LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

"SHIRTSLEEVE" SESSION

Date: January 10, 2006

Time: 7:00 a.m.

For information regarding this Agenda please contact:
Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

Informal Informational Meeting

A. Roll call by City Clerk

B. Topic(s)

B-1 Review of draft City Council Protocol Manual (CLK)

B-2 Receive for informational purposes preliminary rating from Standard and Poor's for Electric Utility (CM)

C. Comments by public on non-agenda items

D. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

_____
Susan J. Blackston
City Clerk

AGENDA ITEM B-01

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Review of Draft City Council Protocol Manual

MEETING DATE: January 10, 2006 (Shirtsleeve Session)

PREPARED BY: City Clerk

RECOMMENDED ACTION: Review draft City Council Protocol Manual.

BACKGROUND INFORMATION: The "*City Manager's Work Plan*" includes the project of preparing a comprehensive manual of standard operating procedures and written principles to guide City Council action and to direct staff in relationship to supporting the Council. The City Clerk's Office accepted this project, researched pertinent regulations governing the responsibilities of the City Council, and compiled the draft City Council Protocol Manual, attached as Exhibit A.

A formal presentation on the Protocol Manual will be given at the January 10 Shirtsleeve Session.

FISCAL IMPACT: None.

FUNDING AVAILABLE: N/A

_____
Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
Blair King, City Manager

council/councom/ProtocolManual.doc

City of Lodi

DRAFT
CITY COUNCIL PROTOCOL MANUAL

Adopted by the Lodi City Council
(Date)

Prepared by:

Office of the City Clerk
City of Lodi
221 W. Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

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CITY COUNCIL PROTOCOL MANUAL

1. PURPOSE

The purpose of establishing the City Council Protocol Manual is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

The protocols shall be amended by a majority vote of the Council Members and may be amended administratively by the City Clerk's Office in order to remain current with state and federal law.

2. STATUTORY REQUIREMENTS/REGULATIONS

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

2.1 The Brown Act

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding conflicts of interests and campaign receipts and expenditures.

2.3 Lodi Municipal Code (LMC)

The Lodi Municipal Code consists of those codified ordinances of general municipal regulations and laws of the City of Lodi.

2.4 LMC Chapter 2.04 Relating to Council Meetings

LMC Chapter 2.04, "City Council Meetings," sets forth the Regular Meeting and Shirtsleeve Session dates, times, and location and further establishes rules for the conduct of City Council meetings. (Attached as Exhibit A)

2.5 Rules of Conduct of Meetings, Proceedings, and Business (Res. 2004-282)

Resolution No. 2004-282, adopted by the Lodi City Council on December 15, 2004, establishes rules for the conduct of City Council meetings, proceedings, and business. (Attached as Exhibit B)

2.6 City of Lodi Administrative Policy Manual

The Administrative Policy Manual consolidates all administrative policies and procedures of a general or inter-departmental nature into one document. Administrative regulations meet the following criteria: 1) are directed toward an ongoing City process or procedure; 2) are limited to one major subject area; and 3) are applicable to more than one City department. Administrative regulations are issued from the City Manager's Office.

2.7 Code of Ethics & Values (Res. 2004-115)

Resolution No. 2004-115, adopted by the Lodi City Council on June 2, 2004, sets forth the code of ethics and values for Lodi City Council Members and City Council appointees.

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this code of ethics and values to promote and maintain the highest standards of personal professional conduct in the City's government. (Attached as Exhibit C)

3. COUNCIL ORGANIZATION

3.1 Newly-Elected Members

Newly-elected Council Members are sworn into office generally at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.

3.2 Reorganization

Pursuant to Lodi Municipal Code Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," the reorganization of the Council shall occur annually at the first regular Council meeting in December by electing a Mayor and Mayor Pro Tempore.

A community reception honoring the incoming Mayor, outgoing Mayor, and Council Members is traditionally held immediately following the reorganizational meeting.

3.3 Selection of Mayor and Mayor Pro Tempore

The term of office for the Mayor and Mayor Pro Tempore shall be one year. A majority vote of the Council is necessary to designate a Mayor and Mayor Pro Tempore. The election of the Mayor and Mayor Pro Tempore will take place as follows:

- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will turn over the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.

3.4 Duties of Mayor and Mayor Pro Tempore

The Mayor shall preside at the meetings of the Council. If he/she is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act.

In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be elected by the members of the Council present.

(Refer to LMC Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," LMC Section 2.04.080, "Call to order—Temporary chairman," and Res. 2004-282 for additional duties of Mayor and Mayor Pro Tempore.)

3.5 Seating Order

Following the Council reorganization, the City Clerk shall designate the seating order for the Council dais.

3.6 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at the function.

Council Members shall be reimbursed for admission, meal expenses, and mileage to attend ceremonial functions, for which the Council Member was invited to represent the City, pursuant to the City of Lodi Travel and Business Expense Policy.

3.6a Issuance of Proclamations and Certificates, Presentation of Gifts, and Public Recognition

PROCLAMATIONS AND CERTIFICATES OF RECOGNITION OR APPRECIATION: All requests for proclamations and certificates are subject to approval by and prepared on behalf of the Mayor. Proclamations and certificates are signed by the Mayor, and are prepared in response to the type of recognition requested

(which may include recognition of individuals, groups, and events of significance to the Lodi community). Proclamations and certificates may be presented at a City Council meeting or at an outside event or meeting. Typically, requests are honored for presentation at a Council meeting only if a local representative from the requesting agency can appear to accept the certificate.

PRESENTATION OF GIFTS: Requests for plaques, gifts, or awards shall be approved by the Mayor, or by the City Council should the request be over $1,000 (refer to Res. 2000-126, "Protocol Account Policy").

IN MEMORY OF: A meeting may be dedicated in memory of an individual at the direction of the Mayor or Member of the City Council. If the meeting is dedicated, the individual's family will be mailed a letter by the City Clerk's Office acknowledging the dedication.

4. COUNCIL ADMINISTRATION

4.1 Salaries and Benefits

Council salaries are established by LMC Chapter 2.08, "City Council Salaries." Government Code Section 36516 provides specific restrictions for adjusting Council salaries. Council Members shall be entitled to certain benefits, as outlined in Resolution No. 2000-211, which was adopted on November 15, 2000.

4.2 Travel and Expense Reimbursements

The Council shall establish an annual budget for conferences, meetings, training, and representation at ceremonial functions. Council Members shall attend these functions at his/her own discretion for purposes of improving his/her comprehension of and proficiency in municipal affairs and/or legislative operations.

The expenses of spouses who accompany public officials in the conduct of their public duties cannot be reimbursed (75 Cal. Op. Att'y. Gen. 20 (1992)).

4.2a City of Lodi Travel Policy (Adopted 1/5/94)

Council Members shall be subject to the City of Lodi Travel Policy as adopted by the Lodi City Council on January 5, 1994.

4.2b Appointment of Delegate/Alternate to National League of Cities and League of California Cities Annual Conferences (Res. 96-138)

Pursuant to Resolution No. 96-138, adopted by the Lodi City Council on September 18, 1996, the Mayor shall serve as the voting delegate and the Mayor Pro Tempore shall serve as the

voting alternate for all National League of Cities and League of California Cities annual business meetings. In the event the Mayor and/or Mayor Pro Tempore does not attend the meeting, the Mayor shall make the selection of the voting alternate and/or delegate.

