



# City Council Staff Reports

## Style Guide

### **PURPOSE**

This style guide has been designed to help you compose and submit Staff Reports for City Council meetings with ease and consistency. The guide answers many commonly asked questions, provides examples of how to word specific items, and offers tips about appropriate grammar and punctuation.

*We hope that you find the Style Guide easy to use while writing your Staff Reports and provides you with a basic framework for the development of a concise, consistent, understandable, and easily readable Staff Report.*

## **GENERAL WRITING GUIDELINES**

### Etiquette

- Recognize your audience
- Explain assumptions so the audience understands the context
- Acronyms (use as few as possible and define the initial reference)

The most important thing to remember when writing your Staff Report is to complete all of the following field text boxes in CivicClerk: <http://vallejoca.civicclerk.com/Admin/Login.aspx>

### Details

- Recommendation and Succinct Title
- Background and Discussion

### Attorney/Environmental Review

- Reasons for Recommendation
- Environmental Review
- Identify who the report is from
- List direct Contact(s) at the end of the report

### Fiscal

- Fiscal Impact (Finance Department will assist with this section)

Attachments – as needed (final CAO resolutions, ordinances, contracts, maps, drawings, etc.)

It is important to keep in mind the audience for which the reports are being written, which includes the City Council and members of the general public, not city management. Therefore, it is imperative that you not use words like *we* and *I* in the report. Instead use words like the *City*, *staff*, the *Department* and so forth.

Make sure the word *City* is also capitalized whenever referring to the City of Vallejo. As well, all department or division names should be capitalized, for example *Economic Development Department* and *Human Resources Department*.

CivicClerk automatically defaults to a standard size point font. PLEASE DO NOT CHANGE THE FONT.

# WRITING THE STAFF REPORT

## **CIVICCLERK – Automated Agenda Workflow System**

All City Council, Housing Authority, Successor Agency and any joint meetings of these bodies are created and routed through the internal process for review and approval through *CivicClerk*, the City’s Automated Agenda Workflow System.

New users to the system should contact the City Clerk for access and training. Mandatory training is required before a user name and password will be granted.

- **AGENDA ITEM TITLES**

Titles should be short, concise and contain sufficient information to enable persons to readily understand what the item concerns. As a guideline, the Brown Act suggests that a title generally not exceed 20 words in length (Government Code Section 54954.2). Identification or file numbers such as “PLN2008-00123,” or Project 8002 (PWC)” should be enclosed in parentheses at the end of the title.

The following examples illustrates a concise, yet clear title. For a full list of agenda titles specific to various topics, please refer to the attached Agenda Title Template Guide.

- Amendment to City Positions and Salary Schedule
- Measure B Funding Priorities for Fiscal Year 2018-19

Note: Titles should represent a distinct explanation of the item to be considered and should not be a duplication of the recommendation or action being taken

- **RECOMMENDATION**

In specific terms, indicate the exact action recommended for Council to take (i.e. approve and authorize the City Manager to execute a ....; Adopt a Resolution to...; Waive first reading of an ordinance amending....).

This section should also be clear and concise, yet descriptive so the action requested is informative to the reader and includes amounts. The recommendation should not be a restatement of the title.

The following examples illustrate brief, yet detailed recommendations.

- Authorize the City Manager to issue a purchase order in the amount of \$123,580 for the purchase of three Public Works utility vehicles using the State of California Department of General Services Procurement Contract
- Adopt a Resolution approving project plans and specifications for the Solano sidewalk improvement project and authorize the City Manager to award a construction contract in the amount of \$248,900 to Nielson Construction, Inc. in accordance with the approved plans and specifications

If there are multiple recommendations being made, they should be identified using letters or numbers in order to assist the Council in differentiating each action (see attached Agenda Title Template Guide for examples).

- **BACKGROUND & DISCUSSION**

This section should put the issue(s) in context for the reader.

Provide a general history of the issue by relating past action, state law, commission review (if applicable), and references to the general plan, municipal code, City policies or rules, etc.

Describe the item in factual and concise but complete terms. Use topic headings and subtitles where appropriate.

