

City of Sacramento
Utility Users Tax Appeals Board Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2024-01924

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Discussion Item 2.

Power and Duties of the Utility Users Tax Appeals Board (Oral Report)

File ID: 2024-01924

Location: Citywide

Recommendation: Receive and file.

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Attachments:

- 1-Description/Analysis
- 2-Chapter 32 of Sacramento City Code ("Utility Users Tax")
- 3-Council Rules of Procedure

Additional Description/Analysis

Issue Detail:

Under Chapter 32 (Utility Users Tax) the Sacramento City Code, as the collector of city taxes, the Director of the Finance Department can make an assessment upon a person for unpaid or unremitted taxes of one or more of the following kind:

- (a) Communications User Tax,
- (b) Electricity User Tax,
- (c) Additional Electricity User Tax,
- (d) Gas User Tax,
- (e) Additional Gas User Tax, and
- (f) Cable Television User Tax.

The Finance Director must mail written notice of the assessment to the seller of the service and the user of the service with at least ten (10) days of prior notice to both the seller and user in addition to five (5) days of posted notice for the public of a forthcoming hearing at which any interested party who files a prior written objection to the assessment with the City Clerk may appear and be heard at the hearing.

The purpose of the Utility Users Tax Appeals Board (Board) is to hold a hearing on notices of assessment under Chapter 32 during which the Board confirms or modifies each assessment with the Board's decision being final and conclusive. The Board consists of the City Manager, City Treasurer, and City Attorney, or their assistants.

Policy Considerations: Not applicable.

Economic Impacts: Not applicable.

Environmental Considerations: Not applicable.

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Understanding the power and duties of the appeals board will assist the board in fulfilling its duties and will highlight for the public the scope and role of the board.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

Chapter 3.32

UTILITY USER TAX

Sections:

- 3.32.010 Definitions.
- 3.32.020 Constitutional exemptions.
- 3.32.030 Communications user tax.
- 3.32.050 Electricity user tax.
- 3.32.060 Additional electricity user tax.
- 3.32.070 Gas user tax.
- 3.32.080 Additional gas user tax.
- 3.32.090 Cable television user tax.
- 3.32.100 Penalty and interest.
- 3.32.110 Actions to collect.
- 3.32.120 Procedure for collecting.
- 3.32.130 Additional powers and duties of city collector.
- 3.32.140 Assessments-Utility users tax appeals board-Administrative remedies.
- 3.32.150 Records.
- 3.32.160 Refunds.
- 3.32.170 Low income citizen refunds and credits.

3.32.010 Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section.

"Cable television corporation" shall have the same meaning as defined in Section 215.5 of the [Public Utilities Code](#) of the state of California, as said section existed on January 1, 1969.

"City" means the city of Sacramento.

"Month" means a calendar month.

"Person" means all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, joint ventures, clubs, Massachusetts business or common law trusts, societies, municipal corporations, municipal utility districts, and individuals.

"Service supplier" means a person required to collect and remit a tax imposed under the provisions of this chapter.

"Service user" means a person required to pay a tax imposed under the provisions of this chapter.

"Telephone corporation," "electrical corporation" and "gas corporation" shall have the same meanings as defined in Sections 234, 218 and 222, respectively, of the [Public Utilities Code](#) of the state of California, as such sections existed on January 1, 1969. (Prior code § 41.06.050)

3.32.020 Constitutional exemptions.

Nothing in this chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or that of the state of California. (Prior code § 41.06.051)

3.32.030 Communications user tax.

A. There is imposed a tax upon every person with a billing or service address in the city, other than a public agency, who uses intrastate, interstate or international communications services, to the maximum extent permitted by state and federal law. The tax imposed by this section shall be at the rate of seven percent of the charges for such services and shall be paid by the person paying for such services.

B. The following words and phrases whenever used in this section shall be construed as defined herein:

1. "Ancillary telecommunications services" means services that are associated with or incidental to the provision, use or enjoyment of communications services, including, but not limited to, the following services: conference bridging service,

detailed telecommunications billing service, directory assistance service, vertical service and voice mail service.

2. "Communications services" means the transmission, conveyance, or routing of voice, audio, video, data or any other communications information or signals to a point, or between or among points, whatever the technology used, and whether or not that information is transmitted through interconnected service with the public switched network, or through fiber optic, coaxial cable, power line transmission, broadband connections or technologies, digital subscriber line or other wired technology or any wireless transmission. The term "communications services" includes transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether those services are referred to as voice over Internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video or data services that are functionally integrated with communications services. Communications services include but are not limited to the following services, regardless of the manner or basis on which those services are calculated or billed: central office and custom calling features (including, but not limited to, call waiting, call forwarding, caller identification and three-way calling); local number portability; text messaging; instant messaging; ancillary telecommunications services; prepaid and post-paid telecommunications services (including, but not limited to, prepaid calling cards); mobile telecommunications services; private communications services, paging services; video services; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and 900 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers call in to pre-recorded or live service). Communications services does not include either digital downloads such as email or digital products such as books, music, ringtones, games and similar digital products, or that portion of cable or video television services subject to a cable or video television franchise fee.

3. "Communications user tax" means the tax imposed by this section.

4. "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

5. "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

6. "Directory assistance service" means an ancillary service of providing telephone number information or address information.

