



City Hall  
555 Santa Clara Street  
Vallejo, CA 94590

## AGENDA

### CODE ENFORCEMENT APPEALS BOARD MEETING 6:00 P.M. City Council Chambers

**August 28, 2014**

George Roth, Chair  
Gary Bennett, Vice Chair

Board Members  
Patricia Bernard  
Richard Charmack  
Lee Lancaster  
Wanda Madeiros  
Angela McClure

Robert McConnell – City Council  
Liaison

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

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item of interest to them provided they are first recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Staff of the Board prior to the consideration of the item.

Those wishing to address the Board on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the City Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Board will be available for public inspection at the Code Enforcement Division or City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Board. Such documents may also be available on the City of Vallejo website at <http://www.ci.vallejo,ca.us> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4469, TDD (707) 649-3562.



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. APPROVAL OF AGENDA
5. READING & APPROVAL OF MINUTES
  - A. July 24, 2014

6. CORRESPONDENCE: None

7. FIRST COMMUNITY FORUM

*Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff Person. When called upon, each speaker should step to the podium, state his/her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three (3) minutes, with each speaker limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the Second Community Forum listed later on the agenda.*

8. NEW BUSINESS:

- A. Discussion of proposed consideration of changes to the Property Maintenance Ordinance – Craig Whittom, Assistant City Manager and Inder Khalsa, Assistant City Attorney

9. OLD BUSINESS

- A. Beautification and Design Review Board Rules of Order and Procedure; information from the City Clerk – Vice Chairman, Bennett
- B. Voluntary Compliance Coalition Update –Nimat Shakoor-Grantham

10. SECOND COMMUNITY FORUM

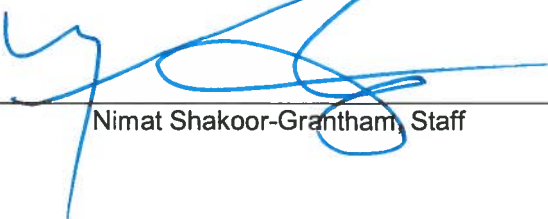
11. STAFF COMMENTS: None

12. ANNOUNCEMENTS

13. ADJOURNMENT

I, Nimat Shakoor-Grantham, Staff, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Code Enforcement Appeals Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Friday, August 22, 2014.

Dated: August 22, 2014

  
\_\_\_\_\_  
Nimat Shakoor-Grantham, Staff

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Code Enforcement Appeals Board (Board) will be available for public inspection at the City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Board. Such documents may also be available on the City of Vallejo website at <http://www.ci.vallejo.ca.us> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-3414, TDD (707) 649-3562.



Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's Office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted.

1. **CALL TO ORDER:** Chairperson George Roth (Chairperson Roth) 6:03 pm.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG :** Chairperson Roth
3. **ROLL CALL:**
  - Present: Chairperson George Roth, Vice Chairperson Gary Bennett  
Board Members: Patricia Bernard, Richard Charmack, Wanda Madeiros, Angela McClure
  - Absent: Board Member Lee Lancaster – Excused  
Council Liaison Robert McConnell – Excused
  - Staff: Nimat Shakoor-Grantham, John Silva
4. **APPROVAL OF AGENDA:** Board Member Charmack motioned to approve the agenda, seconded by Vice Chairperson Bennett. The motion carried unanimously.
5. **APPROVAL OF MINUTES:** Board Member Charmack motioned to approve the minutes, seconded by Vice Chairperson Bennett. The motion carried unanimously.
6. **CORRESPONDENCE:** None
7. **FIRST COMMUNITY FORUM:** None  
*Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff person. When called upon, each speaker should step to the podium, state his /her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three minutes. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the second Community Forum listed later on the agenda.*
8. **GUEST SPEAKER:** None
9. **NEWEST BOARD MEMBER:** While awaiting the CEAB swearing in ceremony, Ms. Angela McClure attended the CEAB hearing as its newest Board Member. Board Member McClure is a military veteran and an attorney; she has resided in Vallejo for 2 years, and is pleased to call Vallejo her home. The Board welcomed Board Member Angela McClure!

**10. PRESENTATIONS:** Code Enforcement Appeals Hearings

- A. 301 Honeydew Drive – Deferred until the next Board meeting
- B. 125 Camino del Sol – Deferred until the next Board meeting
- C. 224 Valley Oak Lane

Code Enforcement Officer (CEO) John Silva testified and presented evidence related to the case. CEO Silva recommended that Citation CE14-0224 (B) be upheld. Property owner Delvon Anderson testified requesting relief from accrued fees/fines due to his Grandmother having passed away and he had also lost his job. Mr. Anderson testified that he tried to correct the violations, but not in a timely manner. Chairperson Roth requested clarification regarding the possibility of a recurring violation. Mr. Anderson testified that the remaining cars on the property were registered.

The Board had questions concerning Mr. Anderson's request to remove both administrative citation CE14-0224 (A) & CE14-0224 (B). Staff explained to the Board that the current hearing was only addressing citation CE14-0224 (B). Vice Chairperson Bennett motioned for Staff to have the appeals request reviewed by the City Attorney's Office (CAO) and to opine on whether or not notice should have been provided to the appellant that one citation had passed its appeal date and was no longer valid for consideration by the Board in his upcoming (July 24<sup>th</sup>) hearing. Board Member Madeiros seconded the motion. The motion was carried unanimously. Mr. Anderson's case will be continued to the August 28, 2014 CEAB hearing. Therefore PO Anderson will return for the next Board meeting.