Effectively communicate in capsule form a total understanding of the issue so the Council has a sound basis for rational decision making.

The background should not restate the recommendation.

- **REASONS FOR RECOMMENDATION**

This section should acquaint readers with the most important aspect of the “reasons” for the recommended action for Council to take without having to read the full document. This section represents an opportunity to “tell the story” as to why the item is needed or desired. As much as possible, use distinct language from that of the body of the report, so that the reader isn’t reading the exact same language twice.

- **ENVIRONMENTAL REVIEW**

Under CEQA, an approval of a project which causes environmental impacts requires further study and documentation. If you think approval of this project may result in an impact to the environment, speak to the Planning Manager to determine whether you need to have a study done, or some other environmental document. Many times, a report is not required and an exemption will apply, but you always want to make this determination early.

Generally, most reports will not trigger an environmental review. If this is the case, CivicClerk has a “snippet” pre-set text in the toolbar in this field text box that you may select to automatically populate.

If an environmental review is needed, describe what, if any, environmental review was conducted in order to comply with the California Environmental Quality Act (CEQA). If the matter being considered by Council is exempt from environmental review, describe the basis of the exemption. Environmental review should be coordinated with the Planning Division well in advance of agendaizing an item.

- **FROM**  
The report is **always** from the appropriate Department Head only (i.e., Claudia Quintana, City Attorney or Terrance Davis, Public Works Director).
- **CONTACT**  
The point of contact should be the main person(s) who would respond to the public regarding questions on an item.

List the name(s), position title, complete phone number on the first line followed by the email address on the second line. For example:

Dawn G, Abrahamson, City Clerk (707) 648-4528  
[Dawn.abrahamson@citofvallejo.net](mailto:Dawn.abrahamson@citofvallejo.net)

It is acceptable to add more than one point of contact.

- **ATTACHMENTS**  
Indicate any supplemental material (i.e. resolutions, ordinances, maps, charts, policy statements, minutes, etc.) which would be transmitted to Council to aid in understanding an issue and assist in decision making.

List in the order that they are to be attached.

All attachments should be given an individual short title. You **do not** need to number the attachments as CivicClerk automatically assigns a number to each attachment and not an alpha letter (Attachment 1, Attachment 2, etc.).

Please make sure you are referencing the correct attachment number in the body of your staff report.

Examples of how Attachments should be titled are as follows:

- Resolution to Amend FY 16-17 HOME Budget
- Rate Implementation Options
- Site Vicinity Map

### **Complex Staff Reports**

CivicClerk editor does not support floating images where text would wrap around them. It does not accommodate complex charts or graphics. The recommended practice is to include this information as attachments and reference them within the body of the staff report.

Tables and other images can be inserted using a “cut” and “paste” approach via Microsoft Word.

## RESOLUTIONS, ORDINANCES & CONTRACTS

- Contracts, amendments to contracts, resolutions, and ordinances are always attachments to a staff report
- All draft contracts, amendments to contracts, resolutions, and ordinance **must** be emailed to your department attorney for review as a Word document independent of CivicClerk by the deadline date as outlined in the current year **City Council Agenda Report Deadline Schedule – CivicClerk**.
- All final contracts, amendments to contracts, resolutions, and ordinances uploaded as attachments must be stamped approved by the City Attorney’s Office.
- The City Clerk issues all resolution and ordinance numbers following final adoption by the City Council.
- **RESOLUTIONS**  
Resolutions may not have the force of law, but are expressions of opinion or evidence of a decision made by the City Council and often related to the City’s administrative business. Some Council actions are specifically authorized by statute, the City Charter or by City ordinance to be accomplished by resolution.

Please refer to Administrative Rule 1.13 (Guidelines for When to Use Ordinances, Resolutions and Motions)

- **ORDINANCES**  
The City Charter, the Vallejo Municipal Code, and State law prescribe when actions must be taken by ordinance.

Ordinances are a law that the City Council adopts and in most cases, is “codified” into formal law by means of the published Municipal Code (found online). An ordinance is the most binding and permanent type of Council action and usually may only be repealed or amended by a subsequent ordinance.