7. "Mobile telecommunications services" shall have the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the regulations thereunder.

8. "Private communications services" means any dedicated communications services that entitle the user to the exclusive or priority use of communications channels.

9. "Tax administrator" means the director of finance of the city of Sacramento or his or her designee.

10. "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

11. "Video programming" means those programming services commonly provided to subscribers by a video service supplier including, but not limited to, basic services, premium services, audio services, video games, pay-per-view services, video on demand, origination programming, or any other similar services, regardless of the content of such video programming, or the technology used to deliver such services, and regardless of the manner or basis on which such services are calculated or billed.

12. "Video services" means video programming and any and all services related to the providing, recording, delivering, use or enjoyment of video programming (including origination programming and programming using Internet protocol, e.g., IP-TV and IP-Video) using one or more channels by a video service supplier, regardless of the technology used to deliver, store or provide such services, and regardless of the manner or basis on which such services are calculated or billed, and includes ancillary video services, data services, telecommunication services, or interactive communications services that are functionally integrated with video services.

13. "Video service supplier" means any person that provides or sells one or more channels of video programming, or provides or sells the capability to receive one or more channels of video programming, including any telecommunications that are ancillary, necessary or common to the provision, use or enjoyment of the video programming, to or from a business or residential address in the city, where some fee is paid, whether directly or included in dues or rental charges for that service, whether or not public rights-of-way are utilized in the delivery of the video programming or telecommunications. A video service supplier includes, but is not limited to, multi-channel video programming distributors (as defined in 47 U.S.C. Section 522(13)); open video systems (OVS) suppliers; and suppliers of cable television; master antenna television; satellite master antenna television; multi-channel multipoint distribution services (MMDS); video services using Internet protocol (e.g., IP-TV and IP-Video), that provide, among other things, broadcasting and video on demand, direct broadcast satellite to the extent federal law permits taxation of its video services, now or in the future; and other suppliers of video services (including two-way communications), whatever their technology.

14. "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have to utilize the

voice mail service.

C. The tax imposed in this section shall be collected from the service user by the person providing the intrastate, interstate or international communication services. The amount of tax collected in one month shall be remitted to the city collector on or before the last day of the following month. The amount on which the tax is based shall be the sum of all charges for such services included in the bill; except that if a non-taxable service and a taxable service are billed together under a single charge, the entire charge shall be deemed taxable unless the service supplier or service user reasonably identifies actual charges for services not subject to tax. The service supplier or service user seeking a reduction has the burden of proving the proper valuation and apportionment of taxable and nontaxable charges based upon books and records that are kept in the regular course of business and in a manner consistent with generally accepted accounting principles.

D. Charges subject to the communications user tax include all amounts billed to the service user for communications services, unless such charge is otherwise exempt from the tax as provided in this section or under state or federal law. Such charges include but are not limited to the following: connection, reconnection, termination, movement, or change of communications services; late payment fees; detailed billing; voice mail service and other messaging services; directory assistance service; access and line charges; universal service charges; and regulatory, administrative and other cost recovery charges.

E. Mobile telecommunications services shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124). The tax administrator may issue and disseminate to service suppliers who are subject to the tax collection requirements of this section, sourcing rules for the taxation of other communications service, including, but not limited to, prepaid communications services, postpaid communications services, and private communications services, provided that such rules are based upon custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation. The tax administrator may also issue and disseminate to communications services suppliers who are subject to the tax collection requirements of this section, an administrative ruling identifying those communications services, or charges therefor, that are subject to the tax of subsection A. This administrative ruling shall not impose a new tax, revise an existing tax methodology as stated in this section, or increase an existing tax, except as allowed by California [Government Code](#) Section 53750(h)(2)(A).

F. The following shall be exempt from any tax imposed by this section:

1. News Services. No tax shall be imposed under this section, except with respect to local telephone service, on any payment received from any person for services used in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such service is billed in writing to such person.

2. International Organizations. No tax shall be imposed under this section on any payment received for services furnished to a public international organization in which the United States participates pursuant to treaty or Act of Congress, or to the American National Red Cross.

3. Servicemen and Women in Combat Zone. No tax shall be imposed under this section on any payment received for any communications services which originates within a combat zone from a member of the Armed Forces of the United States performing service in such combat zone, as defined in and determined under Section 112 of Title 26 of the United States Code.

4. Items Otherwise Taxed. Only one payment of tax under this section shall be required with respect to the tax on any communications services.

5. Common Carriers and Communications Companies. No tax shall be imposed under this section on the amount paid for any communications services described in this section, to the extent that the amount so paid is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business as such.

6. Nonprofit Hospitals. No tax shall be imposed under this section on any amount paid by a nonprofit hospital for communications services furnished to such organization. For purposes of this subsection, the term "nonprofit hospital" means a hospital referred to in Section 170(b)(1)(A)(iii) of Title 26 of the United States Code, that is exempt from federal income tax under Section 501(a) of Title 26 of the United States Code.

