased when voting on quasi-judicial actions;

c. Use the speaker sequencing system to inform the presiding officer of their wish to speak and wait to be acknowledged by the presiding officer before speaking;

d. Move to require the presiding officer to enforce these Rules, and the presiding officer shall do so upon an affirmative vote of a majority of the members present;

e. Preserve order and decorum during the meeting;

f. Not delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, by conversation or otherwise, nor disobey the orders of the council, or the presiding officer, except as otherwise herein provided;

g. Abide by the Confidential Information Policy (Resolution No. 2010-0108) prohibiting disclosure of confidential communications and authorizing public censure for failure to comply with the policy;

h. Support the laws established by the council; and

i. Abide by these Rules in conducting the business of the City of Sacramento.

C. Conduct with Members

1. Members shall:

a. Value each other's time;

b. Attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail, and the majority shall show respect for the opinion of the minority;

c. Have the right to dissent from, protest, or comment upon any action of the council;

d. Respect each other's opportunity to speak and, if necessary, agree to disagree;

e. Avoid offensive negative comments and practice civility and decorum during discussions and debate; and

f. Assist the presiding officer's exercise of the affirmative duty to maintain order.

D. Conduct with City Manager and Staff

1. Members of the city council shall:

a. Speak to the city manager directly on issues and concerns;

b. Direct the city manager to implement council's policy decisions through the administrative functions of the city;

c. Treat staff professionally and refrain from publicly criticizing individual employees;

d. Avoid involvement in personnel issues except during council closed sessions regarding council-appointed staff, including but not limited to the city attorney, city auditor, city clerk, city manager, city treasurer, or director of the office of public safety accountability;

e. Discuss directly with the city attorney, city auditor, city clerk, city manager, city treasurer, or director of the office of public safety accountability as appropriate, any displeasure with a department or staff; and

f. Request answers to questions on council agenda items from the city attorney, city auditor, city clerk, city manager, city treasurer, or director of the office of public safety accountability, department directors, or division managers prior to the meeting whenever possible.

2. General Direction

a. Council requests that deal with policy issues and council requests that may be construed as direction must be directed to the city manager, except for general inquiries or questions, in which case the council may go to the department directors or key staff in the City Manager's Office. Members may also deal directly with the city attorney, city clerk, city treasurer, city auditor, or other staff appointed by the council.

E. Conduct with the Public

1. Members shall:

a. Make the public feel welcome;

b. Be impartial, respectful, and without prejudice toward the public;

c. Listen courteously and attentively to public comment;

d. Not argue back and forth with members of the public; and

e. Make no promises to the public on behalf of the legislative body.

F. Conduct with Other Agencies

1. Members shall:

a. Project a positive image of the city when dealing with other agencies;

b. Show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;

c. Represent official policies or positions of the council when designated as delegates of a legislative body;

d. Explicitly state when their opinions and positions do not represent the legislative body when representing their individual opinions and positions, and not allow the inference that they do (see also Rule 13.A.1.c); and

e. Have the ability to lobby or discuss issues that have been adopted by legislative bodies or are standing policies of the legislative bodies with other legislators, government officials, applicants, or other interested persons.

G. Conduct with Boards and Commissions

1. Councilmembers shall:

a. Treat all members of boards, commissions, and committees with appreciation and respect; and

b. Refrain from participation at board, commission, and committee meetings with the purpose of influencing the outcome of those meetings.

2. Rule 3.G.1.b does not apply to the Compensation Commission, Sacramento Ethics Commission, or Independent Redistricting Commission.

H. Conduct with the Media

1. Members shall not discuss – or go "off the record" with the media to discuss – confidential or privileged information pertaining to closed sessions, or attorney-client privileged or attorney work product communications, including personnel, litigation, or real property negotiations.

2. Providing non-confidential, non-privileged background information is acceptable.

I. Ethical Conduct

1. Members shall conduct themselves in accordance with the Sacramento City Code of Ethics (Sacramento City Code § 4.02) including but not limited to:

a. Members shall comply with the citywide nepotism policy adopted or approved by city council resolution.

b. Members shall comply with the citywide whistleblower protection policy adopted or approved by city council resolution.

c. Members shall receive ethics training material, as required by Assembly Bill 1234 within 30 days of taking office and at least every two years.

d. Members shall receive sexual harassment training material, as required by Assembly Bills 1825 and 1661 within 30 days of taking office and at least every two years.

e. Members shall follow the Political Reform Act and Fair Political Practices Commission regulations.

f. Members shall conduct themselves in accordance with such policies and training.

Chapter 4 – Conduct of City Staff

A. General Conduct

1. Staff shall:

   a. Prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;

   b. Be available for questions from members in accordance with the Brown Act prior to and during meetings;

   c. Respond to questions from the public during meetings only when requested to do so by members or the city manager;

   d. Refrain from arguing with the public or members; and

   e. Switch electronic equipment such as cellular telephones to silent or off mode during council meetings.

2. Staff shall remain objective on issues and not be advocates for issues unless so directed by the legislative body.

3. To the extent permitted by the Brown Act, the city manager and staff shall, as soon as possible, inform the mayor and members representing the districts affected of controversial, significant-impact issues that are coming before the legislative body.

4. The city manager shall advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.

5. The city manager shall make available an informational briefing for members' staff for items affecting the city and items on, or potentially on, the council agenda. Briefings shall include necessary department staff and shall take place as soon as possible.

Chapter 5 – Conduct of the Public

A. General Conduct

1. Decorum.

a. Members of the public attending council meetings shall observe the same rules and decorum applicable to the members and staff as noted in chapters 3 and 4 of these Rules.

b. No person shall engage in conduct that is intended to or is likely to provoke violent or riotous behavior, nor shall any person engage in conduct that disturbs the orderly conduct of the council meeting. Examples of disorderly conduct include:

(i) Feet-stamping.

(ii) Whistling or other abrupt noises.

(iii) Yelling or shouting or interrupting a speaker who is addressing the council.

(iv) Organized silent demonstrations and other demonstrations intended to disturb the progress of the meeting.

(v) Physically threatening conduct.

(vi) Verbal threats.

(vii) Banging, slamming, or throwing objects.

(viii) Interfering with other attendees' ability to participate or address the council.

(ix) Entering areas of the chamber not intended for the public.

(x) Incitement to commit unlawful or disturbing acts or disrupt proceedings.

(xi) Refusing to abide speaker time limits and leave the podium when directed.

(xii) Placing physical objects in a manner that creates a disturbance or disrupts proceedings.

(xiii) Interjection when not at the podium.

(xiv) Refusing to heed the presiding officer's call for order.

(xv) Approaching the podium or dais without permission of the presiding officer.

(xvi) Signs may not be mounted to any solid item that would facilitate holding or waving and may not impede the view of other attendees.

c. Enforcement. In addition to the presiding officer, the decorum officer and the sergeant-at-arms shall have primary responsibility for enforcing council meeting decorum. Additionally, any member may at any time call for a point of order, to request the timely enforcement of these rules of decorum.