4.3 Protocol Account Policy (Res. 2000-126)

Pursuant to Resolution No. 2000-126, adopted by the Lodi City Council on July 19, 2000, expenses used for such occasions as Council receptions and business luncheons, joint dinner meetings with various agencies and organizations, and supplies associated with Mayoral duties (e.g. plaques and awards, sympathy and congratulation tokens, etc.) would require specific City Council approval, if over $1,000. A monthly itemized report of the Protocol Account shall be provided to the City Council by the City Clerk.

4.4 Appointment of City Council Appointees (LMC Title 2)

Pursuant to LMC Section 2.12.010, "Office established—Appointment—Qualifications," the office of City Manager is established, which shall be appointed by the City Council solely on the basis of his/her executive and administrative qualifications. The powers and duties of the City Manager are set forth in LMC Section 2.12.060, "Powers and duties generally."

Pursuant to LMC Chapter 2.13, "City Clerk," the City Clerk shall be appointed by the City Council, which shall prescribe the qualifications, additional duties, and compensation of the City Clerk. The powers and duties of the City Clerk are further set forth in LMC Chapter 2.13, as well as those specified in California Government Code §40801 et seq. and other state and local statutes.

Pursuant to LMC Chapter 2.14, "City Attorney," the City Attorney shall be appointed by the City Council and shall serve as legal counsel to the City government and all officers, departments, boards, commissions, and agencies thereof. The powers and duties of the City Attorney are further set forth in LMC Chapter 2.14, as well as those prescribed by state law and by ordinance or resolution of the City Council.

4.5 Evaluation of City Council Appointees (Res. 2002-224)

Pursuant to Resolution No. 2002-224, adopted by the Lodi City Council on November 6, 2002, the City Council shall conduct Council Appointees' evaluations annually over the course of two City Council closed session meetings.

The purpose of Council Appointee evaluations is to: 1) motivate Appointees to work at their highest capacity by jointly establishing job standards and objectives, review progress toward achieving those results, and subsequently plan the Appointee's future development; 2) determine an Appointee's performance level to assist in making appraisals for merit pay increases and disciplinary actions; and 3) serve as a means of communication between City Council and the Appointee.

5. COMMISSION APPOINTMENTS

5.1 Commissions

City commissions (which hereinafter include standing Council-appointed boards, commissions, and committees) serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests. The Planning Commission (LMC Chapter 2.16, "Planning Commission") has authority to make final determination in applicable circumstances (see LMC Title 17, "Zoning").

5.2 Commission Appointments

Resolution No. 2003-156, adopted by the Lodi City Council on August 20, 2003, establishes the policy regarding appointment of persons to membership on City commissions. Commission applicants, with the exception of the Greater Lodi Area Youth Commission, must be registered voters of San Joaquin County, and Site Plan and Architectural Review Commission applicants must be registered voters of the City of Lodi. Pursuant to LMC Section 2.16.010, "Established—Appointment," Planning Commission applicants must be registered voters of the City of Lodi. Applications are to be accepted by the City Clerk for 30 days and shall remain valid and on file for one year. Exception: Full-time and part-time City employees are prohibited from serving on a commission.

Those seeking appointment to a commission must submit an application to the City Clerk's Office. Those commissioners whose terms have expired must submit a new application; terms are not automatically renewed. Following the close of the 30-day application period, copies of all applications will be provided to Council Members for informational purposes, as well as to the appropriate staff liaisons. Exception: The Greater Lodi Area Youth Commission may conduct independent interviews of all applicants, providing the Mayor with a ranking of the top ten, which he/she shall use in selecting qualified candidates.

The Mayor may request interviews or otherwise determine a selection process and shall submit recommendation(s) for appointment to the City Clerk's Office for placement on the City Council agenda for motion action.

5.3 Commission Responsibility

Commissioners should respect the public and staff and shall take seriously their responsibility for reporting to the City Council. Commissioners shall make a good faith effort to attend all scheduled meetings and will notify the City liaison if they will be absent. Each Council-appointed commission shall be designated a staff liaison who

shall make certain that the commission is properly instructed on its responsibilities and performance expectations. This may include the issuance of the commission's bylaws or guidelines, as well as copies of The Brown Act and Resolution No. 2004-282, "Rules of Conduct of Meetings, Proceedings, and Business." The City Attorney may from time to time conduct Brown Act workshops for new commissioners.

Commissioners may address the Council on items discussed by their respective bodies but should be limited to the chair or a representative that has been appointed by the commission. This will not take precedence over any individual's first amendment right to address the Council as an individual.

5.4 Council Contact with Commissions

Members of the City Council should not attempt to influence or publicly criticize commission recommendations, or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. An exception to the Brown Act allows a legislative body majority to attend an open and noticed meeting of a standing committee of the legislative body provided that the legislative body members who are not members of the standing committee attend only as observers, meaning that they cannot speak or otherwise participate in the meeting.

5.5 Ad Hoc Committees and Task Forces

The City Council, through the City Manager, shall make certain that all Council-appointed ad hoc committees and task forces are properly instructed in their assigned scope of work and responsibility. The expected output of their effort shall be clearly defined. Ad hoc committees and task forces are responsible for keeping the Council informed about issues being considered and their progress. This is to be accomplished by meeting minutes distributed in the Council weekly packets. Ad hoc committees and task forces are responsible for advising the Council of any need for information or more specific instructions. Ad hoc committees and task forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.

5.6 Council Service on Commissions

Council Members are requested to serve on various commissions for outside agencies. Following a City election, at which new Council Members are elected, the newly-seated Council shall review the list of current assignments and make recommendations for appointments. Any Council Member desiring to serve on a certain commission should inform the Mayor. Council Members resigning from his/her position on a certain commission should inform the Mayor (via the City Clerk's Office) in writing. Appointments are subject to approval by a majority of Council.

Council representatives to such commissions shall keep the Council informed of ongoing business through periodic updates under the "Comments by Council" segment of the regular City Council meeting agenda or other means as appropriate.

5.7 Regional Boards

The role of the Council on regional boards will vary depending on the nature of the appointment. Representing interests of Lodi is appropriate on some boards; this is generally the case when other local governments have its own representation. Examples might be serving on the Northern California Power Agency and Northern San Joaquin County Groundwater Banking Authority. Other appointments, such as San Joaquin Council of Governments, are broader in nature; these boards depend on its members taking a more regional approach.

The positions taken by the appointed representative are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi. If an issue should arise that is specific to Lodi and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board to assure that it is in alignment with the Council's position.

6. MEETING GUIDELINES & PROCEDURES

6.1 Attendance / Quorum

Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Clerk if they will be absent from a meeting. The City Clerk will then notify the City Manager, City Attorney, and all other Council Members.

Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any Council Member in the absence of the Mayor and Mayor Pro Tempore, or in the absence of all Council Members, the City Clerk, or his/her designee, shall adjourn the meeting to a stated day and hour or cancel the meeting due to the lack of a quorum.

Rule of Necessity: If enough Council Members are disqualified (e.g. conflict of interest) such that a quorum cannot be met the disqualified Members shall draw lots to rehabilitate a sufficient number of Council members to permit Council action. Direction from the City Attorney should be sought to determine that real conflict exists to necessitate the need to use the Rule of Necessity.