Ordinances must be publicly read aloud at two Council meetings: “introduced” at one meeting and “adopted” at a subsequent meeting (most often at the next meeting). Ordinances may not be adopted at a special meeting, per the City Charter.

**1<sup>st</sup> reading:** cannot go on consent calendar.

**2<sup>nd</sup> reading:** usually goes on the consent calendar

*Exception:* if an ordinance is altered after its introduction (except for correction of typographical or clerical errors) it will require a second and third reading before adoption.

Please refer to Administrative Rule 1.13 (Guidelines for When to Use Ordinances, Resolutions and Motions)

## • **STYLE CONVENTIONS**

There are several common phrases, figures, and grammatical styles used throughout the organization. In an effort to be consistent and decrease the grammatical editing time so that more focus can be given to content, below is a list of the City's style conventions:

### 1. **Abbreviations or Acronyms:**

- ✓ Should not be reflected in the title of the staff report.
- ✓ The name should be spelled out in the title of the staff report.
- ✓ Spell out the full term along with the abbreviation or acronym when it is first used. It is then appropriate to refer to the acronym thereafter within the body of the document (e.g. *Annual Report from the U.S. Department of Housing and Urban Development (HUD)*).

### 2. **Dollar Amounts:**

- ✓ Always round (e.g. *recognize revenue in the amount of \$2,667,000*) except where specific dollar figures are required, for example with an award of contract
- ✓ When rounding, round to the next whole dollar (e.g. *\$100,678.21 should be \$100,679*)
- ✓ No cents please
- ✓ Use a leading zero when number starts after the decimal (e.g. *0.25 FTE, 0.37%, \$0.48*)
- ✓ Attachments, such as contracts or spreadsheets should contain precise amounts

### 3. **Numbers:**

- ✓ Spell out numbers from 1-10 (e.g. *nine*)
- ✓ Use figures for numbers above ten (e.g. *250*), except when used as the first word in a sentence
- ✓ Use the same style to express related numbers above and below 10. If any number are above 10, put them in figures.
- ✓ Use commas when the number is above 999 (e.g. *1,789*)

4. **Multiple Years:** for consistency's sake, when referring to multiple consecutive years please use the "slash" as a separation symbol. (e.g. *FY 2018-19*)

5. **Fiscal Year Convention:** *FY 2018-19*

### 6. **Project References:**

- ✓ Should be located after the project name in parenthesis (e.g. *Pavement Management System Project [EN0066]*)
- ✓ Within the parenthesis, only use the project number

7. **State or Federal Bill Numbers:** should be separated by space: *AB 32, SB 375*.

### 8. **Code References:**

- ✓ Verify commonly used references on a regular basis to ensure the reference is still accurate
  - ✓ Provide enough information on the reference so readers can easily locate the information (*e.g. California Streets and Highways Code Section 1963-1963.8*)
9. **“i.e.” and “e.g.”** there is a misuse of “i.e.” and “e.g.” Both are abbreviations for Latin words, *id est* and *exempli gratia*. Roughly translated they mean “in other words” and “for example.”
  10. **Using Hyphens:** in the process of drafting reports, often times a series of words are combined to create a newly defined word, in which case hyphens should be used as connectors. (*i.e. Right-of-way, not-to-exceed*)
  11. **En Dashes:** these longer versions of a hyphen are used to connect numbers. (i.e. He attended college from 2000–2004 before joining the workforce).  
  
Be aware that there should never be a space on either side of an en dash.
  12. **Commonly Used Phrases:** there are commonly used phrases in the staff reports that have become proper terms and therefore are required to be capitalized. These words include, *General Fund, Fiscal Year, City Council, and Staff*.
  13. **Verb Placement:** verbs are also often accompanied by verb-like words called auxiliaries (do, have, will, etc.) to give them different meanings. When drafting Council reports please make sure that auxiliaries immediately precede the verb to which they apply (*e.g. The Finance Department also will balance the monthly financial report*).
  14. **Straight Quotes (“for example”)** – These types of quotation marks are straight in shape and are to be used for numerical measurements. For instance, when referring to the inches or feet of a particular development, straight quotes should be used. (*i.e. 5'3"*)
  15. **Smart Quotes (“for example”)** – These types of quotation marks have a curved shaped and have different opening and closing versions. This is the most commonly used style of quotations and should be used when quoting words and non numerical measurements. (i.e. He said, “I have to go home.”)
  16. **Use of Who vs. That:** it is important to know the appropriate time to use the word “who” in lieu of the word “that” and vice versa. *Who* refers to people, while *That* refers to groups or things.