(i) The presiding officer shall request that a person who is breaching the rules of decorum cease the conduct. If the person does not cease the conduct immediately, the presiding officer may order the person to leave the council meeting or order the sergeant-at-arms to remove the person.

(ii) In addition to the sergeant-at-arms, the decorum officer, who shall be a council-selected person who sits on the dais, may also exercise the duties of the presiding officer in Rule 5.A.1.c.(i) above.

(iii) The sergeant-at-arms shall assist in enforcing the rules of decorum, including removing disorderly persons upon order of the presiding officer or decorum officer.

2. Lobbyists shall identify themselves and the client(s), business, or organization they represent before speaking to the council (Sacramento City Code, § 2.15.160).

3. Members of the public wishing to provide documents to the council shall comply with Rule 7.D.

B. Addressing the City Council

1. Purpose of public comment. During regular meetings, the city provides opportunities for the public to address the council as a whole in order to listen to the public's opinions regarding agendized items and unagendized matters within the subject matter jurisdiction of the city. At all other (special) meetings, public comment is limited to agendized items.

a. Public comments should not be addressed to individual members nor to city officials, but rather to the council as a whole regarding city business.

b. While members of the public may speak their opinions on city business, personal attacks on members and city officials, use of swear words, and signs or displays of disrespect for individuals are discouraged as they impede good communication with the council.

c. Consistent with the Brown Act, the public comment periods on the agenda are not intended to be "question and answer" periods or conversations with the council and city officials. The limited circumstances under which members may respond to public comments are set out in Rule 8.D.2.

d. Members of the public with questions concerning consent calendar items may contact the staff person or the member whose district is identified on the report prior to the meeting to reduce the need for discussion of consent calendar items and to better respond to the public's questions.

e. The presiding officer may stop a member of the public whose comments are not confined to the agendized item being heard. During the public comment portion of the agenda, the presiding officer may stop a member of the public whose comments are not within the subject matter jurisdiction of the city.

2. Speaker time limits. In the interest of facilitating the council's conduct of the city's business, the following time limits apply to members of the public (speakers) who wish to address the council during the meeting.

   a. Matters not on the agenda: two minutes per speaker.

   b. Consent calendar items. The consent calendar is considered a single item and speakers are therefore subject to the two-minute time limit for the entire consent calendar. Consent calendar items can be pulled at a member's request and will be considered individually, with up to two minutes of public comment per speaker.

   c. Discussion calendar items: two minutes per speaker.

   d. Time limits per meeting. In addition to the above time limits per item, the total amount of time any one speaker may address the legislative body at a meeting is eight minutes.

      (i) Each speaker shall limit their remarks to the specified time allotment.

      (ii) The presiding officer shall consistently utilize the timing system, which provides speakers with notice of their remaining time to complete their comments. A countdown display of the allotted time will appear and will flash red at the end of the allotted time.

      (iii) In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group, but with no increase in time.

      (iv) Speakers shall not concede any part of their allotted time to another speaker.

(v) The presiding officer may further limit, or expand, the time allotted for public comments per speaker or in total for the orderly conduct of the meeting; such limits shall be fairly applied.

2. Speaker slips. Members of the public in chambers wishing to speak to the legislative body must submit to the city clerk a completed speaker's slip indicating the agenda item or matters not on the agenda item that they wish to address before the item is called. Members of the public participating via teleconference wishing to speak to the legislative body must use the teleconferencing platform to "raise their hand" before the item is called. After the first speaker concludes, no speaker slips will be accepted in chambers and the "raise hand" feature in the teleconferencing platform will be disabled.

C. Electronic Devices

1. Members of the public shall turn their electronic devices that are capable of emitting sound – including cellular telephones, personal data devices, digital tablets, laptop computers, etc. – to the off- or silent-mode during council meetings.

2. Cameras. Cameras and recording equipment may be used during council meetings only if:

   a. the devices are silent during use; and

   b. the devices are used in a manner and at locations that do not impede walkways or others views of the meeting or disrupt the conduct of the meeting.

   c. Continual lighting may not be used with video recording.

   d. Flash photography is not allowed.

D. Location of Speaker

1. Members of the public shall not approach the dais without the express consent of the presiding officer or city clerk.

2. Members of the public wishing to address the legislative body must approach the podium when recognized by the presiding officer or city clerk and speak only from the podium.

Chapter 6 – Meeting Types and Schedules

A. Regular Meetings

1. The city council shall hold regular meetings and provide the time, place, and manner of holding its meetings by annual resolution. A majority of regular council meetings must be held after 5:00 p.m. All meetings of the council must be open to the public, except as permitted by state law (Sacramento City Charter, § 31).

2. The council shall generally meet on Tuesdays at either 2:00 p.m. or 5:00 p.m. in the City Hall Council Chamber, 915 I Street, First Floor, Sacramento, California, except as otherwise provided in the annually adopted meeting schedule or as otherwise revised by the council.

3. City boards, commissions, and committees shall hold regular meetings and provide the time, place, and manner of holding its meetings. All meetings of the the city's legislative bodies must be open to the public, except as permitted by state law. The city council shall annually adopt a meeting schedule for all legislative bodies.

B. Adjourned Meetings

As permitted by law, the legislative body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the motion of adjournment.

C. Special Meetings

1. The mayor or a majority of the members of the City Council may direct the city clerk to call a special meeting by providing notice 24 hours in advance of the meeting to the mayor, to all members, and to all media outlets and persons having requested in writing notification of such meetings pursuant to state law.

2. Whenever practicable, special meetings must take place in the council chamber and be video streamed live, available via teleconferencing, and recorded for viewing later.

D. City Council Emergency Meetings

1. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities or services, the City Council may hold an emergency meeting without complying with either the 120-hour (regular meeting) or 24-hour (special meeting) notice and posting requirements but shall otherwise comply with the Sacramento City Code § 4.04 and Brown Act procedures generally stated below.

2. Each local newspaper of general circulation and radio or television station that has requested notice of emergency meetings pursuant to the Brown Act shall be notified by the City Clerk, or designee thereof, at least one hour prior to the emergency

meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the emergency meeting.

3. This notice shall be given by telephone call or text message to the numbers provided in the most recent request for notification.

4. In the event that telephone services are not functioning, the notice requirements of this section are deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

5. During an emergency meeting, the legislative body may meet in closed session pursuant to the Brown Act if agreed to by a two-thirds vote of the members present, being not less than five votes of the council.

6. All special meeting requirements in the Brown Act are applicable to an emergency meeting, except for the 24-hour notice and posting requirement.

7. The minutes of an emergency meeting; a list of persons who the presiding officer of the legislative body, or designee of the council, notified or attempted to notify; a copy of the roll call vote; and any actions taken at the meeting, shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

E. Closed Sessions

1. Closed sessions generally shall be special meetings held immediately prior to regular meetings.

2. In accordance with the Brown Act, the public may speak regarding any closed session item prior to the closed session.

3. All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the closed session. Any member sharing information in violation of this rule may be subject to censure by the council consistent with the council's confidentiality policy then in effect.