7. Exemption for Nonprofit Educational Organizations. No tax shall be imposed under this section on any amount paid by a nonprofit educational organization for services or facilities furnished to such organization. For purposes of this subsection, the term "nonprofit educational organization" means an educational organization described in Section 170(b)(1)(A)(ii) of Title 26 of the United States Code, that is exempt from federal income tax under Section 501(a) of Title 26 of the United States Code, including a school operated as an activity of an organization described in Section 501(c)(3) of Title 26 of the United States Code that is exempt from federal income tax under Section 501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

G. To prevent actual multiple taxation of communications services that are subject to tax under this section, any service user, upon proof that the service user owed and has paid a tax in another taxing jurisdiction on the communications services, shall be allowed a credit against the tax imposed in subsection A to the extent of the amount of the tax properly due and paid in the other taxing jurisdiction. However, no credit may be allowed for any tax paid to another taxing jurisdiction on any communications services to the extent that the communications services may not, under the Constitution

and statutes of the United States, be made the subject of taxation by the other taxing jurisdiction. Nor shall the amount of credit exceed the tax owed to the city under this section.

H. For purposes of imposing a tax or establishing a duty to collect and remit a tax under this section, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or remittance of the communications user tax to the fullest extent permitted by state and federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any communications services used by a person with a service or billing address in the city shall be subject to a rebuttable presumption that "substantial nexus/ minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this section. For communications services for which there is no billing address or primary physical location for the provision of services, the service address shall mean the point of sale of the services.

I. Amendment or Repeal. The communications user tax imposed by this section may be decreased, repealed or amended by the city council, but may not be increased without a vote of the people as required in California Constitution Article XIII C and California [Government Code](#) Section 53750(h).

J. Audit of Communications User Tax. The city shall annually audit the communications user taxes imposed by this section to verify that tax revenues have been properly expended in accordance with the law. The annual audit shall be performed under the direction of the director of finance by a qualified independent third party employing reasonable, cost-effective procedures. (Ord. 2008-036 § 3; Ord. 2006-054 § 2; prior code § 41.06.052)

3.32.050 Electricity user tax.

A. There is imposed a tax upon every person in the city, other than an electrical corporation or a public agency rendering electric utility service, or a gas corporation using electrical energy in the city. The tax imposed by this section shall be at the rate of five percent of the charges made for such energy, including minimum charges for service, and shall be paid by the person paying for such energy.

B. As used in this section, the words "using electrical energy" shall not be construed to mean the storage of such energy by a person in a battery, owned or possessed by him or her for use in an automobile or other machinery or device apart from the premises upon which the energy was received, provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries, nor shall the term be construed to mean the receiving of such energy by an electrical corporation or a governmental agency at a point within the city for resale to service users, or the use of such energy in the production or distribution of water by a water corporation or a governmental agency.

C. The tax imposed in this section shall be collected from the service user by the person supplying such electrical energy. The amount of tax collected in one month shall be remitted to the city collector on or before the last day of the following month. (Prior code § 41.06.053)

3.32.060 Additional electricity user tax.

In addition to the tax imposed by Section 3.32.050 of this chapter, there is imposed a tax upon every person in the city, other than an electrical corporation or a public agency rendering electric utility service, or a gas corporation using electrical energy in the city. The tax imposed by this section shall be at the rate of two and one-half percent of the charges made for such energy, including minimum charges for service, and shall be paid by the person paying for such energy. The provisions of this chapter, including subsections B and C of Section 3.32.050 of this chapter shall apply to the additional tax imposed by this section. (Prior code § 41.06.053-1)

3.32.070 Gas user tax.

A. There is imposed a tax upon every person in the city, other than a gas corporation or an electrical corporation, or a public agency rendering electric utility service using in the city gas which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of five percent of the charges made for such gas including minimum charges for service, and shall be paid by the person paying for such gas.

B. As used in this section, the word "charges" shall not include charges made for gas used in the generation of electrical energy by an electrical corporation or a governmental agency or charges for gas used in the production or distribution of water by a water corporation or governmental agency.

C. As used in this section, the words "using gas" shall not be construed to mean the receiving of such gas by a gas corporation or governmental agency at a point within the city for resale to service users.

D. The tax imposed in this section shall be collected from the service user by the person selling the gas. The amount collected in one month shall be remitted to the city collector on or before the last day of the following month. (Prior code § 41.06.054)

3.32.080 Additional gas user tax.

In addition to the tax imposed by Section 3.32.070 of this chapter, there is imposed a tax upon every person in the city, other than a gas corporation or an electrical corporation, or a public agency rendering electric utility service using in the city gas which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of two and one-half percent of the charges made for such gas including minimum charges for service, and shall be paid by the person paying for such gas. The provisions of this chapter, including subsections B and C of Section 3.32.070 of this chapter shall apply to the

additional tax imposed by this section. (Prior code § 41.06.054-1)

3.32.090 Cable television user tax.

A. There is imposed a tax upon every person other than a public agency in the city using cable television services in the city. The tax imposed by this section shall be at the rate of seven and one-half percent of the charges made for such services and shall be paid by the person paying for such services.

B. The tax imposed in this section shall be collected from the service user by the person providing the cable television services. The amount of tax collected in one month shall be remitted to the city collector on or before the last day of the following month. (Prior code § 41.06.054-2)

3.32.100 Penalty and interest.

A. Taxes collected from a service user which are not remitted to the city collector on or before the due dates provided in this chapter are delinquent.

