### CITY OF HOLLISTER PUBLIC ARE REVIEW COMMITTEE POLICIES, RULES AND PROCEDURES

### 1. **MEETINGS**

#### 1.1 REGULAR MEETINGS

1.1.1 Time and Place. Regular meetings of the Public Art Review Committee (the "Committee") shall be held on the second Tuesday of the month at 8:00 a.m. in the City of Hollister City Council Chambers or such other time and place as shall be specified in accordance to Brown Act requirements.

#### 1.1.2 Agenda.

1.1.2.1 *Order of Business.* The order of business of each regular meeting of the Committee shall be as set forth in Section 2.

1.1.2.2 *Agenda Items*. The Executive Director of the San Benito County Arts Council, (the "Director") or the designee, in consultation with the PARC chairperson, shall determine which items are placed on the agenda and the timing for scheduling such items. Any member of the Committee may request to have an item placed on an agenda.

1.1.2.3 *Changes in Agenda*. Except with the consent of the majority of the Committee, items shall not be taken out of the prescribed order. No matters other than those listed on the agenda shall be acted upon by the Committee except as permitted under applicable state law.

1.1.2.4 Delivery and Posting of Agenda. Barring insurmountable difficulties, the agenda for each regular meeting of the Committee, and reports and other documentation related thereto, shall be delivered to the Committee members and made available to the public no later than seventy-two hours preceding the meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the California Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the meeting on the bulletin board outside City Hall and at such other place where the Committee meeting is to be held and on the City of Hollister and San Benito County Arts' Council internet home pages

1.2 ADJOURNED MEETINGS. Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

#### 1.3 SPECIAL MEETINGS.

1.4.1 Notice. The Chairperson or a majority of the members of the Committee may call special meetings of the Committee upon not less than 24 hours' notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.

1.4.2 Matters Considered. Only matters contained in the notice of the special meeting may be considered. No ordinance, other than an urgency ordinance, may be adopted at a special meeting. Matters may be placed on the notice of special meeting only with the prior approval of the Chairperson or of a majority of the members of the Committee.

1.4.3 Public Input. Public input is limited to those items listed on the special meeting agenda.

## 1.5 SPECIAL JOINT MEETINGS.

1.5.1 Calling of Meeting. Special Joint Meetings of the Committee and the governing board of another governmental agency or organization (other than those whose governing boards are comprised of the Committee members) may be called and noticed in accordance with the rules for calling special meetings of the Committee.

1.5.2 Rules of Procedure. The rules of procedure governing such joint meetings shall be agreed to by the Chairperson and the chairperson of the other governing body or bodies. All rules and agenda formats shall conform to the Brown Act.

#### 1.6 MINUTES

1.6.1 The Secretary shall keep the records of the Committee, shall act as secretary at meetings of the Committee, shall record all votes, keep a record of the proceedings of the Committee in a journal of proceedings to be kept for such purpose and shall perform all duties incident to the office. The Arts Council shall maintain a record of all official proceedings of the Committee and its programs. In the absence of the Secretary, the Chair of the Committee shall appoint a member to act as Secretary.

## 2. REGULAR MEETING AGENDA/ORDER OF BUSINESS

2.1 Call to Order. The Chairperson (generally referred to as "the presiding officer") shall call the meeting to order as soon as a majority of the Committee is present but no sooner than the time the meeting has been posted to commence. If the Chairperson or the Vice Chair is not present, the Director shall call the meeting to order and shall immediately call for the selection of a temporary presiding officer.

2.2 Roll Call. The Director shall take a verbal roll call of all Committee Members present at the meeting immediately after the Chairperson calls the meeting to order and the names of those present and absent shall be entered in the minutes. The order of roll call shall be left to right, except that the Chairperson shall be called last. If a majority of the Committee is present, the presiding officer shall declare for the record that a quorum is present.

2.3 Verification of Agenda Posting. The Director or their designee from the Arts Council shall verify that the agenda was posted at the time and in the manner required by law.