**Who:** *The contractor is the one who recommended decreasing density requirements.*

**That:** *The project proposes the construction of a new office building that will add 20,000 square feet of space for new businesses.*



17. **Use of That vs. Which:** there are also discrepancies around the appropriate use of the words “that” and “which”. The word *That* introduces essential clauses, while the word *Which* introduces nonessential clauses.

***That:** Council should reject proposals that do not include contingency plans.*

***Which:** The original proposal, which amended zoning regulations, has been overturned by State legislation.*

18. **Collective Nouns:** such as council, committee, and staff usually take singular verbs but can take plural verbs if the emphasis is on the individual members of the unit rather than on the unit itself. For example:

***Singular:** Staff has concluded that adopting this plan is in the City’s best interest.*

***Plural:** The Council are in disagreement about the findings.*

**\*The Revised Agenda Title Template should be used when working on staff reports.**

## AGENDA TITLE TEMPLATE GUIDE

*This template is to be used for agenda titles and recommendations. The intent is to ensure uniformity within an agenda and from agenda to agenda, as well as to provide staff with an easy to use resource.*

### Accept Work as Complete

#### **ACCEPTANCE OF MEASURE B ADMIRAL CALLAGHAN LANE PAVEMENT REHABILITATION PROJECT**

Recommendation: Accept Measure B Admiral Callaghan Lane Pavement Rehabilitation Project, performed by MCK Services, Inc., as complete and authorize and direct the City Clerk to file a notice of completion with the Solano County Recorder's Office.

### Allocation

#### **NEIGHBORHOOD STABILIZATION PROGRAM 1 FUNDS ALLOCATION**

Recommendation: Adopt a Resolution authorizing the City Manager to allocate \$100,000 of Neighborhood Stabilization Program 1 funds currently unallocated, to assist in financing the rehabilitation and construction of Temple Art Lofts project at 707-715 Marin Street, a mixed use development.

### Amend Budget (Two Steps)

#### [STEP 1]

#### **COOKE PROPERTY FENCE PROJECT BUDGET ADJUSTMENT**

Recommendation: Receive and file the City Manager's request to amend FY 2011-12 Capital Improvement Program budget for Northgate Fee District Fund to appropriate fund balance in the amount of \$122,320 to the Cooke Property Fence Project

#### [STEP 2]

#### **COOKE PROPERTY FENCE PROJECT BUDGET AMENDMENT**

Recommendation: Adopt a Resolution to amend FY 2011-12 Capital Improvement Program budget for Northgate Fee District Fund to appropriate fund balance in the amount of \$122,320 to the Cooke Property Fence Project

### Authorize Agreement/Contract

#### **CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT – GRAY BOWEN, INC. [price established, agreement in final form, attached]**

Recommendation: Authorize the City Manager to execute the attached Consultant and Professional Services Agreement with Gray Bowen, Inc., in an amount not to exceed \$330,000 for on-call engineering services [*need to provide the type of service provided*]

**CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT – GRAY BOWEN, INC. [price established, agreement not in final form, no draft attached]**

Recommendation: Authorize the City Manager to negotiate and execute a Consultant and Professional Services Agreement with Gray Bowen, Inc. for on-call engineering services [need to provide the type of service provided], in an amount not to exceed \$330,000 in a form that is approved by the City Attorney

**Amendment to Agreement/Contract**

**AMENDMENT TO SUPERVISOR CONTROL AND DATA ACQUISITION PROGRAMMING MASTER SERVICE AGREEMENT WITH TELESTAR INCORPORATED**

Recommendation: Authorize the City Manager to execute the Third Amendment to the Consultant and Professional Services Agreement with Telstar Incorporated for Supervisory Control and Data Programming services to increase the contract amount from \$160,000 to \$330,000 and other non-substantive administration changes recommended to this Agreement