4. The city attorney shall report out in public session any reportable actions that were taken by council and the vote on such actions in accordance with the Brown Act.

F. Public Hearings

1. The city clerk shall set council hearing dates and notify the council via the preliminary draft agenda on all matters that require a notice and public hearing before the council, such as matters received from the planning division and appeals to the council.

2. Public hearings will not be withdrawn or continued without the full knowledge and concurrence of the councilmembers within whose districts/jurisdiction the issue resides.

3. The council may refuse to grant a continuance of any hearing unless there is a valid legal reason why the hearing must be continued.

4. Continuances.

    a. Any person (applicant, appellant, or designated representative) scheduled for a public hearing before the legislative body:

        (i) May obtain one continuance for a period not to exceed the second regular meeting after the original scheduled hearing date, as a matter of right, without personally appearing on the scheduled hearing date, provided a written request for the continuance must be delivered to the city clerk by noon on the day prior to the scheduled public hearing. Any person who has once obtained a continuance by any procedure may not obtain a subsequent continuance under this Rule 6.F.4.a(i).

        (ii) Who wants to obtain a continuance of the hearing beyond the second regular meeting after the original scheduled hearing date, or who has not notified the city clerk as provided in Rule 6.F.4.a(i), may obtain a continuance only by appearing before the legislative body at the time the original hearing is scheduled and requesting a continuance. This continuance is not a matter of right and will not be granted unless the legislative body is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.

        (iii) Who has once obtained a continuance of a hearing either by notice to the city clerk under Rule 6.F.4.a(i) or by personal appearance under Rule 6.F.4.a(ii) may obtain a further continuance only by appearing before the legislative body at the scheduled hearing and satisfying the legislative body that extraordinary circumstances exist that would justify this second continuance.

        (iv) Who has twice obtained a continuance of a hearing may obtain an additional continuance only by appearing before the legislative body at the scheduled hearing and satisfying the legislative body that a miscarriage of justice would result from the refusal of the legislative body to grant a continuance.

    b. City staff may obtain a continuance based on the need of the originating department or on behalf of a member. Department staff may request, via the city clerk, as many continuances as needed to complete and ready the project or appeal for the hearing process; however, staff may not serve as a requestor on behalf of an applicant or appellant.

c. Any organized group of residents or neighborhood associations not recognized as an applicant or appellant may contact their councilmember and request a continuance as needed to complete and ready the project or appeal for the hearing process. The member, in their sole discretion, may request the legislative body approve the continuance for good cause.

d. At the meeting when the hearing is scheduled, but before the hearing starts, any member may request the council approve a continuance.

e. Disputes regarding the length of a continuance will be decided by the council at the scheduled hearing if city staff or the city clerk cannot obtain mutual agreement between the parties beforehand.

G. Teleconference Meetings

a. Members of the public may address the legislative body via a teleconference platform such as computer or telephone. Instructions for participation will be printed on every meeting agenda.

b. Members of the City Council may participate via a teleconference platform only in accordance with Sacramento City Code § 4.04 and the Brown Act.

H. Televised Meetings

a. City Council meetings held in the council chambers are generally telecast via local television and available live via video streaming on the city's official website and recorded for viewing later.

b. Standing committee and advisory body meetings held in the council chambers or historic hearing room are available live via video streaming on the city's official website and recorded for viewing later.

Chapter 7 – Meeting Agendas

A. Requirements for Agenda Item Submission

1. The city manager and city clerk shall develop the agenda for council meetings in consultation with the mayor and/or vice mayor.
2. Charter officers, the director of the office of public safety accountability, and the Sacramento Housing and Redevelopment Agency executive director may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
3. Department directors, subject to the discretion of the city manager, may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.

4. Outside agencies and advisory bodies, and city boards, committees and commissions may submit agenda items in accordance with the following:

    a. Items must be sponsored for agenda placement by the mayor, councilmembers, charter officers, or department staff; and

    a. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.

5. Prior to an agenda item being brought to the city council, it should be brought to any relevant city board, committee, or commission and the staff report should include the board, committee, or commission recommendation.

B. Declaration of Policy

1. No ordinance, resolution, motion, or item of business may be introduced or acted upon at a meeting of a legislative body of the city without it appearing on a duly noticed and posted agenda in accordance with Sacramento City Code § 4.04 and the Brown Act. Exceptions to this rule are limited to those provided by state law.

2. No ordinance, resolution, motion, or item of business will be considered that:

    a. Does not affect the conduct of the business of the City of Sacramento or its powers or duties as a municipal corporation, or

    b. Supports or disapproves of any legislation or action

        (v) Of the State of California;

        (vi) Of the President or Congress of the United States; or

        (vii) Before any officer or agency of the state or nation, unless the proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers or duties of the City of Sacramento or its officers or employees.

    c. Rule 7.B.2 may be invoked only before public comment or council deliberation on the matter and by five affirmative votes on the question: "Shall the council consider this matter?"

C. Procedures for Submission of Reports

1. A written staff report should be prepared and submitted in accordance with the agenda review procedure and reviewed by the relevant departments including but not limited to finance, city manager, and city attorney.

2. Continued items do not require a new report if there are no changes other than the agenda date. If there is any other change, a new report meeting all applicable requirements must be submitted.

3. Staff reports should include sufficient information for members of the council and the public to understand the action being considered including any board, commission, or committee recommendation, and the appropriate legislative history.

D. Written Communications from the City and the Public

1. The city clerk shall manage communications to members regarding meeting topics to ensure compliance with the Brown Act.

   a. Except for records exempt from disclosure under the California Public Records Act (Government Code, § 54957.5, subd. (b)) and otherwise by law, agendas and any other writings distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public and shall be made available upon request without delay.

   b. Materials distributed to the members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the city or a member, or at the conclusion of the meeting if prepared by another person (Government Code, § 54957.5, subd. (b)).

2. Interested parties or their authorized representatives may address the council by written communications regarding agenda items.

   a. Written communications received by the city clerk will be delivered to members as soon as possible or at the city council meeting if related to an item on that meeting agenda.

   b. Members of the public may submit comments via the agenda "e-comment" function on the city's website.

   c. Documents (20 copies recommended) that members of the public submit to the legislative body at the meeting shall be given directly to the city clerk for distribution and shall not be given directly to the members. The documents will be made available to the public.

E. Preparation of the Agenda Packet

1. No later than 120 hours prior to each regularly scheduled meeting, the city clerk shall finalize the agenda packet.

2. Agenda Packet Contents.

   a. The agenda packet will include the agenda, the staff reports, draft resolutions and ordinances, contracts, and other attachments. Items noted as "To Be Delivered" on the agenda will be delivered and published to the city's website upon receipt by the city clerk. No item is required to be considered by the legislative body if the applicable written material is not delivered to the members before the meeting and made available to the public at the same time.

b. Corrections or supplements to a staff report or other written materials already included in the agenda packet may be delivered separately.

c. All agreements on the agenda must be available for review by the council and the public prior to the meeting, or at the meeting location during the meeting, unless determined otherwise by the city attorney.

d. Unless waived by a two-thirds vote of council, all city labor agreements and all agreements greater than $1,000,000 must be posted on the city's website and be made available to the public at least ten days prior to council action.

