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**Office of the  
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## Staff Report

ITEM NO. SS-2

**To:** Lemoore City Council  
**From:** Jeff Laws, City Manager   
**Date:** February 26, 2015  
**Subject:** Proposed City Council Policy Manual

**Meeting Date:** March 3, 2015

### Discussion

On January 23, 2015 Council held a special meeting and discussed a Code of Conduct for City Council. During this discussion, staff presented Council with two City Council Manuals from the City of Lodi and the City of Arcata. Council is again presented with the City Council Manual from the City of Lodi to determine if this is an option they would like staff to pursue. Should Council determine they would like such a manual for the City of Lemoore, it would take several months to draft as there would be significant research to tie the correct City of Lemoore Resolutions with the correct item.

### Budget Impact

No budget impact.

### Recommendation

That the City Council discuss and provide staff direction.

# City of Lodi



## CITY COUNCIL PROTOCOL MANUAL

*Prepared by:*

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**EXHIBIT D:** Resolution 2009-146 Adopting Policy Regarding Legislative Invocations Before Meetings of the Lodi City Council

## **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 federal, state, and local 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. 2006-31)

Resolution No. 2006-31, adopted by the Lodi City Council on February 15, 2006, 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.

The Mayor meets with the City Manager, Deputy City Manager, City Attorney, and City Clerk one week prior to Council meetings to review the draft agenda.

*(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. 2006-31 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, awards, or other Protocol Account expenses shall be approved by the Mayor, or by the City Council should the amount 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. The announcement will be made following roll call. 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 comprehension of and proficiency in municipal affairs and/or legislative operations.

The Mayor will be allocated an additional \$500 per year for representation expenses.

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 AB1234 Expense Reimbursement Policy (Res. 2006-230)

Council Members shall be subject to the AB1234 Expense Reimbursement Policy as adopted by the Lodi City Council on December 20, 2006.

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 Board, Committee, and Commission Appointment and Removal

##### Appointment

Resolution No. 2003-156, adopted by the Lodi City Council on August 20, 2003, establishes the policy regarding appointment of persons to membership on a City board, committee, and commission (hereinafter "Commission"). 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. Those applicants not meeting this requirement will be notified by the City Clerk's Office that their application does not meet specifications and cannot be considered for appointment. 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), and the City Clerk will notify said Commissioners with a letter and new application form. 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, who will be asked to provide feedback on each candidate, including those seeking reappointment.

The Mayor shall conduct interviews and submit recommendation(s) for appointment to the City Clerk's Office for placement on the City Council agenda for motion action. 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.

Following Council appointment, the successful candidate(s) will be notified by the City Clerk's Office via letter of the appointment and Conflict of Interest filing obligation. Copies of the letter and completed application form(s) will be forwarded to the appropriate staff liaison, who will contact the successful candidate(s) regarding meeting dates and times and responsibilities. The City Clerk's Office will notify the unsuccessful candidates of the outcome and confirm the status of their application (i.e. currently valid; has or about to expire; etc.).

#### Removal

A person appointed by the City Council to a Commission shall continue to serve as a member thereof except when:

1. The person's term of office expires and a different person has been appointed.
2. The person voluntarily resigns from the Commission.
3. The person no longer resides and/or is a registered voter within the required jurisdiction.
4. The person fails to attend three (3) consecutive meetings of the Commission and does not have prior approval for said absences by way of a majority action of the Commission.

A majority vote of the City Council may remove any member of a Commission for any reason including, but not limited to, conduct unbecoming a public official, violating the City's Conflict of Interest Code, failing to comply with statutory requirements, or failing to attend fifty percent (50%) of the Commission meetings in a calendar year. Conduct unbecoming a public official includes the conduct that any reasonable commissioner would know is incompatible to public service, would indicate a lack of fitness to perform the functions of a commissioner or would discredit or cause embarrassment to the City.

Any member of the City Council may initiate a person's removal from a Commission by requesting that consideration of the person's removal be placed on the Council's agenda at a regular or special meeting for discussion and potential action. The City Clerk shall notify the person affected of the time and place of the meeting. When the item is on the City Council agenda, the City Council may, by majority vote, remove the person from a Commission."

### 5.3 Commission Responsibility

Commissioners should respect the public and staff and shall take seriously their responsibility for reporting to the City Council. Positions taken by appointed representatives should be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi. 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. 2006-31, "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 Annual Recognition Reception

Each year in December, the City Council hosts an event (coordinated by the City Clerk's Office) to recognize the efforts of current and outgoing members of Council-appointed boards, commissions, committees, and task force groups.