- D. 301 Cottonwood Drive

Code Enforcement Officer (CEO) John Silva testified and presented evidence related to the case. CEO Silva recommended that Citation CE14-1074 (B) be upheld. Property owner Vickie Sifford testified that she was sick for the entire month of May and could not get out of bed. Board Member Madeiros motioned to waive the fees because there were no provisions for the property owner to make payments and Ms. Sifford corrected the violation. Chairperson Roth seconded the motion. The motion carried unanimously. Chairperson Roth asked about the possibility of creating a process where customers could pay accumulated fines/fees in installments.

**11. NEW BUSINESS:** None

**12. OLD BUSINESS:** Vice Chairperson Bennett inquired about the Beautification and design review Board Rules of Order and Procedures. Ms. Shakoor-Grantham said that the information from the city clerk would be made available at the next Board meeting.

**13. VOLUNTARY COMPLIANCE COALITION (VCC):** Ms. Shakoor-Grantham informed the Board that the VCC had met twice. The third meeting would be on July 31, 2014 at 6 pm in the Joseph Room and all Board Members were invited to attend. More information would follow after the next VCC meeting.

**14. SECOND COMMUNITY FORUMS:** None

**15. STAFF COMMENTS:** Staff Welcomed Board Member McClure and thanked her for serving the community as a Member of the CEAB.

**13. ANNOUNCEMENTS:** None

**14. ADJOURNMENT:** Chairperson Roth adjourned the meeting at 7:14 p.m.



---

**DATE:** August 28, 2014  
**TO:** Code Enforcement Appeals Board  
**FROM:** Craig Whittom, Assistant City Manager  
Nimat Shakoor-Grantham, Code Enforcement Manager  
**SUBJECT:** PROPOSED CONSIDERATION OF MODIFICATIONS TO THE PROPERTY MAINTENANCE ORDINANCE

---

### **RECOMMENDATION**

Discuss potential modifications to the Property Maintenance Ordinance and provide direction to staff regarding the proposed revisions.

### **BACKGROUND AND DISCUSSION**

At the July 24, 2014 Code Enforcement Appeals Board hearing, the board inquired about potential revisions to the City's Property Maintenance and Administrative Citation Ordinances (PMO and ACO respectively). Areas of concern are:

- a. Length of time to appeal citation
- b. Amount of late fee
- c. Hearing fee waiver requirements
- d. Board jurisdiction/Appellant due process

Staff has identified the additional following potential revisions for consideration:

- a. City Manager authority to modify citations based upon certain criteria.
- b. Maximum dollar limit to total assessment.
- c. Required type of service (e.g. certified mail) provided to property owner.

The purpose of tonight's agenda item is to discuss the areas of proposed revisions. Following this discussion, staff will prepare a redline to the ordinance for review at the CEAB's September 25, 2014 meeting incorporating the recommended revisions. At which time, the CEAB will consider those changes and make its recommendation to the City Council. Thereafter, Staff will begin the process of amending the ordinance at the October 28, 2014 City Council meeting

### **CONTACT**

Nimat Shakoor Grantham, Code Enforcement Manager – [nimat@ci.vallejo.ca.us](mailto:nimat@ci.vallejo.ca.us), (707) 648-4522

# CITY OF VALLEJO

Fiscal Year 2014-2015

## Code Enforcement Fee Schedule

Fees Effective July 1, 2014

APPROVED BY Deborah Lauchner

6/24/2014

**FY 2014-2015 City of Vallejo Fee Schedule  
Code Enforcement Fees**

Code Enforcement		FY 2014-15 Fee	
No.	Service Name	Fee Amount	Notes
1	Property Maintenance and Vacant Bldg. Abatement Fixed Incidental Cost	\$1,169	
2	Abatement Lien Process Admin. Charge	\$794	
3	Property Maintenance, Vacant Building, and Abandoned Shopping Cart Enforcement Appeal	\$676	
4	Abandoned Shopping Cart Prevention Plan	\$1,718	
5	Annual Eval. Report of Shopping Cart Plan	\$257	
6	Modification of Abandoned Shopping Cart Prev. Plan	\$257	
7	Property Maintenance and Vacant Bldg. Notice of Violation Admin. Charge	\$225	
8	Vacant Buildings Annual Registration Fee	\$368	Per Resolution No. 13-029 N.C., no CPI escalation
9	Administrative Citation Fine Per Code Section Violated - 1st Citation	\$200	Per Resolution No. 08-40 N.C., no CPI escalation
10	Administrative Citation Fine Per Code Section Violated - 2nd Citation	\$500	Per Resolution No. 08-40 N.C., no CPI escalation
11	Administrative Citation Fine Per Code Section Violated - 3rd and All Subsequent Citations	\$750	Per Resolution No. 08-40 N.C., no CPI escalation
12	Administrative Citation Late Payment Penalty	\$890	Per Resolution No. 08-40 N.C., no CPI escalation