2.4 Public Input. The public shall have an opportunity to directly address the Committee on any item of interest to the public that is not on the agenda but is within the subject matter jurisdiction of the Committee. When called by the presiding officer, speakers shall identify themselves by name and city and entitled to speak for a total of three minutes unless further time is granted pursuant to section 5.2.8 herein.

2.5 New and Old Business on the agenda. Generally, New and Old Business items on the agenda will be presented by the Chairperson. From time to time the Chairperson may request that a Committee member or a member of the public present information for the agenda item.

2.6 Resolutions

2.6.1 *Resolutions Prepared in Advance*. If a resolution has been prepared in advance, the procedure shall be: Motion, second, discussion, vote, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

2.6.2 *Resolutions Not Prepared in Advance*. If a resolution has not been prepared in advance, the procedure shall be to instruct the Executive Director to prepare a resolution for presentation at a subsequent Committee meeting.

2.6.3 Policies. The Committee may, by resolution or by motion, adopt written policies governing administrative and other routine matters, providing recommendations to the Arts Council and the City of Hollister City Council regarding particular subjects, or setting standards for the Arts Council and Committee involvement in particular types of activities related to the adopted City of Hollister Public Art Policy, and such other matters as the Committee may determine from time to time. Such policies shall be filed with the Executive Director and provided to existing and new Committee members. The City Committee member shall be responsible for distribution of paper copies.

## 3. PUBLIC COMMENTS AND ADDRESSING THE COMMITTEE

3.1 Manner of Addressing the Committee.

3.1.1 Speaker Cards. Any member of the public desiring to address the Committee shall fill out and present a speaker card to the Director prior to the presiding officer calling the item of business which the person desires to address, and when called by the presiding officer, shall proceed to the podium. After being recognized, the individual shall state the individual's name and city for the record.

3.1.2 Address Presiding Officer. All remarks and questions shall be addressed to the presiding officer or to the Committee and not to any individual Committee member, or other person. No person shall enter into any discussion without being recognized by the presiding officer. It shall be the presiding officer's prerogative to determine the order of speakers on any agenda or non-agenda items, except to the extent that the order of speakers is determined by other policies.

3.1.3 Subject Under Discussion. During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.

3.1.4 Addressing the Committee after the public comment period. After the public comment period has been concluded for any item, no member of the public shall address the Committee without first securing permission from the presiding officer pursuant to section 5.2.8 herein.

3.1.5 Repetitious and Irrelevant Commentary. Irrespective of any time limits, the presiding officer may regulate or terminate the comments of a speaker when the presiding officer reasonably determines that the speaker is being unduly repetitious or engaging in extended discussion of irrelevancies. The presiding officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker's time.

3.1.6 Multiple Speakers. In the presiding officer's discretion, if beneficial to the Committee's understanding of an issue or more efficient in conducting Committee business, the presiding officer may, but shall not be required to, allow grouping of speakers into a coordinated presentation.

## 3.2 Written Correspondence

3.2.1 Included in Agenda Packet. Any written communication relating to a matter pending, or to be brought before the Committee shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.

3.2.2 Letters of Appeal. Letters of appeal from administrative or commission decisions shall be submitted to the San Benito County Arts Council.

3.2.3 Written Public Comments. Public comments submitted in written form shall be copied and distributed to all members of the Committee.

3.4 Public Comments at Regular and Adjourned Regular Meetings.

3.4.1 Public Comments on Matters not on the Agenda - see Section 2.4 above.

3.4.2 Public Comments on Matters on the Agenda. Public comments shall be taken as to each item as the presiding officer calls that item for consideration. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments, subject to time extensions pursuant to section 5.2.8 herein.

3.4.3 Public Comments at Special Meetings. At special meetings of the Committee, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken as to each item as the presiding officer calls that item for consideration. However, with respect to special joint meetings with other agencies, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Section 1.5 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments (or any time extension pursuant to section 5.2.8 herein), except with respect to public hearings at regular meetings.

3.4.4 *Time Limits*. Each speaker shall be limited to three (3) minutes, unless a time extension is granted pursuant to section 5.2.8 herein.