F. Distribution of the Packet

1. The city clerk shall distribute the agenda packet to the members and post it to the website no later than 120 hours prior to a regularly scheduled meeting.

G. Posting of Agenda

1. The city clerk shall post the agenda of each regular meeting of the legislative body at least 120 hours in advance of the meeting in a location that is freely accessible to members of the public, as required by the Brown Act.

2. The city clerk shall maintain an affidavit indicating the location, date, and time of posting each agenda.

3. If technical difficulties occur, the agenda and reports will be published on the city's website as soon as those difficulties are resolved.

H. Failure to Meet Agenda Deadlines

1. The city clerk shall not, without the concurrence of the city manager and city attorney, accept any agenda item or revised agenda item after the deadlines established and noted in these Rules.

2. Any agenda items or revised agenda items submitted after the established deadlines will be reviewed by relevant departments as identified by the agenda workflow approval process.

I. Exceptions to the Agenda Requirement

1. Matters not included on the published agenda may be discussed and acted upon by the legislative body only in the following situations:

a. at a meeting during which a majority of the members determine in open session that the matter in question constitutes an "emergency" (Government Code, § 54956.5); or

b. upon a determination by two-thirds of the members, or if less than two-thirds are present by unanimous vote of the members present, that:

(i) There is a need to take immediate action; and

(ii) The need for action came to the attention of the city after the agenda had been posted.

J. Order of Business and Types of Agenda Items

The order of business should be carried out as listed on the agenda in the order as set out below; however, the presiding officer may reorder the items at the meeting, unless members object. Members may request items be reordered by motion.

1. Closed Session: confidential discussions with the legislative body as permitted by the Brown Act.
2. Special Presentations/General Communications: the presentation and receipt of ceremonial resolutions and celebrations not requiring formal legislative body action.
3. Consent Calendar: considered one item, consisting of matters routine in nature and not likely to be subject to debate or inquiry by the members or the public; typically adopted in one motion.
4. Public Hearings: duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the council.
5. Discussion Calendar: non-routine items requiring an oral presentation and discussion before action is taken.
6. Information Items: items when staff is required by federal or state law or city code to inform council of an issue when authority has been delegated to a person, position, board, or commission.
7. Council Ideas, Comments, and Questions:

a. Brief oral or written reports summarizing meeting or conference attendance at city expense, as required by Assembly Bill 1234 (Government Code, § 53232.3);

b. Requests for the city manager or staff to report on various issues;

c. Requests to place items on a future council meeting agenda;

d. Requests to refer preparation or review of non-binding resolutions or ordinances to the Law and Legislation Committee; and

e. Reports on district and citywide activities or news.

8. Public Comment-Matters Not on the Agenda: oral communications from the audience regarding matters not on the agenda but within the subject matter jurisdiction of the city.

K. Ordinances and Non-Binding Resolutions

1. Ordinance and non-binding resolution preparation must be referred to the Law and Legislation Committee (L&L) before coming to council, as described in Rule 13.A.2.

2. Ordinances on the agenda may be passed for publication or adopted in accordance with the procedures in Sacramento City Charter § 32.

3. Ordinance changes during the review and adoption process.

   a. The text of an ordinance as approved by the L&L Committee, receiving the necessary votes to bring the matter to council under Rule 13.B.1.h, must be the text that is included in the published agenda as pass-for-publication.

   b. If an ordinance is brought to council under Rule 13.B.1.i, the text of the ordinance brought to council must be the same text as was submitted to the L&L Committee.

   c. The text of an ordinance passed for publication must be the text that is included in the published agenda for the meeting at which the adoption of the ordinance is discussed.

   d. Notwithstanding subsections a, b, and c, typographical and clerical errors may be corrected at any time during the ordinance review and adoption process.

   e. If a member intends to make a substantive (i.e., anything not typographical or clerical) change to an ordinance after it is included in a published agenda, at or before the time the ordinance adoption item is called on the agenda, the member shall distribute sufficient written copies of the proposed change so that all other members, the charter officers, relevant city staff, and the public audience have copies.

   f. If the legislative body's motion to adopt a resolution or ordinance includes a change to the resolution or ordinance text from that published in the agenda, prior to the vote the city clerk shall repeat verbatim the proposed change or otherwise indicate the change is reflected in the circulated written copy of the change.

   g. Ordinances bypassing the pass-for-publication requirement under Sacramento City Charter § 32 are subject to this Rule 7.K.3, as applicable.

Chapter 8 – Conduct of Meeting

A. Call to Order – Presiding Officer

1. The mayor, or in the mayor's absence the vice mayor, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the council to order.
2. In the absence of the mayor and vice mayor, the mayor pro tem shall preside over the meeting.
3. Upon the arrival of the mayor, the vice mayor shall immediately relinquish the chair at the conclusion of the business then before the council.
4. For council standing committees the chair shall call to order and preside over the meeting. In the absence of the chair, the vice chair shall perform the duties and obligations of the chair.
5. For all other city established legislative bodies the chair shall call to order and preside over the meeting. In the absence of the chair, the vice chair shall perform the duties and obligations of the chair. In the absence of chair and vice chair, the city clerk shall call the meeting to order, and a temporary chairperson shall be elected from among the members present. Upon arrival of the chair or vice chair, the temporary chairperson shall relinquish the position upon conclusion of the item then before the legislative body.

B. Roll Call/Attendance

1. A majority of the members of the council then in office constitutes a quorum (Sacramento City Charter § 30).
2. A majority of members of the council established legislative body constitutes a quorum.
3. Before the legislative body proceeds with the business before it, the city clerk shall note the members present for the minutes. The late arrival and early departure of members will be entered into the action minutes.
4. A councilmember is considered present at a meeting if the member is either physically in the council chamber or is participating in the meeting through teleconference in accordance with the Brown Act. Meeting attendance of the mayor or councilmembers through teleconference is permitted only in extraordinary circumstances.
5. Members must be physically present at the council chamber dais or teleconference location to vote. Proxy or absentee voting is not permitted.

C. Order of Discussion

The order of business must be carried out as listed on the agenda as set out below; however, the presiding officer may reorder the items at the meeting, unless members object. Members may request items be reordered by motion.

1. Consent calendar items removed for discussion

    a. Members, the city manager, or other charter officers may request that any matter be removed from the consent calendar and a separate vote taken.

    b. All matters remaining on the consent calendar shall be approved by a single action, such single action to have the legal effect of individual action on each matter.

    c. If consent calendar items are removed, they shall be discussed immediately after adoption of the balance of the consent calendar.

2. Public Hearings.

    a. The order of public hearings will generally be as follows:

        (i) **Open the public hearing.**

        (ii) Member report of ex parte communications.

        (iii) Staff comments, information, and reports, followed by member questions.

        (iv) Proponent, if applicable, speaks, followed by member questions.

        (v) Opponent, if applicable, speaks, followed by member questions.