---

## **CITY OF VALLEJO**

### **BEAUTIFICATION AND DESIGN REVIEW BOARD**

#### **RULES OF ORDER AND PROCEDURE**

January 2014

## Table of Contents

Section 1.0	Preamble	4
Section 2.0	2.1 Meetings to be Public	4
	2.2 Attendance of Media at the Board Meetings	4
	2.3 Quorum	4
	2.4 Journal of Proceedings	5
	2.5 Secretary	5
	2.6 Committees	5
	2.7 Seniority of Board Members	6
	2.8 Rules of Order	6
Section 3.0	3.1 Regular Meetings	6
	3.2 Cancellation of Regular Meetings	6
	3.3 Special Meetings	6
	3.4 Study Sessions	7
	3.5 Closed Sessions	7
Section 4.0	4.1 Council Chamber Attendance	7
	4.2 Facilities	8
Section 5.0	5.1 Elections and Terms of Officers	8
	5.2 Seating Arrangement During Meetings	8
	5.3 Presiding Officer	8
	5.4 Preservation of Order	9
	5.5 Points of Order	9
	5.6 Personal Privilege	9
	5.7 Dissents and Protests	9
	5.8 Excusal During Meetings	9
Section 6.0	6.1 By the Presiding Officer	10
	6.2 By the Board Members	10
	6.3 By Other Persons	10
	6.4 Disruption of Meeting	10
Section 7.0	7.1 Declaration of Policy	10
	7.2 Preparation and Posting	11
	7.3 Items Included	12
Section 8.0	8.1 Order of Business	13
	8.2 Call to Order	13
	8.3 Pledge of Allegiance	14
	8.4 Roll Call	14

	8.5 Minutes	14
	8.6 Written Communications	14
	8.7 Report of the Secretary	15
	8.8 Report of the City Attorney	15
	8.9 Report of the Presiding Officer and Board Members	15
	8.10 Community Forum	15
	8.11 Consent Calendar and Approval of the Agenda	15
	8.12 Public Hearings	16
	8.13 Other Agenda Items	18
	8.14 Adjournment	18
Section 9.0	9.1 Presiding Officer	18
	9.2 Motions and Resolutions by the Presiding Officer	18
	9.3 Obtaining the Floor	18
	9.4 Parliamentary Inquiries	19
	9.5 Points of Information	19
	9.6 Questions of Personal Privilege	19
	9.7 Interruptions	19
	9.8 Restriction of Discussion	20
	9.9 Limitation of Debate	20
	9.10 Precedence of Motions	20
	9.11 Motions and Resolutions to be Stated by the Secretary	20
	9.12 Discussion Allowed Prior to Formal Motion	21
	9.13 Second Not Required	21
	9.14 Motions Out of Order	21
	9.15 Motion to Adjourn	21
	9.16 Motion to Lay on the Table	21
	9.17 Withdrawal of Motions	21
	9.18 Motion for Previous Question	22
	9.19 Division of Question	22
	9.20 Motion to Amend an Amendment	22
	9.21 Motion to Postpone	22
	9.22 Motion to Reconsider	22
	9.23 Rehearing	23
Section 10.0	10.1 Quorum	23
	10.2 Abstention	23
	10.3 Tie Vote	24
	10.4 Roll Call	24
Section 11.0	11.1 Policy	24
	11.2 Addressing the Board	25
	11.3 Spokespersons	25
	11.4 Card System	25
	11.5 Time Limits	25
	11.6 Discussion Between Citizens and the Board	25
	11.7 Topic for Discussion	26
	11.8 Manner of Addressing the Board	26
	11.9 Repetition	26
Section 12.0	Amendments	26
	12.1 Notice of Amendment	26
	12.2 Submission for Council Approval	26

**BEAUTIFICATION AND DESIGN REVIEW BOARD  
OF THE  
CITY OF VALLEJO, CALIFORNIA**

**RULES OF ORDER AND PROCEDURE**

**SECTION 1.0 PREAMBLE**

The objective of these rules of order and procedure is to ensure the orderly and efficient conduct of the meetings of the Beautification and Design Review Board. The Beautification and Design Review Board ("Board") was established to ensure a comprehensive design review process for projects in the downtown and waterfront areas, to advise on urban forest and tree management programs, and to implement the powers and duties conferred in Section 2.39 of the Vallejo Municipal Code. These rules are intended to assure the right of the majority of the Board to decide matters and issues brought before the Board; the right of the minority on any issue to be heard; and the right of absentee Board Members to be protected. These rules also are intended to foster and promote the right of citizens to have adequate notice of business scheduled for consideration by the Board and a fair and reasonable opportunity to appear and be heard on the items of business presented to the Board.

**SECTION 2.0 GENERAL RULES**

**2.1 Meetings to be Public**

All regular and special meetings of the Board shall be open to the public, except for such closed sessions which are permitted to be held in private under the provisions of the Ralph M. Brown Act or other laws of the State of California.

**2.2 Attendance of Media at the Board Meetings**

All public meetings of the Beautification and Design Review Board shall be open to the news media, freely subject to recording by radio, television and photographic services, provided that such activities do not interfere with the orderly conduct of the meetings.

**2.3 Quorum**

A quorum shall be four (4) or more Board Members, but fewer may adjourn

from time to time and compel attendance of absent members in such manner as may be prescribed by these rules of order and procedure.

#### 2.4 Journal of Proceedings

An account of all public proceedings of the Board shall be kept by the Secretary of the Board, and shall be entered in a permanent book or other permanent form constituting the official record of the Board.

#### 2.5 Secretary

The Community and Economic Development Director or his or her designee shall serve as the Secretary to the Board. The Secretary may make recommendations to the Board and offer technical and professional assistance, but shall have no vote. The Secretary shall also keep the official minutes and perform such other duties as may be requested by the Board.