## 4. **CONDUCTING BUSINESS AT MEETINGS**

4.1. Notice of Meetings. Notice of regular meetings, special meetings, and adjourned meetings shall be given in accordance with state law. Posted notice of all meetings shall be given as required by state law at the locations specified by the Public Art Policy. Inadvertent failure of the Director to post notice at any location so specified shall not invalidate any meeting so long as the posting actually done by or under the direction of the Director complies with state law for posted notices.

4.2 Quorum and Required Majorities.

4.2.1 Majority Quorum and Super Majority Vote. A majority of the Committee shall be a quorum sufficient to do business, and unless otherwise amended by the City of Hollister Public Art Policy, a super majority shall be required to recommend installation of public art except with at least 5 affirmative votes. Other motions may be passed 3-1 if only 4 attend.

4.2.4 Need for Immediate Action. Discussion and action on an item not appearing on the posted agenda may occur if the Committee determines by a two-thirds vote of the members of the Committee present at the meeting (or a unanimous vote if less than two-thirds of the members are present) that there is both: a) the need to take action immediately, and; b) that the need for action came to the attention of responsible officers of the San Benito County Arts Council after the agenda was posted.

4.3 Meetings to be Public. All regular, adjourned or special meetings of the Committee shall be open to the public.

4.4 Conclusion of Meetings. The Committee shall endeavor to adjourn all regular, adjourned or special meetings of the Committee within seventy-five (75) minutes or as soon thereafter as any matter then being considered is concluded. The Committee may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

## 5. **PRESIDING OFFICER**

5.1 Chairperson and Vice Chair

5.1.1 Chairperson as Presiding Officer. The Chairperson shall be the presiding officer at all meetings of the Committee. In the absence of the Chairperson, the Vice Chair shall preside. In the absence of both the Chairperson and the Vice Chair, the Executive Director shall preside temporarily and shall immediately call for the Committee to elect one of their number as a temporary presiding officer to serve until the arrival of the Chairperson or the Vice Chair or until adjournment, whichever first occurs.

5.2 Selection of Chairperson and Vice Chair.

5.2.1 Annual Selection. The Committee shall meet annually at its first regular meeting to choose one of its number as Chairperson, another of its number as Vice Chair and another as Secretary.

5.2.2 Term of Office. The Chairperson, Vice Chair and Secretary shall serve until the next meeting scheduled for selection of Chairperson and Vice Chair, and thereafter until their successors have been duly selected and assume office.

5.2.3 Call to Order. The meeting of the Committee shall be called to order by the presiding officer. In the absence of both the Chairperson and the Vice Chair,

the meeting shall be called to order by the Executive Director, whereupon the Executive Director shall immediately call for the selection of a temporary presiding officer as provided above.

5.2.4 Participation of Presiding Officer. The presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Committee members. The presiding officer shall not be deprived of any of the rights and privileges of a Committee member by reason of acting as presiding officer.

5.2.5 Question to Be Stated. The presiding officer should restate or cause to be restated each question immediately prior to Committee debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals. Before proceeding to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

5.2.6 Rulings of Presiding Officer Final Unless Overruled by Committee. In presiding over Committee meetings, the presiding officer shall, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Committee members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

5.2.7 Signing of Documents. The Chairperson, or Vice Chair in the absence of the Chairperson, shall sign all resolutions and proclamations adopted by the Committee, and letters, and other documents and instruments approved by the Committee. The Executive Director shall attest to the signature of the Chairperson or Vice Chair.

5.2.8 Extending Time Limits. The Chairperson, or the Vice Chair in the absence of the Chairperson, has the authority to extend the time limits for members of the public speaking or testifying during meetings of the Committee. The decision of the Chairperson, or the Vice Chair in the absence of the Chairperson, may be overruled by a majority vote of the Committee members present and voting.

## 6. **RULES, DECORUM, AND ORDER**

6.1 Maintenance of Order. The presiding officer is responsible for the maintenance of order and decorum at all times.

6.2 Points of Order. The presiding officer shall determine all points of order subject to appeal to the Committee. If any appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained" in which event a majority vote shall govern and conclusively determine such question of order.