#### 5.7 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.

#### 5.8 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 and Location

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 the 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 7:00 p.m. Informal Informational (Shirtsleeve) Sessions are held every Tuesday morning at 7:00 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. 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:

- Proclamation/Certificate – 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.
- Presentations – 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 by members of the public 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, 2<sup>nd</sup> Floor
- Lodi Carnegie Forum\* – 305 W. Pine Street
- Lodi Public Library – 201 W. Locust Street
- On the Internet – [www.lodi.gov](http://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, located at 221 W. Pine Street, Lodi, 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 (Res. 2009-146)

In accordance with Resolution No. 2009-146, adopted by the Lodi City Council on October 21, 2009, invocations shall follow the policy regarding legislative invocations before meetings of the Lodi City Council. (Attached as Exhibit D)

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, but not required, 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 on Non-Agenda Items

Council Members may make comments on non-agenda items. 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 54954.2(a)(2)).

#### 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 2006-31, adopted by the Lodi City Council on February 15, 2006, 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.

When the City Council acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

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 Council Communications / Staff Reports

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.

6.3u Submitted Materials at Meetings are Public Record

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.

6.3v Electronic Mail Communications, Prohibited during Meetings

Use of the Internet and e-mail is prohibited by Council Members during City Council meetings. The purpose of this is: 1) to ensure that no violations of the Brown Act occur and 2) to allow for proper management of communications during meetings so that City business can be conducted in an efficient and orderly manner. E-mail communication sent to the City Council related to an item on an agenda will be received in the City Clerk's Office up to the close of business (5 p.m.) on the date of the meeting and will be provided to Council Members via "blue sheet." Such communications will be handled in accordance with California Government Code Section 54957.5.

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. 2006-31.

6.4b Council Comments (Related to Items on the Agenda)

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. On scheduled items 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 City Council Mail by City Clerk's Office

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."

Communication Addressed to the "City Council"

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.

Communication Addressed to the "Mayor"

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 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 City Council through the City Clerk's Office will be copied to the City Manager's Office and other affected departments. A reply, confirming receipt and notifying the sender who the communication was forwarded to, will be sent by the City Clerk's Office within 24 hours.

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 a majority position of the 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 the 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.

7.9. Legislative Communications at the Request of City-Affiliated Organizations

From time to time, the City is asked by the League of California Cities and other City-affiliated organizations to take a support and/or oppose position on a particular piece of legislation and/or proposal. When such a request is received, the matter shall be agendaized and acted upon at the next regularly scheduled City Council meeting. When a request is received necessitating a more timely response in that action is required prior to the next regularly scheduled City Council meeting, the Mayor, or his/her designee, on behalf of the City, may sign and submit the requested communication so long as the position is consistent with the position taken by the League and/or other City-affiliated organizations and previous positions, if any, taken by the City. A copy of the communication shall be presented as an informational item on the Consent Calendar at the next regularly scheduled City Council meeting.

**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.

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.

#### 8.4 Provision of Advice from City Attorney regarding Conflict of Interest

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.

#### 8.5 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.

**APPENDIX**  
Reference Table of Amendments

<b>DATE</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
3/15/09	City Council adopted City Council Protocol Manual	Res. 2006-45
1/2/07	Amended Manual to update resolution number relating to the AB1234 Expense Reimbursement Policy (Section 4.2a)	Administratively
10/8/09	Amended Manual to add "Appendix: Reference Table of Amendments" for tracking purpose and added Exhibits A, B, and C to the Table of Contents page	Administratively
10/21/09	Amended Manual to update policy regarding invocations, referencing the Council-adopted resolution (Section 6.3i), and added Exhibit D to the Table of Contents page and attached it to the Manual	Res. 2009-146
2/2/11	Amended Manual to revise the boards, committees, and commissions appointment policy to include the specific follow-up process and indicate that the applicants shall be interviewed by the Mayor	Council action (motion/action)
5/18/11	Amended Manual to add Section 7.9 regarding communications at the request of the League of California Cities	Council action (motion/action)
10/5/11	Amended Manual, Sections 7.4 and 7.9, to further clarify use of City letterhead and expand the definition of legislative communications (i.e. not only League requests)	Council action (motion/action)
10/19/11	Amended Section 5.6, Annual Recognition Reception, to reflect that the reception is held annually in December rather than August	Administratively
11/2/11	Amended Section 5.2 (Commission Appointments) to add language regarding removal process	Council action (motion/action)
7/23/13	Amended Section 6.3I (Public Comments) to update language re: public comments (i.e. public encouraged, "but not required," to give name/address	Administratively