        (vi) If the public hearing is on an appeal that does not require council de novo review, then the appellant (opponent) speaks before the applicant (proponent) in accordance with the allotted time.

        (vii) Public comments.

        (viii) If the public hearing is a de novo review appeal, the applicant speaks in rebuttal, but if not a de novo review appeal, the appellant speaks in rebuttal.

        (ix) Closure of public comment period.

        (x) Further member discussion.

        (xi) **Motion to close public hearing and take action**.

b. The presiding officer may direct speakers to avoid repetition in order to permit maximum information to be provided the legislative body within the time allotted for the hearing.

c. The appellant and applicant shall be allocated sufficient time to address the legislative body. However, reasonable time limits on persons addressing the legislative body, including applicants, proponents, and opponents may be imposed if necessary for the orderly conduct of the hearing and the limits are fairly applied.

3. Discussion Calendar.

a. The order of discussion after introduction of an item will generally be as follows:

(i) Staff comments, information, and reports, followed by questions from the members.

(ii) Public comments and information, followed by questions from the members.

(iii) Member discussion, motion, and action.

b. Once the item is placed before the council for discussion, motion, or action, no member of staff or the public is allowed to address the council without the consent of the mayor or members.

4. Public Comment for matters not on the agenda will be held at the end of each regular meeting.

D. Public Comment for Matters Not on the Agenda

1. As required by the Brown Act, a portion of each council meeting agenda will provide an opportunity for members of the public to address the council on any agendized item, including closed session and consent calendar items. Regular meeting agendas also will provide for public comment on any unagendized matter that is within the subject matter jurisdiction of the city.

2. In response to public comment on unagendized items, the members may individually:

a. briefly respond to statements made or questions posed by members of the public;

b. ask questions for clarification;

c. provide a reference to staff or other resources for factual information or response;

d. request staff to report to the council at a subsequent meeting; and

e. request staff to place a matter of business on a future agenda as needed.

E. Quorum Call

1. During the course of the meeting, should the presiding officer note a quorum is lacking, the presiding officer shall call this fact to the attention of the city clerk.

2. The presiding officer then shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the presiding officer may declare a recess for a reasonable period of time in order to reestablish a quorum.

3. If no quorum is reestablished within a reasonable time, the presiding officer shall adjourn the meeting.

4. Continuation of a meeting extending past 9:30 p.m. requires a majority vote of the members present.

F. Obtaining the Floor

1. Any member wishing to speak must first obtain the floor by being recognized by the presiding officer. The presiding officer shall recognize any member who seeks the floor when appropriately entitled to do so.

2. With the concurrence of the presiding officer, a member holding the floor may address a question to another member and that member may respond while the floor is still held by the member asking the question. A member may opt not to answer a question while another member has the floor.

G. Motions

1. *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century* governs the management of motions.

H. Voting

1. Requirements for Action.

   a. Unless a higher vote is required by the city charter, the city code, or otherwise by law, the affirmative votes of at least five members of the council shall be required:

      (i) For the council to take action on an item of business;

      (ii) To pass any ordinance, resolution, or motion; or

      (iii) To make or approve any order for the payment of money requiring council approval.

   b. Any ordinance declared by the council to be necessary as an emergency measure and containing a statement of the facts constituting such emergency as provided in the city charter may be introduced and adopted at the same meeting if passed by at least six affirmative votes (Sacramento City Charter, § 32).

2. Voting Disqualification.

    a. A member shall not vote upon a matter if the member is disqualified from voting on that matter due to a conflict of interest. Nor shall any member vote on a quasi-judicial matter if the member is biased regarding that matter.

    b. A member shall openly state an abstention due to a conflict of interest or bias.

    c. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

    d. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.

    e. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.

Chapter 9 – Council Vacancies

A. Procedures

1. As provided in the Sacramento City Charter, absence from five consecutive regular meetings of the council, unless excused by resolution of the council, operates to vacate the seat of the mayor or councilmember so absent. (Sacramento City Charter, §§ 28 and 46.)

2. A vacancy in the office of councilmember or mayor shall be filled by special election called by the council as provided in Sacramento City Charter § 154, unless the vacancy occurs within one year of the next general election at which that office would normally be filled, in which case the vacancy shall be filled by appointment. The city clerk shall take the necessary actions to accomplish the recruitment and appointment of candidates as provided in Sacramento City Code § 1.14.

Chapter 10 - Facilities

A. Meeting Locations

1. Whenever practical, legislative body meetings shall be held at the City Hall Complex, located at 915 I Street, Sacramento, CA 95814 to facilitate video streaming to the city's website and archiving for future access.

B. Meeting Capacity

1. Council chamber and historic hearing room attendance is limited to the posted seating capacity. The maximum occupancy of council chambers is 230 and historic hearing room is 70. The city manager shall appropriately regulate entrance to the council chamber when the council chamber capacity is likely to be exceeded. When legislative bodies are in session, members of the public shall not remain standing in the seating area or aisles of the council chamber. Sitting on the floor is not permitted. The sergeant-at-arms shall enforce this chapter.

2. In compliance with the Americans with Disabilities Act, meeting locations are accessible to the public. If a member of the public needs special assistance, a disability-related modification or accommodation, agenda materials in an alternative format, or auxiliary aids to participate in this meeting, they should contact the Office of the City Clerk at 916-808-7200 or clerk@cityofsacramento.org as soon as possible. Providing at least 72 hours' notice will help ensure that reasonable arrangements can be made.

Chapter 11 - City Council Committees and Regional Organizations

A. General

1. The mayor shall make all appointments to council standing committees, subject to the approval of the council. The mayor shall make all appointments to council ad hoc committees.

2. A standing committee is a permanent committee of the council established to consider subjects of a particular class, with regularly scheduled meeting dates and times.

3. An ad hoc committee is a temporary committee of the council established for a special purpose and of limited duration.

4. Standing and ad hoc committees have fact-finding, informative, and recommendatory powers only, and such other powers delegated by the council.

5. The council intends that council committees, to the extent possible, conduct a full hearing on any matter referred to that committee before the committee refers the matter back to the council.

6. The city clerk shall maintain and keep on file a list of the standing committees, ad hoc committees, regional organizations, and joint powers agencies to which councilmembers are appointed.

B. Council Standing Committees

1. General Guidelines

a. Standing committee appointments shall be made by the mayor each at the beginning of each calendar year or as necessary.

b. Standing committees shall meet at the city hall complex.

c. Standing committees are subject to the Brown Act and the Sacramento Sunshine Ordinance (Sacramento City Code § 4.04). Standing committee agendas shall be prepared, posted, and distributed in accordance with the Brown Act and the Sacramento Sunshine Ordinance (Sacramento City Code Chapter 4.04), stating the time and place of the meeting and the subject matters to be discussed.

d. A councilmember who is not a member of the standing committee may attend a standing committee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.

e. Except as provided in subsection f, all items on a standing committee's agenda must first be referred to the committee by the council for review, with a recommendation returned to the council within 120 days, subject to the exceptions set forth below or as otherwise modified by the council.

f. With approval of the city clerk, city manager, or committee chair, an item may be sent directly to a standing committee without council referral. If a matter is so referred to a standing committee, the committee agenda must note that fact on the face of the agenda and the committee chair shall notify the council. Such referrals are not required to be forwarded to the council unless council action is recommended by the standing committee.

g. The city clerk shall assign staff to assist the committee chair with the operation of the committee.