#### 2.6 Committees

- A. The Board may create committees in accordance with the rules and procedures contained herein to assist the Board in carrying out its functions and responsibilities.
- B. Every committee created by the Board shall be advisory only: Any committee may be directed to undertake steps and/or study matters which are within the authority of the Board.
- C. Committees may be composed entirely of Board Members or a combination of Board Members and other persons. A committee composed entirely of Board Members shall consist of no more than three (3) Board Members.
- D. When requested by the Presiding Officer, the chairperson of each committee shall report or advise the Board on actions taken or the progress or result of work/projects assigned to or undertaken by the committee.

## 2.7 Seniority of Board Members

Seniority shall be determined by length of time on the Board. In the event two or more Board Members have been on the Board for the same length of time, seniority shall be determined by lot.

## 2.8 Rules of Order

Roberts Rules of Order, Newly Revised, shall govern the proceedings of the Board in all cases, unless such are in conflict with these rules, in which event these rules shall apply and govern.

# SECTION 3.0 TYPES OF MEETINGS

## 3.1 Regular Meetings

The Board will meet as needed. If at any regular meeting, business before the Board remains unfinished, the Board may adjourn from time to time to dispose of the same or to transact any other unfinished business. Less than a quorum may also adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.3 for special meetings, unless such notice is waived as provided for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment.

## 3.2 Cancellation of Regular Meetings

The Board may cancel any of its regular meetings by a majority vote of the Board. A copy of the notice of cancellation shall be posted on the bulletin board located immediately outside City Hall within twenty-four (24) hours after action by the Board.

## 3.3 Special Meetings

Special meetings may be called by the Presiding Officer or at the request of four (4) Board Members by delivering personally or by mailing (either postal delivery or electronic) written notice to each Board Member and to each newspaper requesting such notice. Such notice must be delivered personally or by mail

(either postal delivery or electronic) at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Board. The Secretary shall post the call and notice on the bulletin board located immediately outside City Hall at least twenty-four (24) hours prior to the special meeting.

#### 3.4 Study Sessions

The Board shall have the right to assemble in special meetings so as to be apprised of the various matters coming up at a regular meeting or special meeting and obtain such detailed information in regard thereto as will enable them to dispose of such matters with more knowledge at the regular or special meeting to follow. The public may attend, as provided in Section 2.1; however, discussion by the public will not be encouraged so that the Board may use the time to ask and answer questions of the staff and other resource people. The public with the Presiding Officer's permission may address the Board in study sessions following the same procedures as provided in Section 3.3. The twenty-four (24) hour notice and posting requirements of Section 3.3 shall also be applicable.

#### 3.5 Closed Sessions

The Board may hold closed sessions during the course of any regular or special meeting in the manner permitted by law.

### **SECTION 4.0 CHAMBER ATTENDANCE AND FACILITIES**

#### 4.1 Council Chamber Attendance

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

#### 4.2 Facilities

Regular and special meetings of the Beautification and Design Review Board shall be held in the Council Chamber, City Hall, Vallejo, California. Whenever at a regular or special meeting of the Board a matter is set for public hearing, if it is anticipated that the attendance will be substantially greater than the capacity of the Council Chamber, the Secretary may make arrangements for the use of a suitable alternate facility for such meeting of the Board. If a suitable alternate facility is not available, the public hearing may be continued to a date when a suitable alternate facility will be available. The Board shall not conduct any regular or special meeting in any facility that prohibits the admittance of any person or persons on the basis of race, religion, creed, color, national origin, ancestry or sex. Facilities shall be accessible by the handicapped.

### SECTION 5.0 DUTIES AND PRIVILEGES OF THE BOARD

#### 5.1 Elections and Terms of Officers

At the first regular meeting of the Board held in July of each year, the Board shall hold an organizational meeting, at which the Board shall elect a Chairperson and a Vice-Chairperson who shall serve for one year. In the case of a vacancy in any office, it shall be filled by an election held in the first two months subsequent, and such replacement shall be for the duration of the unexpired term of such office. Elections shall be by nomination and open ballot; the member receiving the highest number of votes shall be declared elected.

#### 5.2 Seating Arrangement During Meetings

After the Chairperson and Vice-Chairperson have been elected and seated, Board Members shall select their seats in the order of relative seniorities on the Board, and shall occupy selected seats until the next election of officers. However, two Board Members may exchange seats at any time by mutual consent.

#### 5.3 Presiding Officer

The Chairperson, if present, shall preside at all meetings of the Board. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of the Chairperson and the Vice Chairperson, the senior Board Member shall preside. The Presiding Officer shall have the authority to appoint committees



pursuant to Section 2.6.

#### 5.4 Preservation of Order

The Presiding Officer shall preserve order and decorum; prevent attacks on personalities or the impugning of Board Members' motives, and confine Board Members in debate to the question under discussion.

#### 5.5 Points of Order

The Presiding Officer shall determine all points of order, subject to the right of any Board Member to appeal to the Board. If an appeal is taken, the questions shall be "Shall the decision of the Presiding Officer be sustained"?

#### 5.6 Personal Privilege

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

#### 5.7 Dissents and Protests

Any Board Member shall have the right to dissent from any action of the Board or ruling of the Presiding Officer, and have the reason thereof entered in the minutes. Such dissent shall be in writing, couched in respectful terms, and presented to the Board not later than the next regular meeting following the date of such action.

#### 5.8 Excusal During Meetings

A Board Member shall leave the Council Chamber while the Board is in session only with the permission of the Presiding Officer. The Council Chamber for this purpose shall be defined as those rooms where the Board meets, the Executive Conference Room, and its rest room facility.