B. Penalties for delinquency in remittance of any tax collected shall attach and be paid by the person required to collect and remit at the rate of fifteen (15) percent of the total tax collected herein.

C. The city collector shall have power to impose additional penalties upon persons required to collect and remit taxes under the provisions of this chapter for fraud or negligence in reporting or remitting at the rate of fifteen (15) percent of the amount of the tax collected or as recomputed by the city collector.

D. In addition to the penalties imposed by this section, any service supplier who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the penalty is imposed to the date upon which the tax and penalties are paid.

E. Every penalty and all interest imposed under the provisions of this section shall become a part of the tax required to be remitted. (Prior code § 41.06.055)

3.32.110 Actions to collect.

Any tax required to be paid by a service user under the provisions of this chapter shall be deemed a debt owed by the service user to the city. Any such tax collected from a service user which has not been remitted to the city collector shall be deemed a debt owed to the city by the person required to collect and remit. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. (Prior code § 41.06.056)

3.32.120 Procedure for collecting.

The duty to collect and remit the taxes imposed by this chapter shall be performed as follows:

A. The tax shall be collected insofar as practicable at the same time as and along with the charges made in accordance with the regular billing practice of the service supplier. Except in those cases where a service user has notified a service supplier that he or she is refusing to pay a tax imposed by this chapter which said service supplier is required to collect, if the amount paid by a service user is less than the full amount of the charge and tax which has accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid.

B. The duty to collect tax from a service user shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of this chapter. Where a person receives more than one billing one or more being for different periods than another, the duty to collect shall arise separately for each billing period. (Prior code § 41.06.057)

3.32.130 Additional powers and duties of city collector.

The city collector, with the approval of the city controller, may make administrative agreements to vary the strict requirements of this chapter so that collection of any tax imposed herein may be made in conformance with the billing procedures of a particular service supplier so long as the overall result of said agreements results in collection of the tax in conformance with the general purpose and scope of this chapter. A copy of each such agreement shall be on file and available for public examination in the office of the city collector. (Prior code § 41.06.058)

3.32.140 Assessments-Utility users tax appeals board-Administrative remedies.

A. The city collector may make an assessment for taxes not paid or remitted by a person required to pay or remit. A notice of the assessment, which shall refer briefly to the amount of the taxes and penalties imposed and the time and place when such assessment is due and payable, shall be submitted to the utility users tax appeals board for confirmation or modification. The utility users tax appeals board shall consist of the city manager, city controller, and city attorney, or their assistants. The city collector shall mail a copy of such notice of assessment to the person selling the service and to the service user at least ten (10) days prior to the date of the hearing and shall post such notice for at least five consecutive days prior to the date of the hearing on the bulletin board near the city clerk's office in the City Hall. Any interested party having any objections may appear and be heard at the hearing, provided his or her objection is filed in writing with the city clerk prior to the time set for the hearing. At the time fixed for considering said assessment, the utility users tax appeals

board shall hear the same together with any objection filed as aforesaid, and thereupon may confirm or modify the assessment. The decision of the utility users tax appeals board shall be final and conclusive.

B. Whenever the city collector determines that a service user has notified a service supplier that he or she is refusing to pay the tax imposed by this chapter, or that a service user has failed to pay the amount of the tax to such person for a period of four or more billing periods where the service supplier bills monthly, or two or more billing periods where the service supplier bills bimonthly; or whenever the city collector deems it in the best interest of the city, he or she may relieve the service supplier of the obligation to collect taxes due under this chapter named service users for specific billing periods.

The city collector shall notify the service user that he or she has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him or her personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the service user at the address to which the billing was made by the service supplier; or, should the service user have changed his or her address, to his or her last known address. If a service user fails to remit the tax to the city collector within fifteen (15) days from the date of the service of the notice upon him or her, which shall be the date of mailing if service is not accomplished in person, a penalty of twenty-five (25) percent of the amount of the tax set forth in the notice shall be imposed, but not less than ten dollars (\$10.00). In addition to the penalty imposed, a service user who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date upon which the penalty was imposed to the date upon which the tax and penalty are paid. The penalty and all interest imposed shall become part of the tax herein required to be paid. (Prior code § 41.06.059)

3.32.150 Records.

It shall be the duty of every service supplier required to collect and remit to the city any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as such service supplier may have been required to collect and remit to the city collector, which records the collector or his authorized representative shall have the right to inspect at all reasonable times. (Prior code § 41.06.060)

3.32.160 Refunds.

A. Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city collector under this chapter, it may be refunded as provided in subsections B and C of this section, provided that a claim in writing therefor is presented in accordance with the provisions of Section 3.04.070 within one year of the date of payment.

B. A person required to collect and remit taxes imposed under this chapter may request a refund for the amount overpaid, paid more than once or erroneously or illegally collected or received by establishing a right to a refund. In lieu of refunding an overpayment, the city collector may allow such person a credit of equal value to be applied against taxes to be remitted in the future. However, neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit.

C. A person who is a service user may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city, but only if it is established that the tax was not owed. If the person has paid the tax to the service supplier, the person may obtain a refund of the overpayment only if the person establishes that he or she has been unable to obtain a refund from the service supplier who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes a right thereto by written records showing entitlement thereto. (Ord. 2010-036 § 7; prior code § 41.06.061)

3.32.170 Low income citizen refunds and credits.

A. Notwithstanding the provisions of Section 3.32.160 of this chapter, refunds or credits may be made to certain service users as provided in this section.