C. Council Ad Hoc Committees

1. Establishment.

a. The mayor or a majority of the council may request the creation of an ad hoc committee.

b. The city manager or a department director, together with the city attorney, shall work with the appropriate supporting department(s) and determine the scope and approximate duration the ad hoc committee.

c. The department director shall submit a request to the mayor, with a copy to the city clerk, requesting the creation of and appointment of up to four members to an ad hoc committee.

2. Scheduling Ad Hoc Committee Meetings.

a. Once an ad hoc committee has been established, the city clerk shall schedule the first meeting. Once confirmed, the city clerk shall notify the members, mayor's office, city manager (or designee), and the city attorney (or designee) of the meeting details. A regular meeting calendar will be established and adopted by the ad hoc committee.

b. A councilmember who is not a member of the ad hoc committee may attend an ad hoc committee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.

c. Ad hoc committees are subject to the Brown Act and the Sacramento Sunshine Ordinance (Sacramento City Code § 4.04).

3. Dissolution.

a. Once an ad hoc committee has completed its task, the supporting department shall submit a report to the mayor, with a copy to the city clerk, stating completion of the ad hoc committee tasks and request the dissolution of the ad hoc committee.

b. An ad hoc committee is automatically dissolved one year after its first meeting, unless it is dissolved earlier under Rule 12.C.3.a.

c. The city clerk will provide a periodic report to council announcing the dissolution of ad hoc committees.

D. Regional Organizations

The mayor shall appoint council representatives to regional organizations and joint powers agencies listed in the documents maintained by the city clerk, subject to council approval. Appointments shall be made at the beginning of each calendar year or as necessary.

Chapter 12 – Councilmember Proposal Requests

A. General

1. This chapter outlines the process for councilmembers to propose an idea for council action. It modulates the agenda requests of individual councilmembers by referring those requests to the relevant city council standing committee for review, as appropriate, and in so doing provides clear guidance to the council appointees that their work demands are serving the council as a whole. It also ensures councilmember requests are duly tracked and assigned, thus promoting transparency and accountability.

B. Procedures

1. Councilmember proposal requests must be submitted in writing to the city clerk. The proposal must include a brief summary and background, identify the applicable strategic plan/priority, estimate any budget adjustment or impact, and include additional information sufficient for committee deliberation.
2. The mayor, in consultation with the city manager, city attorney, and city clerk, shall review all requests and will assign each proposal to a committee based on committee jurisdiction, unless an exception applies.
    a. Exceptions:
        i. Urgent matter that requires quick council action;
        ii. A matter related to a pending council matter;
        iii. A matter that on its face falls fully outside the jurisdiction of the City;
        iv. A matter within the City Manager's executive function that does not need council authorization; or
        v. A matter that should receive a city-established board, commission, or committee input before going to a city council standing committee.
3. Standing committees shall review each proposal and vote whether to approve staff work.
    a. If the proposal receives threshold committee support to work on the proposal (i.e., a vote of 4/0, 3/1, or 2/1), staff work commences.
    b. If the proposal receives a 2/2 vote, within 30 days thereafter the city councilmember who initiated the proposal may ask that the city council vote on a non-debatable motion to reconsider, which motion will be placed on the next available city council agenda. If the motion receives

five or more "aye" votes, the item will be resubmitted to the committee. If the motion fails, the proposal concludes. The non-debatable motion to consider may only be considered once. Once a proposal concludes, it cannot be reconsidered sooner than 12 months.

c. If the proposal does not receive sufficient committee support (i.e., a 0/4, 1/3, or 1/2 vote) for further work on the proposal, the proposal concludes.

4. If directed by the standing committee to commence work, staff will bring back to the committee a report for its consideration.

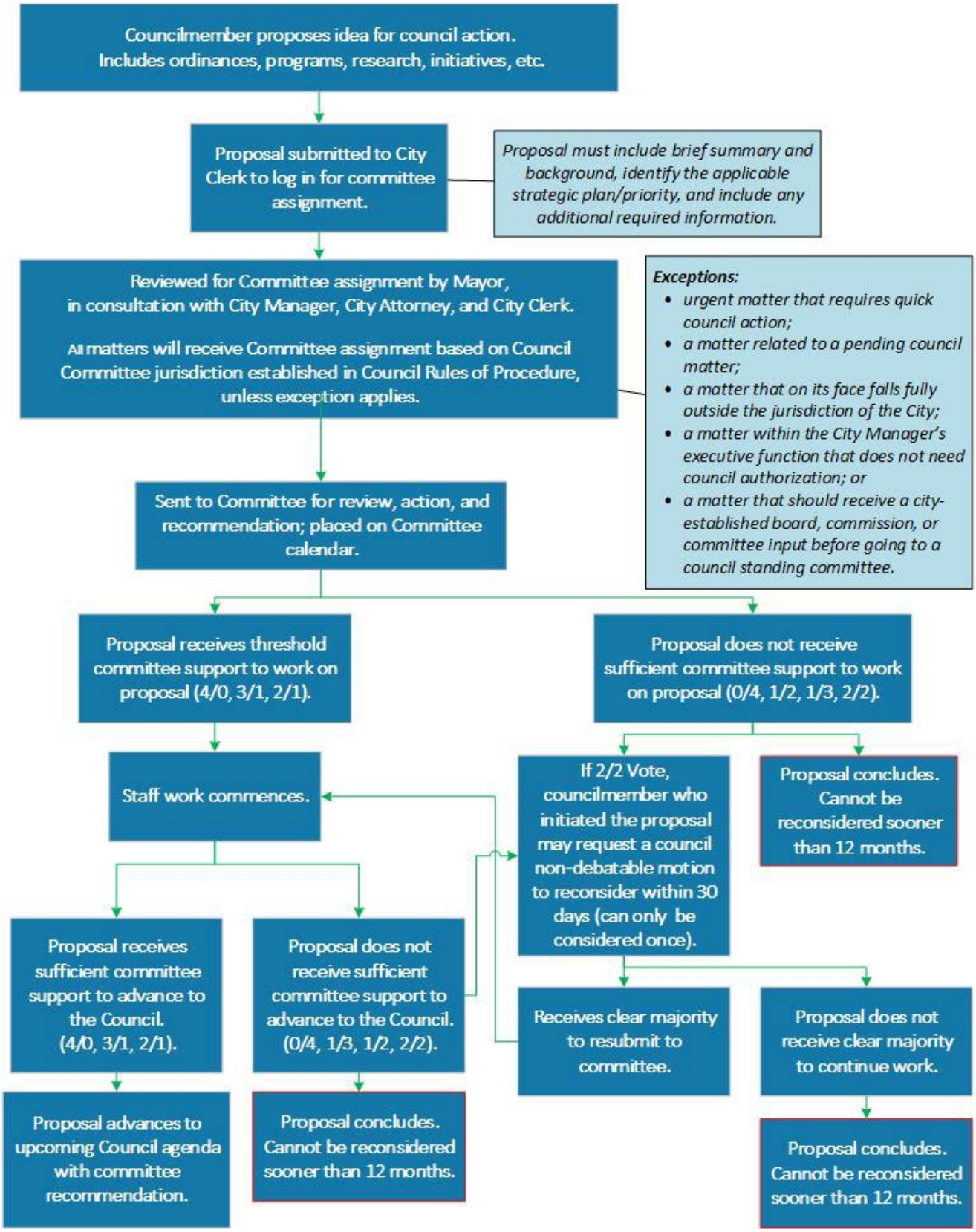
    a. If the proposal receives a vote of 4/0, 3/1, or 2/1, the proposal advances to the city council with a committee recommendation.