6.2 Meeting Dates

Whenever possible, taking into consideration the number of participants and room availability, all Council meetings noticed for action shall be scheduled in the Council Chamber at the Carnegie Forum to allow for a live cable-cast of a meeting.

6.2a Regular Meetings & Informal Informational (Shirtsleeve) Sessions

Pursuant to LMC Chapter 2.04, "City Council Meetings," regular meeting dates are the first and third Wednesday of each month commencing at 7 p.m. Informal Informational (Shirtsleeve) Sessions are held every Tuesday morning at 7 a.m.

6.2b Special/Joint/Adjourned/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings. The City Council may from time to time hold special joint meetings with boards and commissions or outside agencies or groups.

6.3 Agenda / Council Meeting

6.3a Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, converted electronically, posted to the Web, and distributed through the City Clerk's Office, pursuant to the "City Council Agendas, Council Communications, and Packet Policy/Procedure." Agenda packets (in CD format) shall be delivered to Council Members on the Friday prior to the Council meeting.

6.3b Placing Items on the Agenda

Pursuant to LMC Section 2.04.180 "Preparation of agendas," matters may be placed on the agenda for consideration by request of 1) any member of the City Council, 2) the City Manager, 3) the City Clerk, and 4) the City Attorney. If a request is made by a Council Member at a Council meeting, it is suggested that a vote be taken, or an indication through concurrence, that there is an interest by a majority of Council to hear the matter. Any reasonable request by any person named in this section shall be honored, subject to the City Manager's discretion as to the preparation of accompanying staff reports.

Requests from the public to place an item on the agenda are to be directed to the City Clerk's Office and shall be handled in the following manner:

- <u>Proclamation/Certificate</u> – All requests for proclamations and certificates are subject to approval of the Mayor and are typically honored only if a local representative from the requesting agency can appear to accept the certificate.
- <u>Presentations</u> – Most requests for presentation by civic groups and local organizations and requests for recognition of Eagle Scouts or for excellence in academics, athletics, etc. shall be honored and placed appropriately under the "Presentations" segment of the agenda.

- Item for Discussion/Action – Requests to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should submit in writing his/her specific request. The City Clerk shall then place the matter on the agenda under "Communications." The Council shall not take action on the matter other than to either 1) direct that the matter be placed on a future agenda or 2) direct staff to research the issue and report back to Council.

6.3c Order of Agenda Items

Resolution No. 2005-10, adopted by the Lodi City Council on January 11, 2005, establishes the order of business for City Council meetings. Topics anticipated to be of greatest interest to the public will be placed at the beginning of the Regular Calendar.

6.3d Agenda Posting

The agenda for any regular, special, or Shirtsleeve Session meeting shall be made available to the general public.

For every regular, special, or Shirtsleeve Session meeting, the City Clerk, or other authorized person, shall post the agenda, specifying the time and place at which the meeting will be held and a brief description of all items of business to be discussed at the meeting. The agenda shall be posted according to law at the following locations:

- Lodi City Hall – 221 W. Pine Street
- City Clerk's Office – 221 W. Pine Street, 2nd Floor
- Lodi Carnegie Forum* – 305 W. Pine Street
- Lodi Public Library – 201 W. Locust Street
- On the Internet – www.lodi.gov

*NOTE: This is the official City of Lodi posting location freely accessible to the public 24 hours a day.

6.3e Americans with Disabilities Act Statement

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act in substantially the following language, making the City Clerk the contact for inquiries.

"NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date."

6.3f Limitation to Act Only on Items on the Agenda

No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

- Upon a majority determination that an "emergency situation" (as defined by state law) exists; and
- Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

6.3g Supplemental Information ("Blue Sheet" Items)

At times, it may be necessary to amend or provide new information to Council following the publication of the City Council packet. Supplemental material that revises a previously submitted item shall show new information in bold and deleted information in strikethrough. Supplemental material that adds further information to a previously submitted item (e.g. a new Council Communication or attachment) shall contain the statement "SUPPLEMENTAL INFORMATION" on the top, right-hand side of the new material. All supplemental material shall be copied on blue paper and distributed to Council Members and key staff members, in addition to the public information table, prior to the start of the meeting.

6.3h Closed Session

Closed sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session, unless authorized by a majority of Council. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect, and tolerance for all viewpoints and for the right of Council Members to disagree.

In accordance with Resolution No. 80-101, adopted by the Lodi City Council on August 6, 1980, the City Clerk is authorized to attend all closed session meetings to record motions and actions taken by the City Council. The City Attorney, following the adjournment of a closed session, shall disclose all reportable action taken in the closed session, which shall be recorded into the record by the City Clerk.

6.3i Invocations

The purpose of conducting invocations is to honor the importance of religion in the lives of Lodi citizens. Invocations are not for the purpose of fostering or establishing any religious belief, but are in recognition of the role that freedom of religion has played in the history of the country and the contribution that the faith community makes to the quality of life in Lodi.

Presenters of the invocation before City Council meetings will be invited from all religious groups who have expressed an interest in participating. Invocations are to be non-sectarian and non-denominational.

6.3j Presentations

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline.

6.3k Consent Calendar

Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the "Consent Calendar." These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

6.3l Public Comments

Pursuant to the Brown Act, public comment will be allowed on specific items of business on the Council agenda before or during the Council's consideration of the matter. Members of the public wishing to address Council on a closed session topic will be allowed an opportunity to do so prior to Council adjourning to closed session. Public comments will also be allowed on any item not on the agenda but within the jurisdiction of the City Council. Public comments on non-agenda items are limited to five minutes each. Individuals desiring to speak are encouraged to submit a request to speak card to the City Clerk listing their name and address.

All comments and testimony shall be made from the podium through the Mayor; no comment or testimony shall be shouted from the audience. Comment and testimony are to be directed to the City Council. Dialogue between and inquiries from citizens at the podium and members of staff or the seated audience is not permitted. Inquiries which require staff response shall be referred to staff for response at a later time.

The City Council cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the City Council itself; however, the Brown Act provides no immunity for defamatory statements. Any person who addresses the City Council in a manner which disrupts, disturbs, or impedes the orderly conduct of the meeting may be asked to terminate his/her comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, may be grounds for removal from the meeting.

6.3m Council Comments

Individual Council Members may make comments on any non-agenda item. Comments are generally for informational purposes or to request a future report on a matter; it is not intended for detailed discussion of an item or for action (Gov. Code Section 54954.3).

6.3n Public Hearings

Public hearings may be required on certain items as prescribed by the Lodi Municipal Code or by state or federal law. In addition to the public hearing procedures set forth in Resolution 2004-282, adopted by the Lodi City Council on December 14, 2004, the general procedure for public hearings is as follows:

1. Staff presents its report. Council Members may ask questions of staff.

2. The Mayor opens the public hearing.

3. The applicant or appellant has the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant or appellant to present his/her case.

4. Members of the public may present their comments subject to time limits established by the Mayor.

5. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.

6. Council deliberates and takes action.

6.3o Regular Calendar

Those items on the Council agenda that are considered to require Council discussion or public input shall be listed on the "Regular Calendar." These items so listed shall be approved, adopted, accepted, etc. separately by the Council.

6.3p Ordinances

Ordinances involve a command or prohibition and have the force of law in the city for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required—one to introduce (on the Regular Calendar) and a second to adopt the ordinance (under Ordinances). Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. continued) Regular meeting; except for urgency ordinances, ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect 30 days following the date of adoption.