**AMENDMENT TO BUILDING DIVISION MASTER SERVICE AGREEMENTS WITH 4LEAF, INC. AND SHUMS CODA ASSOCIATIONS**

Recommendation: Authorize the City Manager to execute the Third Amendment to the Master Service Agreement with 4LEAF, Inc. and Shums Coda Associations to increase the not to exceed amount from \$375,000 per each Fiscal Year to provide for continued on-call Building Division staff augmentation services

**Appointment to Board/Commission**

**APPOINTMENTS TO VARIOUS COMMISSIONS, BOARDS AND COMMITTEES**

Recommendation: Make appointments to the: 1) Economic Vitality Commission; 2) Housing & Redevelopment Commission; and 3) Solano County Transit Public Advisory Committee

**Authorize Change Order**

**CONTRACT CHANGE ORDER FOR CORDELIA RESERVOIR SEDIMENT REMOVAL AND MECHANICAL EQUIPMENT REHABILITATION**

Recommendation: Authorize the City Manager to execute Contract Change Order No. 1 in the amount not to exceed \$310,000 to Associated Constructors, Inc., Fairfield, California for the Cordelia Reservoir Sediment Removal and Mechanical Equipment Rehabilitation Project

**Authorize Mayor**

**SELECTION OF VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES' PROPOSED BYLAW AMENDMENTS**

Recommendation: Authorize the Mayor as the City's voting delegate to cast a ballot in support or opposition on behalf of the City of Vallejo to the League of California Cities' proposed Bylaw amendments

**Award Formally Bid Public Works Construction Contract**

**AWARD CONSTRUCTION CONTRACT FOR SAFE ROUTE TO SCHOOL (SR2S) HOGAN SCHOOL SITE PROJECT**

Recommendation: Adopt a Resolution approving the project plans and specifications for the Safe Route to School (SR2S) Hogan School Site Improvement Project and authorizing the City Manager to award a construction contract in the amount of \$449,739 to G.D. Nielson Construction, Inc., in accordance with the approved plans and specifications

**Committee Report**

**COUNCIL CHARTER AD-HOC COMMITTEE PRELIMINARY REPORT**

Recommendation: Approve the preliminary report of recommendations of the Charter Review Council Ad-hoc Committee and direct staff to draft a proposed ballot question(s)

**Grand Jury**

**RESPONSE TO 2013-2014 SOLANO COUNTY GRAND JURY REPORT ENTITLED “GEOGRAPHIC INFORMATION SYSTEM”**

Recommendation: Authorize the City Manager to file a response to the 2013-2014 Solano County Grand Jury report entitled “Geographic Information System”

**Letter of Support**

**SOLANO ASSOCIATION OF REALTORS LETTER OF SUPPORT FOR GRANT APPLICATION**

Recommendation: Authorize the City Manager to draft a letter of support to the Solano Association of Realtors for their application for grant funding to the California Association of Realtors’ Housing Affordability Fund

**Landscape and Lighting Maintenance Districts**

**PREPARATION OF ENGINEER’S REPORTS FOR LANDSCAPE AND LIGHTING ACT MAINTENANCE DISTRICTS**

Recommendation: Adopt a Resolution authorizing SCI Consulting Group to prepare the Engineer’s Reports for the Landscape Maintenance Districts created under the Landscape and Lighting Act of 1972

**1972 LANDSCAPE MAINTENANCE DISTRICTS ASSESSMENTS**

Recommendation: Adopt a Resolution preliminarily approving the Engineer’s Report and declaring the intent to levy and collect assessments for 11 Landscape Maintenance Districts for FY 2017-18 and setting a Public Hearing on this matter for May 22, 2018 at 7:00 p.m.