    b. If the proposal receives a 2/2 vote, within 30 days thereafter the city councilmember who initiated the proposal may ask that the city council vote on a non-debatable motion to reconsider, which motion will be placed on the next available city council agenda. If the motion receives five or more "aye" votes, the item will be resubmitted to the committee. If the motion fails, the proposal concludes. The non-debatable motion to consider may only be considered once. Once a proposal concludes, it cannot be reconsidered sooner than 12 months.

    c. If the proposal does not receive sufficient committee support (i.e., a 0/4, 1/3, or 1/2 vote) to advance to the city council, the proposal concludes and cannot be reconsidered sooner than 12 months.

C. Councilmember Proposal Request Flowchart

COUNCILMEMBER PROPOSAL REQUEST FLOWCHART



Chapter 13 – Law and Legislation Committee

A. Authority; Purposes

1. Authority to Represent City Positions.

   a. The Law and Legislation (L&L) Committee has the authority to take positions on behalf of the city on state and federal legislation as outlined in the city's legislative platform.

   b. The mayor or the chair of the L&L Committee has the authority to take positions, consistent with the adopted legislative platform, on behalf of the city when the need to react quickly does not allow for a matter to be considered by the L&L Committee.

   c. Except as provided in subsections a and b, no person or committee has authority to represent the council on policy matters, unless that authority has been granted by the council or the information is limited to a factually accurate statement of the council's publicly-adopted position.

2. Purposes. The purposes of the L&L Committee are to consider, evaluate, conduct fact-finding, and recommend to council positions on proposed city ordinances and non-binding resolutions.

B. Procedures

1. Ordinances and Non-Binding Resolutions.

   a. Origination.

      (i) Requests to prepare, amend, draft, or process ordinances and non-binding resolutions shall be made in one of the following ways:

         (A) In writing to the city clerk; or

         (B) By the city manager or other city staff.

      (ii) All non-binding resolution requests must be referred to the L&L Committee. Except as provided in subsection b below, all ordinance requests must be referred to the L&L Committee.

      (iii) The requesting member(s), city manager, or staff is considered the sponsor. City staff shall work directly with the sponsor in developing the proposed ordinance language.

b. Ordinances not requiring L&L Committee review prior to council review and adoption are those that are:

   (i) Deemed urgent by the mayor or city manager;

   (ii) Voted on by the majority of council to bypass the L&L Committee;

   (iii) Voted on by the majority of the L&L Committee to go to council without full L&L Committee review;

   (iv) Zoning code amendments for specific development projects;

   (v) Listings on, or deletions from, the Sacramento register under Sacramento City Code chapter 17.604, article II;

   (vi) Adopting property-related fees or fee increases that require public notice before the Utilities Rate Advisory Commission;

   (vii) Authorizing the execution of a development agreement;

   (viii) Establishing or adjusting parking meter rates

   (ix) The biennial update for campaign contribution limits, as required by Sacramento City Code section 2.13.120; or

   (x) Levying a special tax on land within a community facilities district.

c. Ordinances and non-binding resolutions referred to the L&L Committee shall be placed on the legislation log, with new items placed at the end of the log, to establish a priority order; provided, the L&L Committee or council may reorder the priority.

d. The log will be scheduled for the consent agenda at every L&L Committee meeting. Any committee member may pull an item from consent for discussion.

e. Items on the log may be removed at the request of the sponsor. Staff shall note the removal request on the log and remove the item after the log has been approved by the committee.

f. The process for advancing an item to the city council is outlined in Chapter 12.

Chapter 14 – Personnel and Public Employees Committee

A. Purposes

The purposes of the Personnel and Public Employees (P&PE) Committee are to:

1. Review applications received for membership to various city boards, commissions, and committees;
2. Conduct interviews for such membership appointment;
3. Make recommendations to the mayor concerning such appointments;
4. Review advisory body reports and recommendations, as provided in Rule 17.C; and
5. Develop and lead annual performance metrics and evaluations for council-appointed officers, as provided in Rule 18.

B. Procedures

1. Applications for seats on city boards, commissions, and committees will be reviewed by the P&PE Committee.
2. The P&PE Committee shall conduct interviews of qualified applicants.
3. Recommendations by the P&PE Committee shall be submitted to the city clerk for distribution to the mayor to consider appointment.
4. After the mayor's appointment, the city clerk shall submit a report for a council agenda requesting confirmation of the mayor's appointment.

Chapter 15 – Budget and Audit Committee

A. Purposes

The purposes of the Budget and Audit Committee (B&A) are to:

1. Assist the council in overseeing and supervising the city auditor;
2. Assist the council in evaluating the proposed budget, including a mid-year report, and any amendments thereto;
3. Assist the council in understanding the budget impacts resulting from council's actions;
4. Assist the council in reviewing and evaluating the Innovation and Growth Fund; and
5. Assist the council in enhancing the city's ability to:
    a. Improve the effectiveness and efficiency of city operations;
    b. Improve the city's fiscal operations;
    c. Adopt and adhere to a balanced budget; and
    d. Comply with city policies, procedures, and regulatory requirements.
6. Review councilmember proposals for funding allocations that fall outside of the budget process.

B. Procedures

1. The B&A Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, and updates from the city auditor.
2. The B&A Committee shall receive and review the proposed budget and any material amendments thereto.
3. The B&A Committee shall receive and review any key budget policy issues, including but not limited to, Annual Comprehensive Financial Report (ACFR) results, use of any year-end surplus, the mid-year report, budget priorities, use of unanticipated revenue, or proposed budget issues such as fee increases, prior to bringing forward to council.
4. The B&A Committee may:
    a. Receive, review, and forward to the council, when relevant to city audits, any reports from the city treasurer, the department of finance, other city offices, or external auditors;

b. Receive, review, and forward to the city council any reports and recommendations from the economic development department or city manager regarding the Innovation and Growth Fund; and

c. Propose that the council adopt ordinances, resolutions, or take other actions, provided that such ordinances, resolutions, or actions are within the jurisdiction of the B&A Committee.