6.3q Resolutions

A resolution expresses City Council policy or directs certain types of administrative action and may be changed by a subsequent resolution. Resolutions are effective on the date of adoption.

6.3r Minute Motion

A minute motion is the most informal official action taken by the City Council. It ordinarily is used to indicate majority approval of a procedural action, such as accepting grant deeds, approving plans and specifications and agreements, or otherwise authorizing disposition of an agenda item.

6.3s Agency Meetings (LPIC, IDA, LFC, RDA)

The City Council, which also sits as members of the Lodi Public Improvement Committee (LPIC), Improvement Development Authority (IDA), Lodi Financing Committee (LFC), and the Redevelopment Agency (RDA), shall meet annually at the second meeting in December to elect new officers. Typically, the Mayor shall serve as Chairperson or President and the Mayor Pro Tempore shall serve as the Vice Chairperson or Vice President. The RDA members are entitled to compensation of $30 per meeting up to four meetings per month; however, they may vote to waive the compensation.

6.3t Shirtsleeve Sessions

Pursuant to LMC Section 2.04.020, "Informal Informational Meetings," the City Council shall meet each Tuesday morning at the hour of 7 a.m. in the Council Chamber for an informal study meeting (Shirtsleeve Session), subject to notice requirements as provided by law. No formal action shall be taken by the City Council at such meetings.

6.3u Council Communications

Each City Council agenda item shall have a coordinating staff report (Council Communication) prepared by the originating department. Council Communications are written specifically for the purpose of communicating information necessary for policy and decision-making and shall include an abbreviated history, the overall intent and need for the requested action, and its impact or affect on the community, services, and programs of the City.

6.3v Submitted Materials

Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk.

6.3w Minutes

The City Clerk, or his/her designee, shall attend and prepare comprehensive summary minutes of all public meetings of the City Council. Minutes ready for Council approval shall be placed on the regular City Council meeting agenda and included in the Council packet. Pursuant to LMC Section 2.04.110, "Reading and approval of minutes," any Council Member can request a correction or amendment to the minutes, subject to verification by the City Clerk. It is suggested that Council Members contact the City Clerk no later than Tuesday before the regular meeting, which will allow the Clerk time to review the audio tape to ensure that the requested amendment was verbalized at the meeting, and if so, make the change to the minutes and present the amended minutes to Council on the day of the meeting for approval.

6.4 Rules of Conduct

6.4a Discussion Rules

The Mayor or presiding officer has the responsibility to control the debate and the order of speakers pursuant to the rules for conduct of meetings, proceedings, and business as set forth in Resolution No. 2004-282.

6.4b Council Comments

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council.

6.4c Speaker Time Limits

Members of the public speaking on non-agenda items shall be limited to five minutes. Where the Council determines that the existence of unusual or controversial issues exists, that the large number of speakers wishing to address the Council so justifies, or that other considerations make modification appropriate, the Mayor may limit the amount of time to be afforded each speaker.

6.4d Council Questions of Speakers

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor. Members of Council shall not engage in debate with a member of the public at Council meetings.

6.5 Decorum

6.5a Council Members / Council Appointees

Resolution No. 2004-115, adopted by the Lodi City Council on June 2, 2004, establishes the code of ethics and values to be followed by City Council Members and City Council Appointees (i.e. City Manager, City Attorney, and City Clerk). Members of the City Council and Council Appointees value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members and Appointees shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council. At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

6.5b City employees

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Council Members and members of the public.

6.5c Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

6.5d Noise in the Chamber

Noise emanating from the audience within the Council Chamber or lobby area, which disrupts City Council meetings, shall not be permitted.

6.6 Use of Council Chamber

As set forth in the City of Lodi Administrative Policy and Procedure Manual, the following are authorized uses of the spaces in the Carnegie Forum.

1. All meetings of the City Council.
2. All meetings of City boards and commissions when such boards and commissions are staffed by a City liaison person.
3. Meetings called by a Council Member(s) to discuss City business with constituents and others.
4. Department Head and other City staff meetings.
5. City employee training sessions.
6. General meetings of City employees for the purpose of disseminating job-related information.
7. Professional meetings hosted/conducted by City staff.
8. City-sponsored community awareness programs.

Exceptions to this policy may be made only on the authority of the City Council. The Council Chamber cannot be used as a location for taking campaign photos. All requests for use of Carnegie Forum spaces shall be made through the Secretary to the City Manager.

7. COMMUNICATIONS

7.1 Processing and Delivering of Mail

Upon authorization of the City Council Member, the City Clerk shall open all mail addressed to the Mayor and City Council Members, with the exception of those marked “Personal” or “Confidential.”

<u>Communication Addressed to the “City Council”</u>
All correspondence addressed to the “City Council” is treated as public information. A copy is made for each member of the City Council, City Manager, City Attorney, and all other affected departments for information, referral, or handling. The original document is retained in the City Clerk’s Office file.

<u>Communication Addressed to the “Mayor”</u>
Commonly, the sender’s intent when addressing communication to the “Mayor” is merely to forward it to the head of the city governing body, and consequently, this type of correspondence is often handled in the same manner as communication addressed to the “City Council.” Handling of the Mayor’s mail is, however, at the discretion of the individual serving in this capacity, which is ascertained each year following the reorganization of the City Council.

Communication Addressed to *Individual* Council Members

Communication addressed specifically to individual City Council Members is treated as personal mail and is only opened by the City Clerk's Office if express authorization to do so was given by the Council Member. No copies are made or distributed. Should a response be needed, it is up to the individual Council Member to whom the correspondence was addressed, as is forwarding the information to affected departments if appropriate.

7.2 Council Calendar

An Annual Calendar List of Events shall be prepared by the City Clerk's Office, which includes City-related events, functions, meetings, and annual conferences. A weekly calendar is also prepared by the City Clerk and distributed to each Council Member, Administrative staff, and the press for informational purposes. It shall be the responsibility of the Council Members to notify the City Clerk of their attendance at an event, for which the City Clerk will handle the arrangements.

7.3 Citizen Complaint Process

All complaints directed to the Mayor or City Council Members (via letter, e-mail, facsimile, verbal, or voice mail) shall be given to the City Council and a copy forwarded to the City Manager's Office for tracking purposes, as well as to the City Attorney and all other affected departments.

Council Members are discouraged from responding directly to complaints without first coordinating with the City Manager's office to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response. Staff will copy or otherwise communicate their response to the City Council.

7.4 Use of City Letterhead or City Seal

All Council Member correspondence written on City resources, i.e. letterhead, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council. The City Clerk is the custodian of the Official City Seal pursuant to Lodi Municipal Code 2.13.010. The City Seal shall not be altered and is to be used only on official City documents.

7.5 Communications with Staff

Pursuant to LMC Section 2.12.070, "Council to Deal Exclusively through City Manager," the City Council and its members, except for the purpose of inquiry, shall deal with administrative services solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any of the subordinates of the City Manager. A Council Member shall not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project or study without the approval of a majority of Council. Exception: Pursuant to LMC Title 2.13 and 2.14, the City Attorney and City Clerk are appointed by the City Council and shall report his/her advice, recommendations, and requests directly to the City Council.

In regard to an agenda item question, Council Members are encouraged to contact staff members to ask questions for clarification prior to the meeting, at which the subject will be discussed.