## SECTION 6.0 DECORUM

### 6.1 By the Presiding Officer

The Presiding Officer shall preserve order and decorum in the manner prescribed in Section 5.4.

### 6.2 By the Board Members

While the Board is in session the members must preserve order and decorum, and a Board Member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board, nor disturb any Board Member, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in these rules.

### 6.3 By Other Persons

No member of the public shall approach the Board table while the Board is in session, unless specifically requested to do so by the Presiding Officer. Any message to or contact with any Board Member while the Board is in session shall be through the Secretary. Unruly conduct, such as undue noise, hissing, profanity, insult or physical disturbance shall not be permitted.

### 6.4 Disruption of Meeting

In the event that any meeting is willfully disrupted by a group or groups of persons so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by removal of individuals who are willfully disrupting the meeting, the Presiding Officer with the Board's consent may, or upon motion of any Board Member adopted by the Board shall order the Council Chamber or other place of meeting cleared without awaiting completion of the item of business at hand and when the disruption has ceased, resume the meeting.

## SECTION 7.0 AGENDA PREPARATION

### 7.1 Declaration of Policy

- A. It is established as the policy of the Beautification and Design Review Board that no resolution, motion or item of business shall be introduced before the Board at a regular meeting without having prior thereto been

placed upon the written agenda prepared and posted for that meeting. All Board meetings shall follow the prepared agenda unless changed by the Presiding Officer with the Board's consent or upon a majority vote of the Board.

- B. Notwithstanding subsection A of this section, the Beautification and Design Review Board may take action on items of business not appearing on the posted agenda under any of the following conditions:
  - 1. Upon a determination by a two-thirds vote of the Board (at least five Board Members) or, if less than two-thirds of the members are present (four Board Members are required for a quorum), a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted as specified in Section 7.2.
  - 2. The item was posted pursuant to Section 7.2 for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which the action is being taken.
- C. Nothing in this section shall be construed to prevent the Board from discussing and referring to staff for appropriate study or placement on a subsequent agenda, items that are brought to the Board's attention during community forum.

## 7.2 Preparation and Posting

The Secretary shall prepare and furnish to each Board Member and to the City Attorney, and to such other persons as the Board shall designate, a written agenda for every regular meeting. The Secretary shall endeavor to arrange the agenda in such a manner that adjournment if at all possible may be had no later than eleven (11) p.m. of the date scheduled for the meeting: The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting, and shall so specify the time and location of the meeting. The agenda shall be posted on the bulletin board located immediately outside the front entry to City Hall or other location that is freely accessible to

members of the public at least seventy-two (72) hours prior to the regular meeting. Except as provided in Section 7.1, no action shall be taken on any item not appearing on the posted agenda. Copies of the agenda, with all attachments, shall be available at the Planning Division and J.F. Kennedy Library for perusal by members of the public. A copy of the agenda, plus all attachments, shall be available to members of the public during the Board meeting.

### 7.3 Items Included

- A. Any items of business shall be placed upon the written agenda prior to the deadline announced or observed for the preparation thereof at the request of the Chairperson or any individual member of the Board, by the Secretary, or the City Attorney.
  
- B. The written agenda shall include the following information:
  - 1. Disclosure requirements for political contributions;
  - 2. Appeal rights;
  - 3. Name of the staff person responsible for each agenda item;
  - 4. Planning Division telephone number;
  - 5. Speaker time limits.

## SECTION 8.0 AGENDA CONTENT

### 8.1 Order of Business

The business of the Board shall be taken up for consideration and disposition in the following order as set forth in the agenda published by the Secretary, except that with the majority consent of the Board, matters may be taken up out of order. Any item not on the agenda may be added and considered only in the manner prescribed by Section 7.1.

- A. Call to Order;
- B. Pledge of Allegiance;
- C. Roll Call;
- D. Approval of Minutes;
- E. Written Communications;
- F. Secretary's Report;
- G. City Attorney's Report;
- H. Report of the Presiding Officer and Members of the Beautification and Design Review Board;
- I. Community Forum;
- J. Consent Calendar and Approval of the Agenda;
- K. Public Hearings;
- L. Other Agenda Items;
- M. Adjournment.

### 8.2 Call to Order

The Presiding Officer shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Board to order. If the Presiding Officer is not the Chairperson or Vice Chairperson; upon the arrival of the Chairperson or Vice Chairperson, as the case may be, the person who is then presiding shall relinquish the chair at the conclusion of the item of business then before the Board.

### 8.3 Pledge of Allegiance

Immediately following the call to order, the Presiding Officer shall lead the Board and audience in the recitation of the Pledge of Allegiance to the flag of the United States of America.

### 8.4 Roll Call

Before the Board shall proceed with the business of the meeting, the Secretary or his or her designee shall call the roll of the Board Members, and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes with the time of arrival noted.

### 8.5 Minutes

- A. The Secretary shall distribute copies of the unadopted minutes to each Board Member along with the agenda and accompanying materials.
- B. Unless reading of the minutes of the Board meeting is requested by a member of the Board, with consent of the majority of the Board Members, such minutes may be adopted without reading.