5. The process for advancing an item to the city council is outlined in Chapter 12.

Chapter 16 – Racial Equity Committee

A. Purposes

The purposes of the Racial Equity Committee are to:

1. Help the council align its advancement of racial equity in city decision-making with the impacts resulting from city policy, budget, and service-delivery decisions;
2. Provide a space to help coordinate the various city racial equity initiatives, efforts, metrics, and best practices into a holistic citywide informed approach (rather than a case-by-case approach); and
3. Increase engagement, transparency, and accountability for the City's ongoing racial equity work.

B. Procedures

1. The Racial Equity Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, policy proposals, and updates regarding racial equity issues. Review and approval of ordinances and adoption of positions on state and federal legislation shall be undertaken by the Law and Legislation Committee, unless an ordinance or legislation is referred directly to the Racial Equity Committee by the council.
2. The process for advancing an item to the city council is outlined in Chapter 12.

Chapter 17 – City Advisory Bodies

A. Vacancies and Appointments

1. When any vacancy occurs on a board, commission, or committee (advisory body) the city clerk shall announce that vacancy pursuant to the standard outreach procedures. The city clerk's office maintains the board and commission files and performs all clerical and administrative support tasks related to the application process.
2. At the close of the application period, all applications received for the vacancy are referred by the city clerk to the appropriate nominating body or person for review and recommendation.
3. If the recommending body is the Personnel and Public Employees Committee (P&PE) the applicant will be invited to interview in person before P&PE at the next available meeting. Following review and recommendation by P&PE, the city clerk shall forward to the mayor for review.
4. If the recommending body is a councilmember, following review, the member shall send the board and commission recommendation(s) to the city clerk who will forward to the mayor for review.
5. After reviewing the submitted recommendation(s) made by P&PE or a member, the mayor shall direct the city clerk to prepare a staff report with the mayor's appointment to fill the vacancy at the next council meeting. Concurrence in an appointment for a seat on a city board, commission or committee shall be by vote of the city council.
6. If the council does not approve the appointment, then the mayor shall make another appointment, and at the soonest regular meeting following the meeting at which the subsequent appointment was made, the council shall vote whether to confirm the new appointment.
7. This procedure shall be followed until an appointment has been approved by the council. No request by a member to delay the appointment or approval will be allowed unless approved by a majority vote of the council.
8. At the direction of the council, all vacancies, application periods, and close of application periods for boards and commissions shall be monitored and maintained by the city clerk.

9. In making nominations and appointments to city boards and commissions, the mayor, P&PE Committee, and members should consider persons of various ethnicities, ages, genders, education, and occupational experience as reflected in the general population of the city; and should, as appropriate for the vacancy, consider persons from all districts of the city.

B. Requests for Future Agenda Items

1. Members may submit items under the purview of the advisory body for inclusion on a future agenda by orally making the request under Ideas, Comments, and Questions.

    a. The department staff shall add a member's requests to a chronologically-ordered log that contains all pending requests, i.e., those not having been heard as an agenda item or not otherwise having been removed from the log.

    b. The log shall appear on the Consent Calendar of each regular meeting and include estimated agenda date or disposition.

C. Advisory Body Reports

1. Advisory body recommendations and reports to the city council shall follow the procedure set forth in this Rule 17.C.

2. Annual report preparation.

    a. Each advisory body shall provide an annual report for review by the Personnel and Public Employees (P&PE) Committee.

    a. The annual report shall be provided in a format established by the city clerk and should include highlights and accomplishments from the prior year's work; proposed projects, priorities, and recommendations for the upcoming year; and any other information required of the advisory body according to the Sacramento City Code.

    b. The city clerk shall manage an advisory body annual report calendar so that city staff can gather input to prepare a proposed report to the advisory body in a timely manner.

    c. Each advisory body must approve its annual report before presentation to the P&PE Committee. When presenting proposed reports to advisory bodies, staff should include information on the feasibility of any recommendations therein.

3. Review by P&PE Committee.

    a. Annual reports approved by advisory bodies shall be placed on a P&PE Committee meeting agenda.

    b. The city clerk shall act as a liaison and collaborate with city staff to collect any additional information that may be helpful to the committee's evaluation of advisory body annual reports.

    c. The P&PE Committee shall review advisory body annual reports and give staff direction on those reports' stated projects, priorities, and recommendations. Before forwarding the report to the city council, the committee may request supplemental information from staff or the advisory body.

4. Other recommendations. If an advisory body has recommendations outside the annual review process, the city clerk shall coordinate with the advisory body to have those recommendations brought before the P&PE Committee, which may consider and act on those recommendations in the same way it does advisory body annual reports.

Chapter 18 – Annual Review of City Council Appointive Officers

A. Purposes

1. The city council is committed to performing regular annual reviews of its appointive officers, which include the following positions: city attorney, city auditor, city clerk, city manager, city treasurer, director of the office of public safety accountability, and executive director of the Sacramento Housing and Redevelopment Agency. These positions report directly to the city council.

2. Clear communication and performance metrics are at the core of the work of the council and the city. To evaluate council appointive officers on a consistent basis, the P&PE Committee will assume the role and responsibility of developing and leading annual performance metrics and evaluations.

B. Procedures

1. With direction from the P&PE Committee, the city clerk shall coordinate and schedule appointive officer annual reviews.

2. The city council shall meet in closed session to conduct a performance evaluation of an appointive officer. The council may appoint one or more of its members to be the point of contact with the appointive officer and the Human Resources Department for the negotiation of any compensation adjustments.

3. Final approval of compensation adjustments, by resolution or contract, shall be made at an open meeting of the city council.

Glossary

et seq

et seq means "and the following one or ones".

Ex Parte Communications

An ex parte communication is a written or oral communication between a decisionmaker and an interested person concerning any issue in a formal proceeding, other than procedural matters that does not occur in a public forum established in the proceeding or on the record of the proceeding.

Members shall disclose the substance of all ex parte communications at the beginning of a public hearing for any item brought before the legislative body for hearing, consideration, or action.

Non-Binding Resolution

A non-binding resolution is a resolution in which the council declares its position and opinions on an issue, policy, or other matter that the council lacks legal authority to establish or regulate, but that the council determines is of such importance that the council should make the symbolic gesture of adopting a resolution declarative of council's position.

Presiding Officer

The Presiding Officer is the person who presides over a meeting and is charged with maintaining order and decorum, recognizing members to speak, and interpreting the rules, practices, and precedents. In the city council the presiding officer is the Mayor. In advisory bodies established by the city council the presiding officer is the Chair. In the absence of Mayor or Chair, the Vice Mayor or Vice Chair shall preside.

Quasi-judicial

Quasi-judicial action means any council action that implicates constitutionally protected property or liberty interests, such as issuance or denial of discretionary land use permits, subdivision maps, business licenses, and other similar action in which a property interest is at stake and the council is charged with applying legal standards to a specific factual situation.

Sergeant-at-Arms

The sergeant-at-arms is the principal law enforcement official of the legislative body and is charged with maintaining security within the chamber (meeting location) and surrounding areas. The sergeant-at-arms also enforces protocol and ensures public decorum is followed as noted in the body's rules of procedure.

Teleconference

A meeting conducted among participants in different locations via telecommunications equipment such as telephones, computers, or other devices.