7.6 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the City Manager.

7.7 Handling of Litigation / Confidential Information

Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, or City Manager.

7.8 Representing Majority vs. Individual Opinion

A person elected to City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Council Member retains the right to speak as an individual, not as a member of the City Council, but must make it very clear that he/she speaks on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the City Council.

8. CONFLICT OF INTEREST / ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS

8.1 Conflict of Interest

The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. Specifically, it requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as

investments, real property, and income. Council Members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial affect on any economic interest of the Council Member or certain family members.

The Political Reform Act requires state and local government agencies to adopt and promulgate conflict of interest codes, which shall be reviewed bi-annually on even-numbered years. On December 1, 2004, the Lodi City Council adopted Resolution No. 2004-268 amending the City of Lodi's Conflict of Interest Code.

8.2 Statements of Economic Interest

A financial disclosure form (Statement of Economic Interest) must be filed with the City Clerk no later than April 1 of each year for financial interests pertaining to the preceding calendar year. Newly-elected Council Members must file a statement within 30 days of officially assuming office. Certain commission members and City employees are also subject to this disclosure requirement.

8.3 Make and Participate in Making a Decision

An official makes a decision when the official votes on a matter, appoints a person, obligates or commits the City to any course of action, or enters into any contract on behalf of the City. Pursuant to LMC 2.04.140, "Voting," all members of the Council, when present, must vote. If a member of the Council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote unless, however, the Council Member abstains from voting by reason of his/her interest in the matter before the Council and that reason is stated at the meeting.

An official participates in making a decision when the official negotiates on behalf of the City without significant substantive review, or advises or makes recommendations to the decision maker, either directly or without significant intervening substantive review.

8.4 Exceptions

Making or participating in the making of a decision does not include ministerial, secretarial, manual or clerical actions, appearances by the official as a member of the general public before any body of the City in the course of its prescribed governmental function to represent himself/herself on matters related solely to his/her personal interest.

8.5 Provision of Advice

Any official who is uncertain as to whether he/she may have a conflict of interest shall seek clarification from the City Attorney; however, the official must understand that the City Attorney may not keep the consultation confidential from the full Council, and the City Attorney's

opinion is not a defense to a Fair Political Practices Commission (FPPC) enforcement action. When in doubt, the City Attorney can request a formal opinion from the FPPC if the request is made at least four weeks in advance.

8.6 Using Official Position to Influence

Council Members shall not attempt to coerce or influence any member, officer, official, consultant, or commission member of the City in the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.

EXHIBIT A

Chapter 2.04

CITY COUNCIL MEETINGS

Sections:

2.04.010	**Regular meetings—Day and time.**
2.04.020	**Informal informational meetings.**
2.04.030	**Meeting place.**
2.04.040	**Meetings to be public.**
2.04.050	**Special meetings.**
2.04.060	**Quorum.**
2.04.070	**Presiding officer—Mayor—Mayor pro tempore.**
2.04.080	**Call to order—Temporary chairman.**
2.04.090	**Roll call.**
2.04.100	**Order of business—Assembly of officers.**
2.04.110	**Reading and approval of minutes.**
2.04.120	**Rules of debate.**
2.04.130	**Addressing the council.**
2.04.140	**Voting.**
2.04.150	**Decorum.**
2.04.160	**Persons allowed within rail.**
2.04.170	**Entry of dissent in minutes.**
2.04.180	**Preparation of agendas.**
2.04.190	**Closed sessions—Confidentiality.**

2.04.010 Regular meetings—Day and time.

Regular meetings of the council shall be held on the first and third Wednesday of each month at seven p.m.; provided, however, that any such regular meeting at which a closed session is to be held may be commenced, for the holding of such closed session, at such earlier time on the meeting day as may be noticed on the council's agenda and posted at least seventy-two hours in advance of such earlier commencement time. In the event of any such earlier commencement of a regular meeting for the purpose of holding a closed session, no other items of business on the council's meeting agenda shall be addressed before seven p.m. In case the regular meeting falls upon a legal holiday, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of seven p.m. (Ord. 1699 § 1, 2001)

2.04.020 Informal informational meetings.

Informal informational meetings of the city council shall be held on each Tuesday morning of each month at the hour of seven a.m. in the council chambers of the city or at such location and at such time as the council may deem appropriate, subject to notice requirements as provided by law. No formal action shall be taken by the city council at such meetings. The city manager, city attorney, department heads and members of the public, as the council may request, shall be present and present such information as may be deemed desirable. (Ord. 1594 § 1 (part), 1994)

2.04.030 Meeting place.

All regular meetings of the council shall be held in the council chambers, Carnegie Forum Building, Lodi, California, or at such other place as the council may deem appropriate, subject to notice requirements as provided by law. If by reason of fire, flood, earthquake or other emergency, it is unsafe

to meet in the place so designated, the meetings may be held for the duration of the emergency at such place as is designated by the mayor. (Ord. 1594 § 1 (part), 1994)

2.04.040 Meetings to be public.

All meetings of the council shall be open to the public. (Ord. 1594 § 1 (part), 1994)

2.04.050 Special meetings.

At any time the mayor or three city council members may call a special meeting by delivering written notice to each member and to each local newspaper of general circulation, radio or television station requesting notice in writing, such notice to be delivered personally or by mail at least twenty-four hours before the time of such meeting. Written notice may be dispensed with if a representative of the newspaper, radio or television station is present at the meeting and if all council members give their written consent to the meeting and the consent is filed in the city clerk's office when the meeting is held. A council member may give such consent by telegram. (Ord. 1594 § 1 (part), 1994)

2.04.060 Quorum.

A majority of all members elected to the council shall constitute a quorum at any regular or special meeting of the council. Unless otherwise required by law, a simple majority of the members present may take action or adopt ordinances or resolutions. (Ord. 1594 § 1 (part), 1994)

2.04.070 Presiding officer—Mayor—Mayor pro tempore.

The presiding officer of the council shall be the mayor who shall be elected by the council annually at the first regular meeting after the canvass of votes done in conjunction with the statewide general election in even-numbered years. In years where there is no general statewide election, the mayor shall be elected at the first regular meeting in December. At the time of the election of the mayor, one of the members of the council shall be chosen as mayor pro tempore. If the mayor is absent or unable to act, the mayor pro tempore shall serve until the mayor returns or is able to act. The mayor shall preserve strict order and decorum at all regular and special meetings of the council. He shall state every question coming before the council, call for the vote, announce the decision of the council on all subjects and decide all questions of order, subject, however, to an appeal to the council, in which event a majority vote of the council shall govern and conclusively determine such question of order. He shall sign all ordinances adopted by the council during his presence. In the event of the absence of the mayor, the mayor pro tempore shall sign ordinances as then adopted. (Ord. 1594 § 1 (part), 1994)

2.04.080 Call to order—Temporary chairman.

The mayor, or in his/her absence the mayor pro tempore, shall take the chair at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor or mayor pro tempore, the city clerk, or the acting city clerk shall call the council to order whereupon a temporary chairperson shall be elected by the members of the council present. Upon the arrival of the mayor or mayor pro tempore, the temporary chairperson shall

immediately relinquish the chair upon the conclusion of the business immediately before the council. (Ord. 1594 § 1 (part), 1994)

2.04.090 Roll call.

Before proceeding with the business of the council at regular, special or informational sessions, the city clerk or the acting city clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. (Ord. 1594 § 1 (part), 1994)