### 8.6 Written Communications

- A. Written communications from the public will be received and filed, unless added to the agenda at the time the Board has under consideration approval of the agenda and consent calendar. If any Board Member objects to the addition of a written communication to the agenda, then a majority vote of the Board shall be required to place an item on the agenda. A written request to address the Board on a subject not scheduled for discussion will be treated the same as and considered at the time "Written Communications" is before the Board. The Board will determine if it wishes to have such a matter discussed and, if so, will designate the meeting at which it will be discussed.
- B. Anonymous or unsigned communications shall not be introduced to the Board or placed under written communications.

8.7 Report of the Secretary

The Secretary may, from time to time, report on items that may be of interest to the Board and the general public.

8.8 Report of the City Attorney

The City Attorney may, from time to time, report on items that may be of interest to the Board and general public.

8.9 Report of the Presiding Officer and Board Members

The Presiding Officer and any Board Member may, from time to time, wish to make certain announcements, request information from staff, and to report on items of activity that -may be of interest to the Board and the general public.

8.10 Community Forum

The Presiding Officer shall announce that members of the public have the opportunity to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board. Fifteen (15) minutes shall be set aside for the community forum, and each speaker shall be allocated three (3) minutes, unless time is extended by the Presiding Officer with the Board's consent. Except as provided in Section 7.1, no action shall be taken on matters brought up during community forum. Items of business listed on the agenda shall not be further discussed under the community forum without the Board's consent.

8.11 Consent Calendar and Approval of the Agenda

A. The Secretary or City Attorney may recommend that items appearing on the agenda be placed on the consent calendar for action by the Board. Any item placed, on the consent calendar shall appear in its regular order on the agenda together with a recommendation of the Secretary or City Attorney as to the action to be taken by the Board with respect to such item. Upon motion of any Board Member, all items placed upon the consent calendar may be acted upon collectively, and each shall be deemed to have received the action recommended by the Secretary or City Attorney; except that if any Board Member objects to the placement of an item on the consent calendar, or if any member of the public wishes

to address the Board on any such item, the item shall be removed from the consent calendar and shall be heard and acted upon in its proper place on the agenda as designated by the Presiding Officer.

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

#### 8.12 Public Hearings

- A. The Board may from time to time order that public hearings be conducted on items of public interest even though such may not be required by law.
- B. Anyone desiring to address the Board on the subject of the public hearing may indicate such interest in any of the three following ways:
  - 1. Persons may submit a written request to the Secretary in advance of the meeting.
  - 2. Persons may fill out a card that will be available at the start of all Beautification and Design Review Board meetings, and submit the card to the Secretary during the meeting.
  - 3. Persons may approach the podium to speak when the Presiding Officer opens the public hearing and indicates that persons wishing to address the Board may do so at that time.
- C. Procedures for Public Hearings
  - 1. The Secretary shall announce the public hearing and shall note any correspondence received concerning the matter, if any.
  - 2. The staff report shall be presented,
  - 3. The Presiding Officer shall declare the public hearing open.
  - 4. The Presiding Officer shall first call on the applicant, proponent or appellant of the matter.



5. The Board shall hear those interested in the matter.
6. The Presiding Officer
  - a. May limit individual presentations and may limit the number of speakers with similar positions;
  - b. May order that no person speak more than once until all other persons wishing to speak have spoken once;
  - c. May use the card system provided for in Section 11.4.
  - d. Shall close the hearing.
7. A Board Member:
  - a. May question any speaker during the hearing;
  - b. Shall not indicate his or her decision regarding the matter, nor introduce a motion or resolution to approve, modify or deny the matter being heard until the public hearing is closed by the Presiding Officer.
  - c. Continuance of Hearing

Any hearing being held, or noticed or ordered to be held, by the Board at any meeting may by order or notice of continuance adopted by the Board be continued or reconfirmed to any subsequent meeting in the same manner and to the same extent set forth in Section 3.1 for the adjournment of meetings; provided, however, if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted.

#### 8.13 Other Agenda Items

The Secretary, City Attorney, or the Presiding Officer may place items on the agenda of interest to the Board and the general public or for action by the Board.

#### 8.14 Adjournment

It shall be the policy of the Board to adjourn its regular meeting by eleven (11) p.m. of each meeting date. The Secretary shall endeavor to arrange the agenda in such a manner that the Board can adhere to this adjournment policy. A public hearing in progress shall not be interrupted and continued to a subsequent meeting for the sole purpose of satisfying this adjournment deadline. Items of business that remain on the agenda at eleven (11) p.m. shall be carried over to the next regular meeting, unless the Board by a majority vote agrees to continue in session or agrees to adjourn the meeting to a date sooner than the next regular meeting to dispose of the remaining agenda items.

### SECTION 9.0 RULES OF DEBATE

#### 9.1 Presiding Officer

The Presiding Officer may debate and vote. The Presiding Officer shall not be deprived of any rights and privileges of a Board Member by reason of acting as the Presiding Officer except as set forth in Section 9.2.

#### 9.2 Motions and Resolutions by the Presiding Officer

Prior to making a motion or resolution, the Presiding Officer shall relinquish the chair to the Vice-Chairperson or the next senior member of the Board. Upon completion of the vote on the motion or resolution, the Presiding Officer will automatically regain the gavel and continue to chair the meeting.

#### 9.3 Obtaining the Floor

Board Members desiring to speak shall address the Presiding Officer, and upon recognition by the Presiding Officer, shall confine themselves to the question under debate, avoiding all indecorous language.