6.3 Language. All Committee members, and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. The presiding officer shall use his or her best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward coarse language as a courtesy to others present or otherwise viewing Committee meetings.

6.3.1 Disruption of Meeting. No person who addresses the Committee shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Committee, or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the Committee meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting. Committee members shall not be belligerent or make disparaging commentary toward the speaker. The presiding officer may call for a short recess should a member of the public become disruptive or agitated so as to interfere with the normal conduct of business. Nothing in this section shall prohibit or discourage orderly criticism of any Committee decision or policy within the limits of these rules.

#### 6.4 Enforcement of Decorum.

6.4.1 Failure to Yield, Disruptions. Any person who refuses to relinquish the floor after their allotted time, or while speaking or while attending the Committee meeting engages in conduct which disrupts the business of the meeting may be asked to be removed from the room if so directed by the presiding officer. Disruptive remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the offenders to leave the room.

6.4.2 Clearing the Room. As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Committee may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Committee from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

6.5 Decorum and Order – Committee Members.

6.5.1 Manner of Speaking. Any Committee member desiring to speak shall first address the presiding officer. Upon recognition by the presiding officer, the Committee member shall speak only to the question under debate.

6.5.2 Questions regarding the San Benito County Arts Council or its designated representatives. A Committee member desiring to question the San Benito County Arts Council representative(s) should address his question to the Chair, or, in appropriate cases, to the SBCAC Executive Director, who shall be entitled either to answer the inquiry.

6.5.3 Interruptions. Once recognized, a Committee member shall not be interrupted while speaking unless called to order by the presiding officer, or unless a point of order is raised by another Committee member, or unless the speaker chooses to yield to questions from another Committee member.

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

6.5.5 Limitation of Debate. No Committee member shall speak for more than five minutes each time that Committee member has the floor, without the approval of the Chairperson, or the Vice Chair in the absence of the Chairperson. The approval of the Chairperson or Vice Chair may be overruled by a majority vote of the Committee members present and voting. No Committee member normally should speak more than once upon any one subject until every other Committee member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Committee member under Reports of Committee.

6.5.6 Dissents, Protests, and Comments. Any Committee member shall have the right to express dissent from, or protest to, or comment upon, any action of the Committee and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

6.5.7 Committee Member Conduct. Members of the Committee shall not engage in debate with a member of the public at Committee meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting. Committee members are expected to interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments towards another Committee member or a member of the public are inappropriate.

6.5.8 Representing Majority Decision vs. Individual Opinion. If a member of the Committee appears before another governmental agency or organization to give a statement on an issue affecting Public Art Committee, the Committee member should first indicate any majority position and opinion of the Committee. Personal opinions and comments may be expressed only if the Committee member clarifies that these statements do not represent the position of the Committee.

### 6.7 Conflict of Interest and Disclosure.

6.8.1. Applicable Law. All Committee members are subject to the provisions of conflicts of interest codes adopted by the Committee, and California law governing conflicts of interest, including, but not limited to, the Political Reform Act (Chapter 7, Title 9, of the California Government Code, Section 87100, et seq.,) and regulations adopted pursuant thereto; Government Code section 1090 relating to the making of contracts; and the common law doctrine against conflicts of interest.

6.8.1.1 *The Political Reform Act.* The Political Reform Act ("PRA") prohibits public officials from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. The definition of who is a public official, what constitutes a governmental decision and a financial interest, and the requirements of disclosure and disqualification, are contained in regulations adopted by the Fair Political Practices Commission.

6.8.1.2 *Government Code Section 1090*. City officers and employees are prohibited under Government Code section 1090 from having financial interests in contracts made by them or by any board or body of which they are members.

6.8.1.3 *Common Law Doctrine Against Conflicts of Interest.*. The common law doctrine against conflicts of interest is the judicial expression of the public policy against public officials using their official positions for private benefit. This doctrine requires public officials to abstain from participating in cases where the public official's private financial interest may conflict with his or her official duties.