2.04.100 Order of business—Assembly of officers.

All meetings of the council shall be open to the public, except for closed sessions as permitted by law. The council shall provide by resolution the order of business for regular meetings of the council, and shall provide therein for public comment as required by law. In attendance shall be the city manager, the city clerk, and the city attorney or their authorized designees. (Ord. 1699 § 2, 2001)

2.04.110 Reading and approval of minutes.

Unless the reading of the minutes of a council meeting is requested by a majority of the council, such minutes may be approved without reading if the city clerk has previously furnished each member with a copy thereof. Any council member can correct an error in the minutes, subject to verification by the clerk. (Ord. 1594 § 1 (part), 1994)

2.04.120 Rules of debate.

The council shall, by resolution, adopt rules of conduct and debate applicable to all city council meetings. (Ord. 1594 § 1 (part), 1994)

2.04.130 Addressing the council.

A. Any interested person may, subject to the rules of procedure adopted hereunder, speak on any item coming before the council. It shall not be required that persons wishing to speak give prior written notice, but priority shall be given to those who have so notified the city clerk in advance.

B. After a motion is made and seconded, no person shall address the city council without first securing permission of the council to do so.

C. Remarks by the public shall be made only from the podium. Speakers shall first give their names and addresses for the record, and no one shall be permitted to enter into any discussion without permission of the presiding officer. (Ord. 1594 § 1 (part), 1994)

2.04.140 Voting.

All members of the council, when present, must vote. If a member of the council states that he is not voting, his silence shall be recorded as an affirmative vote unless, however, the council member abstains from voting by reason of his/her interest in the matter before the council and that reason is stated at the meeting. (Ord. 1594 § 1 (part), 1994)

2.04.150 Decorum.

A. Council Members. While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while

speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise provided by this chapter. Any member who, after warning by the chair, repeatedly violates these rules may be ejected for the remainder of the meeting by two-thirds vote of the council.

B. Other Persons. Any person making personal, impertinent or slanderous remarks or who becomes boisterous during the council meeting shall be forthwith, by the presiding officer, barred from further audience at the meeting before the council, unless permission to continue is granted by a majority vote of the council.

C. Any violation of this section may be punished as an infraction pursuant to Section 1.08.010 of this code. (Ord. 1594 § 1 (part), 1994)

2.04.160 Persons allowed within rail.

No person, except city officials, their representatives and newsgathering or media personnel, shall be permitted within the rail in front of the council chamber during meetings, without the express consent of the council. (Ord. 1594 § 1 (part), 1994)

2.04.170 Entry of dissent in minutes.

Any council member shall have the right to have the reasons for his dissent from, or protest against, any action of the council entered on the minutes. (Ord. 1594 § 1 (part), 1994)

2.04.180 Preparation of agendas.

A. Consistent with the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.), the agenda for council meetings shall be prepared by the city manager, and distributed by the city clerk.

B. Matters may be placed on the agenda for consideration by the city council by request of:

1. Any member of the city council;
2. The city manager;
3. The city clerk;
4. The city attorney.

C. Any reasonable request by any person named in this section to place a matter on the agenda shall be honored, subject to the city manager's discretion as to the preparation of accompanying staff reports. (Ord. 1594 § 1 (part), 1994)

2.04.190 Closed sessions—Confidentiality.

A. No officer, employee or agent of the

city shall, without proper authorization, divulge confidential information received by such person as part of his or her official duties during any closed session of the city council authorized under the Ralph M. Brown Act (Government Code Section 54950 et seq.) as it now exists or may later be modified.

B. Such confidential information may include but is not limited to matters involving pending litigation, property acquisition, labor negotiations, personnel matters or other information, the disclosure of which would reasonably be likely to prejudice the good faith conduct of city business, constitute an unwarranted invasion of privacy, or place the city at an unfair disadvantage in negotiations.

C. For purposes of this section, "proper authorization" means:

1. In matters of personal privacy, a waiver by the individual enjoying such right of privacy;

2. The order or subpena of a court of competent jurisdiction;

3. Authorization by the city council as a body;

4. Conclusion or finalization of the matter or subject involved, as determined by the city council.

D. Nothing in this chapter shall be deemed a waiver of any other confidential privilege for any information established elsewhere by statute or case law. (Ord. 1594 § 1 (part), 1994)

RESOLUTION NO. 2004-282

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING AND ESTABLISHING RULES FOR THE CONDUCT
OF ITS MEETINGS, PROCEEDINGS, AND BUSINESS AND
THEREBY RESCINDING RESOLUTION 93-35

WHEREAS, the Lodi City Council, pursuant to Chapter 2.04 of the Lodi Municipal Code, is empowered and required to adopt by resolution, rules of conduct for City Council meetings; and

WHEREAS, it is desirable to make such procedural rules applicable to all other boards, commissions, and committees of the City.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows :

SECTION 1. RULES OF CONDUCT AND DEBATE FOR THE CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES

A. Presiding Officer May Debate.

The Mayor or presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules established. The chair shall not be deprived of any of the rights and privileges of a Council or board member by reason of being the presiding officer.

B. Obtaining The Floor.

Any member of the Council or board wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any member who seeks the floor when appropriately entitled to do so.

C. Motions.

The chair or any member of the Council or board may bring any matter of business appearing on the agenda before the body by making a motion. The chair shall open the matter for debate, offering the first opportunity to debate to the moving party and, thereafter, to any other member properly recognized by the chair. Once the matter has been fully debated and seconded and the chair calls for a vote, no further debate will be allowed; provided, however, Council or board members may be allowed to explain their vote. The person making the motion shall have the privilege of closing debate.

D. Voting.

All members present at a meeting shall vote when the question is called, subject to the provisions of Lodi Municipal Code Section 2.04.140.

E. Procedural Rules of Order.

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion and, if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the chair or any Council or board member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

SUBSIDIARY MOTIONS:

1. Lay on the Table. Any member may move to lay the matter under discussion on the table. The motion temporarily suspends any further discussion or the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. To bring the matter back before the body, a member must move that the matter be taken from the table, seconded, and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the body; otherwise, the motion that was tabled dies, although, it can be raised later as a new motion.

2. Move Previous Question. Any member may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds vote is required for passage.

3. Limit or Extend Limits of Debate. Any member may move to put limits on or extend the length of debate. The motion must be made and seconded and requires a two-thirds vote to pass.

4. Postpone to a Time Certain. Any member may move to postpone the pending motion to a time certain. This motion continues the pending main motion to a future date as determined by the Council or board at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.

5. Commit or Refer. Any member may move that the matter being discussed should be referred to a committee, commission, or staff for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council or board's agenda. If no date is set for returning the item to the Council or board's agenda, any member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a two-thirds vote if the item is to be immediately discussed by the Council or board at the time the motion to return is made.

6. Amend. Any member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.

7. Postpone Indefinitely. Any member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

F. Motions of Privilege, Order, and Convenience.

The following actions by the Council or board are to insure orderly conduct of meetings and for the convenience of the members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

1. Call for Orders of the Day. Any member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council or board, by majority vote, sets aside the orders of the day.

2. Question of Privilege. Any member, at any time during the meeting, may make a request of the chair to accommodate the needs of the body or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

3. Recess. Any member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

4. Adjourn. Any member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

5. Point of Order. Any member may require the chair to enforce the rules of the Council or board by raising a point of order. The point of order shall be ruled upon by the chair.