#### 9.4 Parliamentary Inquiries

A Board Member may, without obtaining the floor, make an inquiry of the Presiding Officer for information on a point of order, a matter of parliamentary procedure or the rules of Board bearing on the business at hand. The Presiding Officer's reply to a parliamentary inquiry is not subject to an appeal or reconsideration. However, if a Board Member acts contrary to the Presiding Officer's opinion and is ruled out of order, an appeal may be taken to the Board. If an inquiry is made when another Board Member has the floor and an immediate answer is not necessary, the Presiding Officer can defer a reply until the floor has been yielded. The Presiding Officer is not obligated to answer hypothetical questions.

#### 9.5 Points of Information

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

#### 9.6 Questions of Personal Privilege

A Board Member may, without obtaining the floor, raise a question of personal privilege. An inquiry shall be addressed to the Presiding Officer and may be made without waiting for recognition. When disposed of, the business shall be resumed at exactly the point at which it was interrupted. The Presiding Officer shall rule whether the questions put is one of personal privilege, as defined by Section 5.6, and, if so; whether it is of sufficient urgency to warrant interrupting the business then in progress. A nondebatable appeal to the Board may be taken from the Presiding Officer's ruling.

#### 9.7 Interruptions

A Board Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer. When called to order while speaking, the Board Member must cease speaking until the point of order be determined and, if in order, shall be permitted to proceed.

9.8 Restriction of Discussion

Board Members shall confine their remarks and inquiries to the agenda item under consideration and speak only when recognized by the Presiding Officer, except as otherwise provided in these rules of order and procedure. A Board Member shall not call for a showing of hands or other demonstration of those present in the audience, unless granted permission to do so by the Presiding Officer.

9.9 Limitation of Debate

No Board Member may speak for longer than ten (10) minutes at any one time; unless additional time is granted upon a majority vote of the Board.

9.10 Precedence of Motions

When a question is before the Board, no motion shall be entertained except:

- A. To adjourn;
- B. To fix the hour of adjournment;
- C. To lay on the table;
- D. To call for a previous question;
- E. To postpone to a certain day;
- F. To refer;
- G. To amend;
- H. To substitute;
- I. To postpone indefinitely.

These motions shall have precedence in the descending order indicated. Any such motion, except a motion to adjourn, amend, or substitute, shall be put to a vote without debate.

9.11 Motions and Resolutions to be Stated by the Secretary.

The Secretary shall read the title of any motion, resolution, or item of business before debate, following which the Presiding Officer may request a report from the Secretary or other designated staff member.

9.12 Discussion Allowed Prior to Formal Motion

It shall not be necessary to make a motion or resolution prior to inquiry or debate by Board Members, or the public is allowed to speak.

9.13 Second Not Required

A second shall not be required in order to make a motion or resolution.

9.14 Motions Out of Order

The Presiding Officer or any Board Member may introduce a resolution or motion out of the regular order of the agenda, only with the majority consent of the Board.

9.15 Motion to Adjourn

A motion to adjourn shall be in order at any time, except as follows:

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

A motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.

9.16 Motion to Lay on the Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject may be resumed at that meeting only upon motion of a member voting with the majority.

9.17 Withdrawal of Motions

A motion may be withdrawn at any time before vote by the maker, after first gaining recognition from the presiding officer.

9.18 Motion for Previous Question

When a motion for the previous question is made by a Board Member, the Presiding Officer shall allow no further debate and shall ask "Shall the item now be voted on?" If the question carries, the Presiding Officer shall put pending amendments to vote, without debate, in the inverse order of their introduction, before putting the main questions, If the question "Shall the main question now be voted on?" is decided negatively, the main questions and its amendments remain before the Board. The motion calling for the previous question must be decided upon by five-seventh vote in the affirmative.

9.19 Division of Question

If a question put before the Board contains two or more separate propositions, the Presiding Officer may, and upon request of a Board Member, shall divide the question.

9.20 Motion to Amend an Amendment

After a motion to amend an amendment has been made and installed for debate, a motion to amend the same amendment further shall not be in order.

9.21 Motion to Postpone

A motion to postpone, except one to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely carries, the main motion is lost.

9.22 Motion to Reconsider

A motion to reconsider any action taken by the Board may be made at the meeting such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session of that meeting. Such a motion may be made only by a Board Member who voted with the prevailing side. After such a motion for reconsideration has been acted upon, no other such motion on the same question shall be made at that meeting.

### 9.23 Rehearing

After the Board has taken action on a matter or question, a motion to reconsider the action taken on such matter or question, or on a matter or question having substantially the same content or purpose of the matter or question already acted upon, shall not be made at a subsequent meeting for at least one (1) year from the date of such action, except by a Board Member who voted in the majority on such matter or question or upon the consent in writing of the majority of the Board Members filed with the Secretary. Such matter or question may, however, be reheard at a subsequent meeting after the one year period has elapsed. The item before the Board shall be whether the matter or question should be reheard; and, if the Board approves the request, it shall be placed on a future agenda for consideration.

## SECTION 10.0 VOTING

### 10.1 Quorum

A quorum shall be four (4) or more members of the Board.

### 10.2 Abstention

It shall be the duty of each Board Member present at a meeting of the Beautification and Design Review Board to cast a vote, "aye" or "nay", unless excused because:

- A. The Board Member has a personal or pecuniary interest in the matter under consideration; or
- B. The law otherwise declares that Board Member's participation is a conflict of interest; or
- C. The Board Member is disqualified by reason of absence from the hearing of a matter, the decision on which under the law must be based upon findings supported by testimony or other competent evidence introduced in the proceeding.