B. A refund of the communications user tax imposed by Section 3.32.030 and cable television user tax imposed by Section 3.32.090 may be made upon valid application under the following conditions:

1. The service user is a "head of household"; and
2. The "household income" of the service user, as that term is defined in Section 20504 of the [Revenue and Taxation Code](#), shall not exceed twenty-five thousand dollars (\$25,000.00) for the calendar year ending in the fiscal year in which application for the refund is made; and
3. The "gross income" of the service user, as that term is defined in Section 17071 of the [Revenue and Taxation Code](#), shall not exceed twenty-five thousand dollars (\$25,000.00) for the calendar year ending in the fiscal year in which application for the refund is made; and
4. The utility services for which the service user has paid tax were delivered to such service user's residence and such residence is located within the city; and
5. The service user has paid the tax for all or part of the twelve (12) months of the calendar year ending in the fiscal year in which application for the refund is made; and

6. The service user has made no other application for a refund in the same calendar year.

C. The amount of the refund made pursuant to subsection B of this section shall be the total amount of the eligible tax for the calendar year ending in the fiscal year in which application for refund is made. The eligible tax is the tax paid as follows:

1. The tax imposed by Section 3.32.030, not to exceed the total annual tax on the telephone "lifeline flat rate service" rate as published by the largest local provider as of June 1st of the calendar year.

2. The tax paid as imposed by Section 3.32.090, not to exceed the total annual tax on the "economy basic" cable service rate as published by the largest local provider as of June 1st of the calendar year.

D. The refund provided for in subsections B and C shall be applied for on or before March 15th, in the year following the calendar year for which the tax is imposed on a form prescribed by the city and shall be payable by the city periodically on a timely basis as the validity of the applications made is established, but no later than June 30th of that year.

E. As used in this section, "head of household" means the person filing or who would file a federal income tax return as a head of household, or a single individual, or the husband or wife if a joint return is filed, but in such case, the individual applying for the refund must additionally declare that his or her spouse has not also applied for a refund for the same period of time.

F. The director of finance may audit applications made pursuant to this section and may require such proof as necessary to document conditions of eligibility. The director may deny in whole or in part refunds for applications found by the director to be in noncompliance, and the director shall seek repayment of any refund amounts paid by the city in excess of the amount for which the service user is qualified under subsection B or C.

G. A credit in an amount equal to the electrical user and additional electrical user taxes imposed by Sections 3.32.050 and 3.32.060 of this chapter may, upon valid application to the electrical service provider, be issued to a low-income service user under the following conditions:

1. The electrical energy was delivered to the service user's residence and such residence is located within the city; and

2. The service user is duly enrolled in a low-income assistance program provided by the person supplying the electrical energy. For the purposes of this subdivision, a low-income assistance program includes, but is not limited to, the Sacramento municipal utility district's energy assistance program; and

3. The eligibility criteria of the low-income assistance program of the person supplying electrical energy are based, in whole or in part, on the federal poverty guidelines.

H. A credit in an amount equal to the gas user and additional gas user taxes imposed by Sections 3.32.070 and 3.32.080 of this chapter may, upon valid application to the gas service provider, be issued to a low-income service user under the following conditions:

1. The gas was delivered to the service user's residence and such residence is located within the city; and

2. The service user is duly enrolled in a low-income assistance program of the person selling the gas. For the purposes of this subsection, a low-income assistance program includes, but is not limited to, Pacific Gas and Electric Company's California Alternative Rates for Energy Programs; and

3. The discount and eligibility criteria of the low-income assistance program of the person selling the gas are established by the California Public Utilities Commission.

I. Notwithstanding Sections 3.32.050(C), 3.32.060, 3.32.070(D) and 3.32.080 of this chapter, a person who supplies electrical energy or sells gas shall not be required to collect and remit the taxes that are imposed by Sections 3.32.050, 3.32.060, 3.32.070 and 3.32.080 from a service user who qualifies for a credit pursuant to subsection G or H of this section; provided, however, where a person is not required to collect and remit taxes pursuant to this subsection, the person shall include a statement in his or her monthly remittance to the city of the total taxes that have been imposed pursuant to Sections 3.32.050, 3.32.060, 3.32.070 and 3.32.080, but that have not been collected as a result of the credit provided for in subsections G and H of this section.

J. The city council shall review annually the refund and credit policies and procedures established by the ordinance codified in this section to determine how to continue the program. (Ord. 2010-036 § 8; Ord. 2005-053 § 1; Ord. 2004-010 § 1; Ord. 2003-012 § 1; Ord. 2002-040 § 1; Ord. 97-071 § 1; prior code § 41.06.062)



Council Rules of Procedure

Resolution No. 2024-0241 Adopted on July 23, 2024



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Chapter I – 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 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

- I. 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

- I. 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

I. 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

I. 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, and abide the following for orderly and courteous discussion:
 - (i) Members should permit the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate the discussion, while fully participating in the process;
 - (ii) The presiding officer may give preferential speaking order to the councilmember who represents the district of the agenda item;
 - (iii) In the interest of time, the presiding officer may limit the time allotted to speakers, including members of the body;
 - (iv) Members are encouraged to hear comments from other members prior to speaking a second time; and
 - (v) It is usual courtesy for the presiding officer to play a less active role in the debate and discussion and to make a summary or final comments on any item.
- d. Move to require the presiding officer to enforce this chapter, 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 this chapter in conducting the business of the City of Sacramento.