6. Appeal. Should any member be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full Council or board. The motion must be seconded to put it before the Council or board. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

7. Suspend the Rules. Any member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a two-thirds vote is required for passage.

8. Division of Question. Any member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

9. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council or board may reconsider any vote taken at the same session, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a member who voted on the prevailing side, must be seconded, and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

10. Rescind, Repeal, or Annul. The Council or board may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

G. Authority of the Chair.

Subject to appeal, the chair shall be the chief parliamentarian, rule on points of order, and shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council or board by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

H. Public Hearings.

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

1. Time for Consideration. Matters noticed to be heard by the Council or board shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the Council or board at any meeting may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 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 or made.

3. Public Discussion at Hearings. When a matter for public hearing comes before the body, the chair shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the chair and upon being recognized by the chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the chair. Members who wish to ask questions of the speakers or each other during the public hearing portion, may do so but only after first being recognized by the chair. The chair shall conduct the meeting in such a manner as to afford due process. Time limits may be established by the chair, limiting the duration of presentations as set forth in these rules.

   All persons interested in the matter being heard shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk or secretary of the board as part of the record. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the chair, but may be appealed as set forth in these rules.

4. Consideration of Question by Council or Board. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the chair, and the body may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the chair, to speak further on the question during this period of deliberation; although, the members may ask questions of the speakers if so desired. At the conclusion of discussion and appropriate motion having been made and seconded, the body shall vote on the matter.

I. New Business: Introduction.

During Council meetings, no new business on the agenda (except closed sessions) shall be considered after 11:00 p.m. without two-thirds vote of the Council. Any new business remaining on the agenda shall be carried over to the next regular Council meeting.

J. Quorum; Majority; Two-Thirds Vote: Determination.

As used in this resolution or in the application of Lodi Municipal Code Chapter 2.04, the following definitions shall apply:

1. "Quorum" shall mean a simple majority of the total number of all persons on such body.

2. "Majority" shall mean the majority of members actually present at a meeting.

3. "Two-thirds vote" shall mean two-thirds vote of the members actually present, rounded up or to the next number if less than a whole person. Two-thirds of four members shall be three members; two-thirds of five members shall be four members; etc.

SECTION 2. This Resolution shall become effective immediately.

Dated: December 15, 2004

I hereby certify that Resolution No. 2004-282 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, and Mayor Beckman

NOES: COUNCIL MEMBERS – Mounce

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

2004-282

EXHIBIT C

RESOLUTION NO. 2004-115

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE CITY OF LODI CODE OF ETHICS AND VALUES

BE IT RESOLVED that the *City of Lodi Code of Ethics and Values*, as shown on Exhibit A attached hereto, is hereby adopted by the City Council of the City of Lodi to be effective immediately; and

FURTHER RESOLVED that this resolution shall apply to Lodi City Council Members and City Council Appointees (*i.e. City Manager, City Attorney, and City Clerk*).

Dated: June 2, 2004

I hereby certify that Resolution No. 2004-115 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES:	COUNCIL MEMBERS –	Beckman, Hitchcock, Howard, Land, and Mayor Hansen
NOES:	COUNCIL MEMBERS –	None
ABSENT:	COUNCIL MEMBERS –	None
ABSTAIN:	COUNCIL MEMBERS –	None

SUSAN J. BLACKSTON
City Clerk

2004-115

EXHIBIT A

CITY OF LODI
Code of Ethics and Values

PREAMBLE

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal professional conduct in the City's government. All elected and appointed officials are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

1. **As a representative of the City of Lodi, I will be ethical. In practice, this value looks like:**
   a) I am trustworthy, acting with the utmost integrity and moral courage.
   b) I am truthful, do what I say I will do, and am dependable.
   c) I make impartial decisions, free of bribes, *unlawful gifts, narrow political interests,* and financial and other personal interest that impair my independence of judgment or action.
   d) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
   e) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without *making voting decisions.*
   f) I show respect for persons, confidences, and information designated as "confidential" to the extent permitted by California law.
   g) I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, *carefully considering* whether I am exceeding or appearing to exceed my authority.

2. **As a representative of the City of Lodi, I will be professional. In practice, this value looks like:**
   a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
   b) I approach my job and work-related relationships with a positive attitude.
   c) I keep my professional knowledge and skills current and growing.

3. **As a representative of the City of Lodi, I will be service-oriented. In practice, this value looks like:**
   a) *I provide friendly, receptive, courteous service to everyone.*
   b) I am attuned to, and care about, the needs and issues of citizens, public officials, and City workers.
   c) In my interactions with constituents, I am interested, engaged, and responsive.

4. As a representative of the City of Lodi, I will be fiscally responsible. In practice, this value looks like:

a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.

b) I demonstrate concern for the proper use of City assets (e.g. personnel, time, property, equipment, and funds) and follow established procedures.

c) I make good financial decisions that seek to preserve programs and services for City residents.

5. As a representative of the City of Lodi, I will be organized. In practice, this value looks like:

a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.

b) I follow through in a responsible way, keeping others informed, and responding in a timely fashion.

c) I am respectful of established City processes and guidelines.

6. As a representative of the City of Lodi, I will be communicative. In practice, this value looks like:

a) I convey the City's care for and commitment to its citizens.

b) I communicate in various ways that I am approachable, open-minded, and willing to participate in dialog.

c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response, which adds value to conversations.

7. As a representative of the City of Lodi, I will be collaborative. In practice, this value looks like:

a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.

b) I work toward consensus-building and gain value from diverse opinions.

c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

d) I consider the broader regional and state-wide implications of the City's decisions and issues.

8. As a representative of the City of Lodi, I will be progressive. In practice, this value looks like:

a) I exhibit a proactive, innovative approach to setting goals and conducting the City's business.

b) I display a style that maintains consistent standards, but is also sensitive to the need to compromise, "thinking outside the box," and improving existing paradigms when necessary.

c) I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.

AGENDA ITEM B-02

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Receive for Informational Purposes Preliminary Rating from Standard and Poor's for Electric Utility

MEETING DATE: January 10, 2006

PREPARED BY: City Manager

RECOMMENDED ACTION: Receive for Informational Purposes Preliminary Rating from Standard Poor's for Electric Utility

BACKGROUND INFORMATION: The City has received a Preliminary rating for the Electric Utility from Standard and Poor's. The Electric Utility retains its BBB+ rating but has been given an outlook of Negative.

According to Standard and Poor's, factors supporting the BBB+ rating include:

- "*Weak projected fixed charge coverage in the near-term;*
- *Exposure to market purchases for fiscal 2007, although the City is proactively evaluating options to eliminate its short position, and*
- *A high level of electric system transfers to support the general fund*

Factors that offset these concerns are:

- *Recent actions taken by City Council and Management to proactively improve system oversight, reduce market exposure and operating risk, and rebuild working capital reserves;*
- *The system's stable economic base; and*
- *Positive relationships with large customers, and low load factors that mitigate near-term competitive risk."*

Furthermore, with regard to the Negative outlook, Standard and Poor's states:

"Lodi needs to rebuild its electric system financial reserves to ensure system stability during volatile periods in the power market, which it expects to do steadily over a long time horizon by increasing annual net surpluses and fixed charge coverage. If the City achieves its financial plan while at the same time reducing operational risks going forward, the outlook will be changed to stable. City failure to rebuild reserves, increase coverage of fixed charges or any other unexpected adverse developments of a financial nature will result in a lowering of the City's rating."