If a conflict of interest does exist, the Board Member shall declare this fact. The Board Member is then excused from voting 'aye' or "nay", and may cast an abstention vote. Other than to reflect the abstention, the vote shall not be counted for any purpose. Abstention for any reason other those mentioned above

shall constitute consent in the action proposed, and the Secretary shall announce at the meeting and enter in the Board's minutes that the abstention was cast as an "aye" vote pursuant to this rule.

Nothing in these rules of order and procedure is intended to abrogate the judicially declared "rule of necessity" adopted in the State of California pertaining to the duty of members of public legislative and administrative bodies to vote on matters which require their action.

Abstention is defined to include a Board Member's refusal or failure to vote when present and capable of casting a vote, unless excused for the reasons set forth above.

#### 10.3 Tie Vote

The affirmative vote of at least four (4) members shall be necessary to adopt any resolution or motion. Any question on which the vote is tied, is lost. In the event of a tie vote, the Presiding Officer or any Board Member may request the Secretary to carry over the item to the next regular meeting where a full Board will be present.

#### 10.4 Roll Call

The votes shall be cast and displayed on the electronic voting board so that each Board Member's vote may be recorded by the Secretary. In the event of a breakdown or a malfunction of the electronic voting equipment, the Secretary shall call the roll in the descending order that the names of the Board Members appear on the electronic voting board. The Secretary at the conclusion of the voting shall announce the results of the vote by stating whether the measure carried or failed and by what vote.

### **SECTION 11.0 PUBLIC PARTICIPATION**

#### 11.1 Policy

It is the policy of the Beautification and Design Review Board that members of the public shall be afforded the opportunity to speak on any agenda item providing they are first recognized by the Presiding Officer.



## 11.2 Addressing the Board

Any person desiring to address the Board by oral communication shall first secure the permission of the Presiding Officer by approaching the speaker's podium and waiting, silently, to be recognized by the Presiding Officer.

## 11.3 Spokespersons

Designated spokespersons for recognized groups or organizations will be given priority over Individuals who desire to address the Board.

## 11.4 Card System

Cards will be available at the rear of the Council Chamber for persons who wish to address the Board at a public hearing or on another item of agenda business. After filling out the information requested, the cards shall be handed to the Secretary or designated staff member. The Presiding Officer will call on those wishing to speak in the order in which the cards are received, except as provided in Section 8.11. After such persons are heard, the Presiding Officer may then call for any additional speakers.

## 11.5 Time Limits

Designated spokespersons for recognized groups or organizations will have five (5) minutes to address the Board; provided, however, that they may request additional time and will be granted such only with the permission of the Presiding Officer and subject to the consent of the Board. Individuals will be given three (3) minutes to address the Board unless additional time is allowed as provided for spokespersons.

## 11.6 Discussion Between Citizens and the Board

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

11.7 Topic for Discussion

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

11.8 Manner of Addressing the Board

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

11.9 Repetition

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

**SECTION 12.0 AMENDMENTS**

12.1 Notice of Amendment

These rules of order and procedure may be amended by the Board at any regular or special meeting, provided that notice of the proposed amendment or amendments, including the exact text of same, shall have been delivered to each Board Member at least three (3) days prior to the meeting date.

12.2 Submission for Council Approval

Any amendment adopted by the Board shall be submitted to the City Council for approval at the earliest convenient time as required by Section 405 of the City Charter, and shall become effective only upon such approval being given.

CITY COUNCIL APPROVAL

The foregoing Rules of Order and Procedure were approved by Resolution No. 14-005 N.C. adopted by the City Council on pursuant to Section 405 of the City Charter of the City of Vallejo.

**RESOLUTION NO. 14-005 N.C.**

**A RESOLUTION OF THE CITY COUNCIL ADOPTING THE RULES OF ORDER AND PROCEDURE FOR THE BEAUTIFICATION AND DESIGN REVIEW BOARD**

**BE IT RESOLVED** by the City Council of the City of Vallejo as follows:

**WHEREAS**, the Rules of Order and Procedure were developed to dictate the organization of the Beautification and Design Review Board and conduct of its meetings; and

**WHEREAS**, the Rules of Order and Procedure were created based on the format used for the former Design Review Board, and by other City Boards and Commissions; and

**WHEREAS**, the Beautification and Design Review Board adopted a resolution on December 12, 2013 to recommend City Council approval of the Rules of Order and Procedure; and

**WHEREAS**, the City Council, on January 14, 2014 in the City Council Chambers of City Hall, 555 Santa Clara Street, held a duly noticed public meeting to consider the adoption of the Rules of Order and Procedure for the Beautification and Design Review Board; and

**WHEREAS**, all interested persons filed written comments with the City Clerk at or before the meeting, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby resolves to:

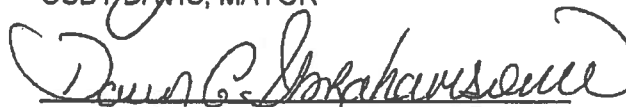
Adopt the Beautification and Design Review Board Rules of Order and Procedure as contained in Exhibit 1.

Adopted by the Council of the City of Vallejo at a special meeting held on January 14, 2014 with the following vote:

**AYES:** Mayor Davis, Vice Mayor Sampayan, Councilmembers Dew, Malgapo, McConnell, Miessner, and Verder-Aliga  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
\_\_\_\_\_  
OSBY DAVIS, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
DAWN G. ABRAHAMSON, CITY CLERK