C. Conduct with Members

I. 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

I. 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 their 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

I. 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

I. 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

I. 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

I. 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

I. 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) 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.
 - (iv) If decorum cannot be maintained in council chambers, the presiding officer may take a recess so that decorum can be established.
 - a. If any meeting is willfully interrupted by any person or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be maintained by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. ([Government Code, § 54957.9](#)).

The presiding officer shall direct the sergeant-at-arms to allow the following to attend the remaining session:

- i. Once decorum is restored, allow all participants back into council chambers; or
- ii. Once decorum is restored, allow all persons, with the exception of any individuals identified by the presiding officer or decorum officer who were willfully interrupting the meeting or participating in the disturbance, back into council chambers; or

- iii. Once decorum is restored, allow only credentialed representatives of the press or other news media, except those participating in the disturbance, back into council chambers.
 - (v) If it is unfeasible to continue the orderly conduct of the meeting in the council chambers the council will continue the meeting in another room at the City Hall Complex and only city staff, credentialed members of the press or other news media, except those participating in the disturbance, will be allowed into the meeting.
- 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](#)).

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. Comments should be directed to the council and not the audience.
 - 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 on the screen behind the dais.
 - (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.

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;
 - 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; and
 - d. Flash photography is not allowed.

D. Speaker Location and Documents

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.
3. Members of the public may make oral communications but may not display any content on the overhead screens or otherwise. Members of the public wishing to provide documents to the council shall comply with Rule 7.D.

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 city 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 stipulated in the adopted meeting schedule.
3. City council standing committees shall generally meet on Tuesdays at 11:00 a.m. in the City Hall Council Chamber, 915 I Street, First Floor, Sacramento, California, except as otherwise stipulated in the adopted meeting schedule.
4. City boards, commissions, and committees shall hold regular meetings and provide the time, place, and manner of holding its meetings, according to the council-adopted meeting schedule. All meetings of the city's legislative bodies must be open to the public, except as permitted by state law. The city council shall annually, and as needed, adopt a meeting schedule for all city legislative bodies.
5. City boards, commission, and committees shall generally meet at either 11:00 a.m., 1:00 p.m., or 5:30 p.m. at the City Hall Complex, 915 I Street, Sacramento, California, except as otherwise stipulated in the council-adopted meeting schedule.

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 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](#).
5. For closed sessions related to appointive-officer performance evaluations and compensation, see Chapter 18.

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 City Council may participate via a teleconference platform only in accordance with 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 city established board, committee, and commission 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, with the exception of agenda items involving the compensation of charter officers or any personnel that report to the council, which may only be brought forward with the initial approval of the mayor, or recommendation by a majority of the Personnel and Public Employees (P&PE) Committee.
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, including 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, 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
 - (i) Of the State of California;
 - (ii) Of the President or Congress of the United States; or

- (iii) 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](#). E-comments can be submitted and viewed on the city’s website agenda page once an agenda is posted and until adjournment of that meeting. The full e-comment package will be available in the city’s online records library after the conclusion of a meeting.
- 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 as required by [Sacramento City Code section 4.04.020](#).

F. Distribution of the Packet

- 1. The city clerk shall make available the agenda packet to the councilmembers 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 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 recognitions not requiring formal legislative body action. Special presentations are limited to two per meeting and no more than five minutes each.
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 Comments – Ideas, Questions, and ABI234 Reports:
 - 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. City Manager's Report
 - a. Brief oral report from the City Manager or designee.
9. 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. However, ceremonial city council resolutions (see Rule 7.L, below) need not be referred to the Law and Legislation Committee.
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, 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, 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.
4. Except as set forth in section (a) below, council can consider adoption of non-binding resolutions. Non-binding resolutions are those within which the council declares its position and opinions on an issue, policy, or other matter that falls outside of the jurisdiction of the city and the council lacks legal authority to establish or regulate. The council may act on such a non-binding resolution if it determines that the matter is of such importance that the council should make the symbolic gesture of adopting a resolution declarative of council's position.
- a. The city council shall not act or take a position on matters concerning foreign policy, except upon a 2/3 vote of the Council determining that those matters directly affect the City of Sacramento.