FISCAL IMPACT: Not applicable

FUNDING AVAILABLE: Not applicable

_____
Blair King, City Manager

APPROVED: _____
Blair King, City Manager

Standard + Poor's Rating Review
Preliminary 12-30-05

The BBB+ rating on Lodi, Calif.'s electric system certificates of participation (COPs), secured by net system revenues, is affirmed. The outlook is changed to negative from stable due to a weakened financial condition and rate pressures that limit the system's financial flexibility. Given the system's high fixed costs and weak cash position, the electric system is somewhat vulnerable to further unexpected adverse financial developments.
Other credit factors supporting the BBB+ rating include:

- Weak projected fixed charge coverage in the near-term;
- Exposure to market purchases for fiscal 2007, although the city~~'s~~ is proactively evaluating options to eliminate its short position, and
- A high level of electric system transfers to support the general fund,

Factors that offset these concerns are:

- Recent actions taken by City Council and Management~~'s recent~~ to proactively ~~efforts to~~ improve system oversight, reduce market exposure and operating risk, and rebuild working capital reserves;
- The system's stable economic base; and
- Positive relationships with large customers, and low load factors that mitigate near-term competitive risk.

The COPs are secured by net revenues of the electric system.

The system's business profile score of '5' is due to the system's high cost structure which affects rate-making decisions, an operational profile that currently exposes Lodi to market price risk, a stable (although somewhat concentrated customer base), and improved management practices. Business profiles are ranked on a 10-point scale, with a best possible score of '1'.

Lodi, with a population of about 62,500, is in California's Central Valley, 35 miles south of the state capital, Sacramento. Lodi has experienced steady growth in customers and load. Although primarily residential, the customer base does exhibit some concentration among its largest users~~,~~ (although revenue concentration is diminished as the city's largest customers are served at favorable rates). In addition, Lodi has been very focused on large customers that also are key to the city's overall

economic well-being, and has entered contracts with many of these customers, which should reduce competitive threats. The system serves about 26,000 customers and has good growth prospects, especially in the residential sector, which will continue to diversify the base.

Lodi is ~~As~~ a member of the Northern California Power Agency, (NCPA) and a participant in several NCPA projects. Additional power resources include Western Area Power Administration hydro power, and a seasonal exchange agreement with Seattle City Light. Short-term market purchases have provided the balance to serve Lodi's 135 MW peak load, and its unhedged position, especially during the 2005 summer season, has lead to a significant rise in power costs, contributing to the system's deteriorating financial performance over the past several fiscal years. The system's cash position and debt service coverage have weakened. Fiscal 2005 financial statements indicate weak coverage of about 1 times of direct and off-balance sheet debt service from net available assets after deducting transfers to the city, and weak liquidity at year-end of 37 days' expenditures. Fiscal 2006 is projected to end with similarly weak financial metrics. Liquidity levels are buffeted slightly by reserves held on Lodi's behalf by NCPA.

In response to the losses and escalating energy purchase costs incurred in the beginning of fiscal 2006, the city council enacted a 17% increase in overall rates effective December 1, 2005, including a 35% increase for large industrial customers, and entered short-term power purchase contracts to eliminate the system's open exposure through the end of the fiscal year. The impact of the rate increase on the current fiscal year, which ends June 30, 2006, will be to balance projected costs and revenues for the remaining seven months of the year, although losses incurred during the first five months of the year will not be immediately recaptured. The resulting projected loss will reduce working capital balances significantly.

Standard & Poor's expects that the city will continue to recover costs from ratepayers and make adjustments to its revenue or expenditure base as appropriate. ~~The city expects to need an additional rate increase in fiscal 2007.~~ As such, the outlook for the city's rates will remain high due to a relatively high debt component related to direct and off-balance sheet debt obligations, as well as transfers to the city's general fund of about 12% of revenues. Nevertheless, the city's rates compare favorably to those of Pacific Gas & Electric, the investor-owned

utility in the area, especially for Lodi's industrial customers. Aside from the rate increase, other measures taken by the city to improve the electric system's operation include the adoption of a revised transfer policy, which should help moderate the growth in the level of transfers by pegging the growth rate to the change in customer accounts, rather than to system costs, which will likely grow at a faster rate. Management is also working on formal policies that would address strategies to limit market exposure on a rolling basis, and is evaluating long-term power supply acquisitions that will substantially eliminate ongoing market exposures.

Lodi, CA's electric system has been assigned a Standard & Poor's Debt Derivative Profile (DDP) overall score of '2' on a scale of '1' to '5', with '1' representing the lowest risk and '5' the highest. The overall score of '2' reflects Standard & Poor's ~~Pon~~ high. This is necessitated by an estimated fixor's view that Lodi's three electric system-related swaps reflect a neutral credit risk at this time

OUTLOOK: NEGATIVE

The Negative outlook reflects the system's weak financial profile, which is heightened due to uncertainty regarding its long-term power supply position and volatility within the California energy markets. Lodi needs to rebuild its electric system financial reserves to ensure system stability during volatile periods in the power market, which it expects to do steadily over a long time horizon by increasing annual net surpluses and fixed charge coverage. If the city achieves its financial plan while at the same time reducing operational risks going forward, the outlook will be changed to stable. ~~Should the~~ City ~~city~~ failure to ~~meet~~ rebuild reserves, increase coverage of fixed charges or ~~experience~~ any other unexpected adverse developments of a financial nature will result in a lowering of the City's rating.

Lodi, CA's electric system has been assigned a Standard & Poor's Debt Derivative Profile (DDP) overall score of '2' on a scale of '1' to '5', with '1' representing the lowest risk and '5' the highest. The overall score of '2' reflects Standard & Poor's view that Lodi's three electric system-related swaps reflect a neutral credit risk at this time due to the following factors:

- A highly rated swap counterparty;
- Average economic viability of the swap portfolio over stressful economic cycles; and
- Satisfactory management practices regarding debt and derivatives.

However, there is a modest potential of collateral posting on the two swaps that do not benefit from collateral insurance, which is offset by their relative short maturity which reduces the likelihood that Lodi would be required to post collateral.

Lodi's electric system has one existing floating-to-fixed-rate swap with a notional amount of $46.76 million, a basis swap ($42 million) and a fixed-to-floating rate swap ($42 million). For all three swaps, the counterparty is Citigroup (AA-). The City has no collateral posting requirements for the floating-to-fixed rate swap, which terminates in 2032. ~~An MBIA insurance policy covers the city's collateral posting obligations for the floating-to-fixed rate swap, which terminates in 2032~~. The other two swaps terminate in 2009 and in 2014, respectively. The swap documents list as an additional credit event for both the bank and the issuer, should their respective ratings fall below 'BBB-', which is seen as remote, given Lodi's electric system's current credit profile. Net variable rate exposure is above average at about 49% of current electric system revenue bonds. The city manages its debt and swap program without a formally adopted swap and debt management policy, although the city reviews all risks associated with its proposed transactions prior to initially executing derivative contracts. Due to the modest degree of termination risk, Standard & Poor's is not factoring in the swaps' value at risk as contingent liabilities for the city.