**PUBLIC HEARING – 1972 ACT LANDSCAPE MAINTENANCE DISTRICTS ASSESSMENTS**

Recommendation: Hold the Public Hearing, take public input, and adopt a Resolution that approves the Engineer’s Report and orders the levy and collection of assessments on properties in 11 Landscape Maintenance Districts (LMD) for FY 2017-18

### **Measure B Funding Priorities**

#### **MEASURE B FUNDING PRIORITIES FOR FISCAL YEAR 2013-14 AND SUBSEQUENT FISCAL YEARS**

Recommendation: Provide direction to staff concerning Council preferences with respect to Measure B funding priorities for the upcoming fiscal year, and review potential funding plan for Measure B in subsequent fiscal years

### **PB Composition**

#### **PARTICIPATORY BUDGETING STEERING COMMITTEE COMPOSITION REVISION**

Recommendation: Revise the composition of the Participatory Budgeting Steering Committee by accepting a resignation, appointing one organizational secondary member, and appointing one alternate

### **Positions and Salaries Amendment**

#### **AMENDMENT TO CITY POSITIONS AND SALARY SCHEDULE**

Recommendation: Adopt a Resolution amending Exhibit 1 of Resolution No. 14-063 adopting FY 2014-2015 positions and salaries by adding three temporary firefighter positions until June 30, 2015, to ensure full staffing in light of pending retirements within the Fire Department

### **Public Hearings**

#### **PUBLIC HEARING - TAX EQUITY AND FISCAL RESPONSIBILITY ACT**

Recommendation: Conduct the public hearing and upon completion, adopt a Resolution approving the issuance of bonds by California Statewide Communities Development Authority for ROEM Development Corporation or its affiliate

#### **PUBLIC HEARING - CODE TEXT AMENDMENT AND DOWNTOWN SPECIFIC PLAN AMENDMENT REGARDING BREWPUBS AND TASTING ROOMS**

Recommendation: Conduct the public hearing and upon conclusion, adopt a Resolution amending the Downtown Vallejo Specific Plan and conduct a first reading of two ordinances:

- (1) an Ordinance amending the Zoning Ordinance to establish definitions and requirements for brewpubs and tasting rooms; and
- (2) an Ordinance amending the Downtown Vallejo Specific Plan to exempt tasting rooms located in the Downtown Arts and Entertainment District from the 1,000-foot distance restriction requirement

#### **PUBLIC HEARING – FISCAL YEAR 2017-18 BUDGET**

Recommendation: Conduct the public hearing and upon conclusion adopt a Resolution approving the FY 2017-18 budget

### **Purchase of equipment through contract of another public agency**

#### **PURCHASE OF NINETEEN VEHICLES UNDER STATE OF CALIFORNIA CONTRACT PRICING**

Recommendation: Authorize the City Manager to issue a purchase order in the amount of \$548,296.06 for purchase of seven unmarked police vehicles, and seven police patrol units for the Police Department; four emergency response vehicles for the Fire Department; and one

utility vehicle for the Public Works Engineering Division using the Mandatory Statewide Contract No. 1-12-23-14 for Enforcement Vehicles issued by the State of California  
Department of General Services Procurement Division

**Ordinance Adoption (two steps)**

**(Step One – First Reading Always “Action Calendar” item)**

**INTRODUCTION OF AN ORDINANCE FOR MAINTENANCE OF FORECLOSED RESIDENTIAL PROPERTIES**

Recommendation: Introduce an Ordinance adding Chapter 7.63 to the Vallejo Municipal Code, “Maintenance of Foreclosed Residential Properties”

**(Step Two – “Consent Calendar” item)**

**ADOPTION OF AN ORDINANCE FOR MAINTENANCE OF FORECLOSED RESIDENTIAL PROPERTIES**

Recommendation: Adopt an Ordinance adding Chapter 7.36 to the Vallejo Municipal Code, “Maintenance of Foreclosed Residential Properties”

**Closed Session Agenda Titles**

**Lawsuit in Federal Court**

Conference with Legal Counsel – Existing Litigation: Gregory v. City of Vallejo, United States District Court, Eastern District of California, Case No. 2:13-CV-00320-KFM-KJN, pursuant to California Government Code Section 54956.9(a)

**Lawsuit in State Court**

Conference with Legal Counsel – Existing Litigation: Reyes v. City of Vallejo, Solano County Superior Court, Case No. \_\_\_\_\_, pursuant to California Government Code Section 54956.9(a)