L. Ceremonial City Council Resolutions

- I. A ceremonial city council resolution is non-binding and has no authority.
 - a. The city council may recognize and celebrate community members, organizations, and events for their contributions to the City of Sacramento and raise awareness surrounding important issues that affect the greater community.
 - b. Ceremonial city council resolutions are not intended for political, commercial, or narrow individual purposes, and should be consistent with the overall policies of the city council. These resolutions shall not inhibit, benefit, or promote religious activities, shall be non-discriminatory, and may not promote political advocacy activities.
2. Requests for ceremonial city council resolutions should be directed to the city clerk, who will work in collaboration with the mayor to finalize language and schedule for presentation at an upcoming city council meeting.
 - (i) A ceremonial city council resolution is the highest council honor reserved for individuals and organizations who have made extraordinary, lasting, or significant contributions to the City of Sacramento and its residents and who should be held in high esteem.
 - (ii) This type of recognition should be awarded to City of Sacramento residents, organizations, businesses, dignitaries, and other similar entities who have made significant contributions to the community; non-profit corporations, sports teams, or individuals who have won state, regional, or national titles; acts of heroism, including those as defined by police, fire, and other public safety departments; and individuals deserving exceptional commendation for their contribution to the City as a whole and its residents.
 - (iii) An Obituary Resolution may be issued to the family in honor of a deceased community member in memoriam of an individual who has made a significant contribution to the City of Sacramento and is generally presented in the community and not at a city council meeting.
3. Individual councilmembers may also create and present ceremonial council-district recognitions in their specific community. An individual councilmember recognition may be issued to individuals, organizations, or groups who have made significant contributions within a specific council district or districts or in support of programs or organizations of interest to the residents of the district.

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.

- I. Consent calendar, and any items removed for discussion.
 - a. Mayor, members, or 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. Council Comments – Ideas, Questions, and ABI 234 Reports
 - 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; or
 - d. Reports on district and citywide activities or news.
- 5. City Manager's Report
 - a. Brief oral report from the City Manager or their designee.
- 6. Public Comment for Matters Not on the Agenda
 - a. 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 agenda item, including closed session and consent calendar items. Regular meeting agendas also will provide for public comment on any unagenda item that is within the subject matter jurisdiction of the city.

- b. In response to public comment on unagendized items, the members may individually:
 - (i) Briefly respond to statements made or questions posed by members of the public;
 - (ii) Ask questions for clarification;
 - (iii) Provide a reference to staff or other resources for factual information or response;
 - (iv) Request staff to report to the council at a subsequent meeting; or
 - (v) Request staff to place a matter of business on a future agenda as needed.

D. 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 council meeting extending past 9:30 p.m. requires a majority vote of the councilmembers present.
5. Continuation of a Planning and Design Commission or Preservation Commission meeting extending past 9:30 p.m. requires a majority vote of the commissioners present.
6. A meeting of any other city established legislative body shall automatically adjourn after two hours, unless extended by a 2/3 vote of the members present; but in no case shall an advisory body meeting exceed three hours.

E. 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.

F. Motions

- I. [Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century](#) governs the management of motions.

G. Voting

I. 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. A member shall only abstain when there is an actual (or reasonably perceived) financial conflict of interest or bias, and the member is prohibited from voting on the item.
- 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. Under SB 1439, an officer who is abstaining (Government Code, § 84308, the “Levine Act”) shall disclose that fact on the record of the proceeding. Under SB 1439, an officer of an agency shall not make, participate in making, or in any way attempt to use the officer’s official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or a party’s agent, or from any participant or a participant’s agent if the officer knows or has reason to know that the participant has a financial interest in the decision.
- e. 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.

- f.** 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

- I. 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

- I. 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

I. 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

- I. 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.