**Status of Labor Negotiations**

Conference with labor negotiators pursuant to Government Code Section 54957.6.  
Negotiators: Greg Nyhoff, City Manager; Jasmin Loi, Human Resources Director; Kristin Recchia, Liebert, Cassidy & Whitmore. Employee organization: Vallejo Police Officers Association (VPOA)

**Buying or Selling Real Property**

Conference with real property negotiators pursuant to Government Code Section 54956.8  
Property: 143 Kentucky Street; City negotiators: City Manager Greg Nyhoff, Economic Development Manager Ron Gerber; Negotiating parties: Mel Gomez, Mustico Realty;  
Under negotiation: Price and terms of payment

**Seeking Authority from City Council to File Lawsuit Against Someone**

Conference with Legal Counsel – Anticipated litigation: Initiation of litigation pursuant to Government Code section 54956.9(d)(4): One potential case

**Expectation of Lawsuit Filed Against the City by Someone Else**

Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2). Number of cases: one.

**Council Seeks to Hire an Employee**

Public Employee Appointment pursuant to Government Code Section 54957(b)(1)  
Title: City Manager

**Council Evaluation of City Manager or City Attorney**

Public Employee Performance Evaluation Pursuant to Government Code Section 54957  
Title: City Manager [or City Attorney]

CITY OF VALLEJO

**ADMINISTRATIVE RULE**

SUBJECT: Guidelines For When To Use Ordinances,  
Resolutions And Motions

A. R. NUMBER: 1.13  
DATE ISSUED: March 1, 2011  
DATE EFFECTIVE: March 1, 2011

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**1. PURPOSE**

Vallejo City Charter Section 310 states that “the Council shall take action by ordinance, resolution or motion.” The appropriateness of a given procedure depends on whether there is a statute, City ordinance, or other requirement that requires a Council action to be taken in a specific manner, and on the purpose of the action. Staff’s use of ordinances, resolutions and motions shall be governed by this Administrative Rule.

**2. POLICY**

It is the policy of the City of Vallejo to adhere to all legal requirements in the use of resolutions, ordinances or other documentation required to fully document Council’s actions.

**2.1 Ordinances**

The City Charter, the Vallejo Municipal Code, and State law prescribe when actions must be taken by ordinance.

These are some examples of when an ordinance is required:

- Charter Section 706 requires that an ordinance be adopted for the collection of taxes and other revenues.
- Charter Section 707 requires an ordinance be adopted to provide for any tax, license or permit fee, service charge or other kind of revenue.
- Charter Section 711 requires that an ordinance be adopted when “establishing a penalty or granting a franchise.”
- Vallejo Municipal Code Section 16.116.050 I requires that a Master Plan be adopted by ordinance.
- Government Code Section 65867(a) requires that Development Agreements be approved by ordinance.

Ordinances are required to amend or repeal any ordinance previously adopted. As the Vallejo Municipal Code is a codification of ordinances adopted by City Council, then any amendment or repeal of a title, chapter or section of the Code must be through the adoption of an ordinance.

Ordinances shall be used to establish commissions, boards and other subordinate bodies of the City Council. Council Committees may be established by resolution.

**2.2 Resolutions**

Resolutions do not have the force of law, but are expressions of opinion or evidence of a decision made by the City Council and often related to the City’s administrative business. Some Council actions are specifically authorized by statute, the City Charter or by City ordinance to be accomplished by resolution.



CITY OF VALLEJO

**ADMINISTRATIVE RULE**

SUBJECT: Guidelines For When To Use Ordinances,  
Resolutions And Motions

A. R. NUMBER: 1.13  
DATE ISSUED: March 1, 2011  
DATE EFFECTIVE: March 1, 2011

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Some examples of Council actions that are required to be taken by resolution are:

- Charter Section 703 states “the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency to another department, office or agency or may appropriate available funds not included in the budget after having given one week’s notice of intention by resolution.” (Emphasis added.)
- Vallejo Municipal Code Sections 14.104.040 and 17.04.020 requires that a Specific Plan be approved by resolution.
- Government Code Section 65356 requires that a General Plan be approved by resolution.