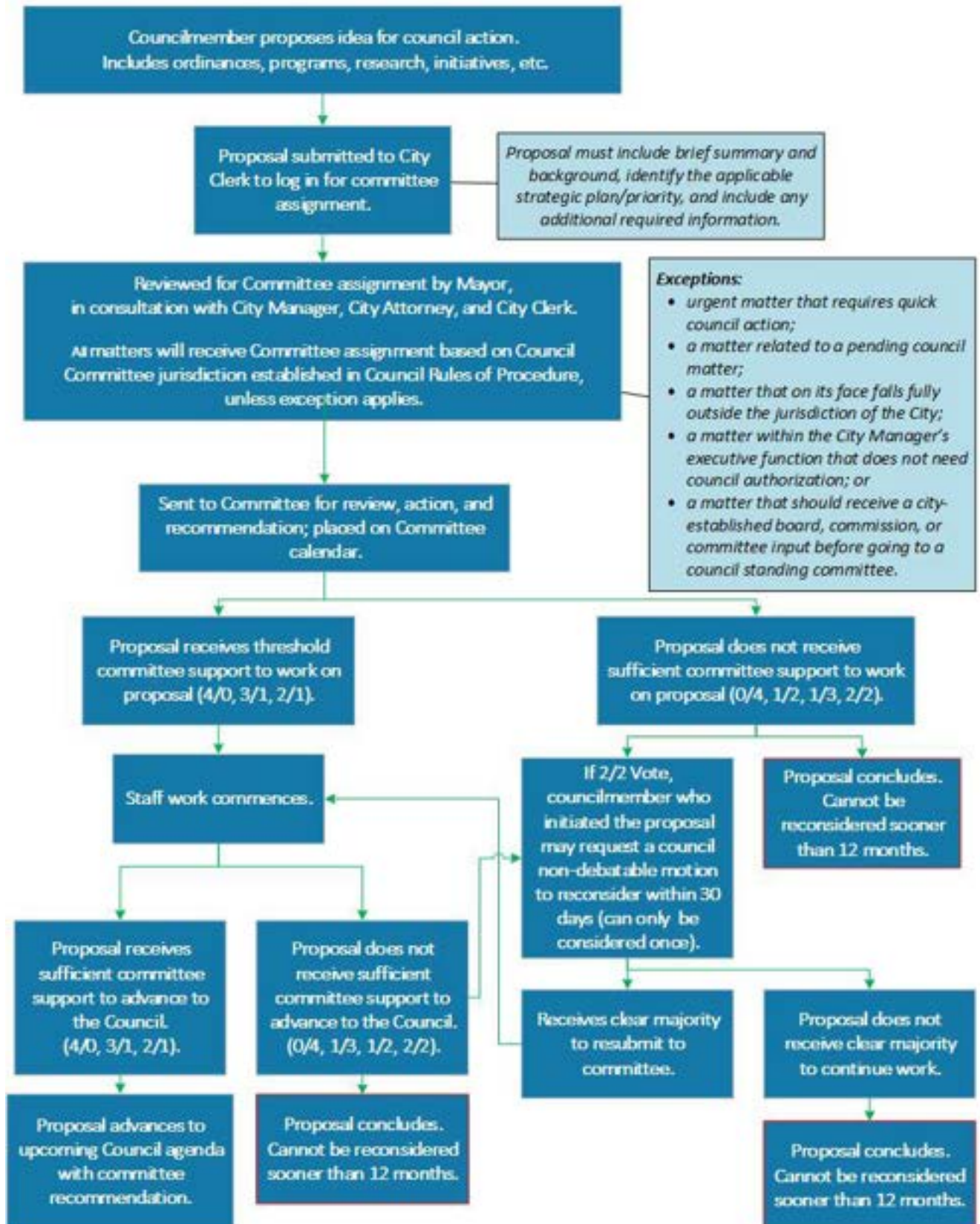
B. Procedures

- I. 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 (following page)

COUNCILMEMBER PROPOSAL REQUEST FLOWCHART



Chapter 13 – Law and Legislation Committee

A. Authority; Purposes

I. 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

I. 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.
 - (xi) Those reviewed by the P&PE Committee related to a city advisory body's creating authority.
- c. After passing the threshold vote required by the councilmember proposal request flowchart in Chapter 12, 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.

C. Requirements for Agenda Item Submission

- I. The city manager and city clerk shall develop the agenda for the L&L Committee meetings in consultation with the chair of the committee.
 - a. The chair shall have the right to make recommendations to the committee on matters of policy and programs that require committee decisions.
 - b. 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.
 - c. 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.

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;
5. Review ordinances related to an advisory body's creating authority prior to council review and adoption;
6. Lead the recruitment process for council-appointed officers; and
7. 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.

C. Requirements for Agenda Item Submission

1. The city manager and city clerk shall develop the agenda for the P&PE Committee meetings in consultation with the chair of the committee.
 - a. The chair shall have the right to make recommendations to the committee on matters of policy and programs that require committee decisions.
 - b. 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.
 - c. 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.

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; and
4. Assist the council in reviewing and evaluating the Innovation and Growth Fund.
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.

C. Requirements for Agenda Item Submission

- I. The city manager, city auditor, and city clerk shall develop the agenda for the B&A Committee meetings in consultation with the chair of the committee.
 - a. The chair shall have the right to make recommendations to the committee on matters of policy and programs that require committee decisions.
 - b. 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.
 - c. 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.

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.

C. Requirements for Agenda Item Submission

1. The city manager and city clerk shall develop the agenda for the Racial Equity Committee meetings in consultation with the chair of the committee.
 - a. The chair shall have the right to make recommendations to the committee on matters of policy and programs that require committee decisions.
 - b. 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.
 - c. 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.

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

- I. 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

- I. 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.
 - b. 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.
 - c. 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.
 - d. 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 an upcoming P&PE Committee meeting agenda.
 - a. 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.
 - b. 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. Annually, appointive officers shall present their annual report, including past year accomplishments and strategic goals and objectives for the upcoming year, to the P&PE Committee. Once approved by the P&PE Committee the report will be forwarded to the city council for approval.
3. Performance Evaluations: The city council shall meet in closed session to conduct a performance evaluation of an appointive officer.
 - a. The city council may hold closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an appointive officer or to hear complaints or charges brought against the appointive officer by another person or employee unless the appointive officer requests a public session ([Government Code § 54957](#) (b)).
 - b. As a condition to holding a closed session on specific complaints or charges brought against an appointive officer by another person or employee, the appointive officer shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the appointive officer personally or by mail at least 24 hours before the time for holding the session.
 - c. The city council also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the city council.
 - d. Closed sessions held pursuant to this rule shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

4. Salary and Benefit Negotiations: The city council may meet in closed session with the city's designated representative to discuss salaries, salary schedules, or compensation paid in the form of fringe benefits of an appointive officer.
([Government Code § 54957.6](#))
 - a. The agenda for a closed session under this rule must identify the city's designated representatives. Unless specifically directed otherwise by the mayor, the designated representatives shall be personnel from the Human Resources Department.
 - b. Closed sessions of the city council under this rule shall be for the purpose of reviewing its position and instructing the designated representatives.
 - c. Closed sessions held pursuant to this rule shall not include final action on the proposed compensation or benefits.
5. Final approval of compensation adjustments, by resolution or contract, shall be made at an open meeting of the city council. See Rule 7.A.I for agendaizing such an item.

Glossary

Decorum Officer

The decorum officer is a council-selected person who sits on the dais and has responsibility for enforcing council meeting decorum.

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.