Resolutions shall also be used to take the following actions:

- Approval of any agreements/grants where a resolution is required by another local, county, state or federal agency.
- When there is a requirement for findings, including but not limited to land use matters, award of sole source contracts.
- When acquiring, leasing, assigning, conveying or transferring any interest in real property (e.g., grant deed, easements, etc.).
- When the action to be taken by resolution is required by some local, state or federal statute.
- When establishing City Council committees (standing and ad hoc), task forces, and citizen committees.

### 2.3 Motions

The use of a motion is appropriate when:

- The action is not of a penal nature: providing for a fine or other penalty or establishing a rule or regulation for violation of which is a fine or other penalty is imposed.
- The action is not intended to be a city law/ordinance.
- An ordinance or resolution is not specifically required by federal or state law or City ordinance or other requirement.
- A formal document reflecting the Council’s action is unnecessary.

The only record of such action is in the form of the minutes taken of the meeting in which the action is taken.

CITY OF VALLEJO

**ADMINISTRATIVE RULE**

SUBJECT: Guidelines For When To Use Ordinances,  
Resolutions And Motions

A. R. NUMBER: 1.13  
DATE ISSUED: March 1, 2011  
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Motions may be used to take the following actions:

- Approving most contracts and agreements.
- Accepting reports.
- Adopting plans and policies.
- Making appointments to various commissions and committees.
- Seeking Council direction.
- For introduction of first reading of an ordinance.

**3. STAFF REPORT AND AGENDA RECOMMENDATION**

The recommendation section of the staff report and the recommendation on the agenda should be identical and should inform the City Council as to the manner in which they will be taking action. The following are samples that can be used:

- Action taken by motion:

By motion authorize the City Manager to execute a Consultant and Professional Services Agreement with Smith Consulting, Inc. in an amount not to exceed \$100,000.

By motion hold an ordinance on first reading amending Vallejo Municipal Code Chapter 2.02 regarding rules of order and procedures for City Council meetings.

- Action taken by resolution:

Adopt a Resolution authorizing the City Manager to accept a Grant Deed from Helen Smith for 123 Main Street, Vallejo, California and to execute any other document or instruct or take any other action necessary to implement the transaction.

**4. NUMBERING OF ORDINANCES AND RESOLUTIONS**

The City Clerk shall use the following numbering systems to assure that no ordinance or resolution receives duplicate numbers. These numbers shall be typed onto the ordinance and resolution and shown in the City Council minutes.

- Numbering of Ordinances

Ordinances adopted by City Council shall be sequentially numbered indicating the chronological order in which it is adopted, which shall be followed by N.C. (2d).

CITY OF VALLEJO

**ADMINISTRATIVE RULE**

SUBJECT: Guidelines For When To Use Ordinances,  
Resolutions And Motions

A. R. NUMBER: 1.13  
DATE ISSUED: March 1, 2011  
DATE EFFECTIVE: March 1, 2011

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For Example:

The 1111th ordinance adopted by City Council shall be numbered: Ordinance No. 1111 N.C.(2d).

The 4444 ordinance adopted by City Council shall be numbered: Ordinance No. 4444 N.C.(2d).

- **Numbering of Resolutions**

Resolutions adopted by City Council shall be shall be numbered as follows:

The first numbers shall represent the last two numbers of the respective year in which the resolution was adopted, which shall be followed by a dash (-), after which shall appear the number indicating the chronological order that the resolution was adopted during the calendar year, which shall be followed by N.C.

For Example:

The first resolution adopted in 2011 shall be numbered: Resolution No. 11-001 N.C.

**5. ROLE OF THE CITY ATTORNEY'S OFFICE**

Each City department is assigned a lawyer from the City Attorney's Office to provide advice on legal issues. When City staff has a question about whether the City Council should act by ordinance, resolution or motion, the staff person should consult with the assigned attorney as to which manner of action is appropriate. All resolutions and ordinances shall be reviewed and approved by the City Attorney's Office.

Date: March 1, 2011

  
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PHIL BATCHELOR  
City Manager