6.8.2 No Participation. Any Committee member prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate and voting. Such Committee member shall leave the Committee Chambers during debate and voting on the issue.

## 7. PARLIAMENTARY AND VOTING PROCEDURE.

7.1 Parliamentary Procedure. The purpose of parliamentary rules of procedure is to expedite the transaction of the Committee business in an orderly fashion. All procedural matters, shall be governed by Rosenberg's Rules of Order (League of California Cities 2003). A copy of said Rules shall be maintained on file in the Office of the Director. However, no action of the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Committee to observe or follow such rules. It is the intent of the Committee not to become involved in entanglements over parliamentary procedure. Issues relating to the conduct of a meeting are determined by the Chairperson, subject to appeal to the full Committee.

7.2 Motions. A motion is the way that business is conducted by a group under parliamentary procedure. It is a proposal that an individual would like the group to consider and act upon. The steps in making, discussing and voting on a motion are as follows: The maker of the motion asks for recognition by the presiding officer. After the individual is recognized, he or she will say "I move that we …" The presiding officer will ask if there is a second. Another member of the group should second the motion in order for it to be discussed. A second is made by saying "I second the motion." The presiding officer then restates the motion. "It has been moved and seconded that …" The item is then open to discussion by the Committee. The presiding officer may make or second a motion.

7.2.1 Discussion. The presiding officer will recognize members who wish to comment on the motion. Only one motion may be discussed at a time. It is important that all members of the group are clear on what the motion is and what its effect will be. Spirited discussion helps to answer questions and explore different interpretations and/or impacts of the motion. At the end of the discussion period, the presiding officer will "call for the question" and ask how many members are in support of the motion, how many are opposed and if there are any abstentions. A super majority (or in some instances a 5's) vote is needed for the motion to pass.

7.2.2 Common Motions. Other common motions include: Amending a motion - "*I move to amend the motion by*..."; Delaying consideration - *I move to table the motion until*..."; Closing debate- "*I move the previous question*..."; Requesting more study - "*I move to refer this to (a subcommittee) for further study*..."; Objecting to procedure - "*Point of order*."

7.3 Voting Procedure. In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Committee member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The clerk shall call the names of all members seated when a roll call vote is ordered or required. The presiding officer shall be called last. Members shall respond "yes," "no," or "abstain." Unless a Committee member at any Committee meeting states that he or she is not voting, the member's silence shall be recorded as an affirmative vote.

7.4 Roll Call Voting. A roll call vote shall not be required unless requested by any Committee member. It shall not be in order for members to explain their votes during roll call. Committee members may change their votes before the next order of business is called.

7.5 Abstentions Discouraged. Every Committee member should vote "yes" or "no" on each item unless disqualified for cause.

7.6 Reconsideration. Any Committee member who voted with the majority may move for reconsideration of the action only at the same meeting. The motion may be seconded by any Committee member.

7.7 Tie Votes. Tie votes shall be lost motions. When all Committee members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Committee takes other action to further consider the matter. If a tie vote results at a time when less than all members of the Committee are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Committee, unless otherwise ordered by the Committee.

# 8. COMMISSION AND COMMITTEE APPOINTMENTS AND RECALLS AND RESIGNATION

8.1 Public Art Review Committee. The Committee serves as an advisory body to promote art in public places and facilitate public input, citizen participation and representative of diverse social and cultural perspectives. This is accomplished by reviewing following the Public Art Review Policy attached as Exhibit A.

8.2 Commission Appointments. Commission terms are established by the City of Hollister Public Art Policy.

8.3 Problem Solving with Commissions. The Committee may from time to time meet with commissions for specific purposes such as establishing goals or for problem solving.

8.4 Contacts with Committee Members. Members of the Committee should not attempt to influence or publicly criticize committee recommendations, or to influence or lobby individual committee members on any item under their consideration. It is important for committee to be able to make objective recommendations to the City Council on items before them. Members of the Committee who attempt to strongly influence Committee positions on any item may prejudice or hinder their role in reviewing the commission's recommendation as a member of the City Committee.

8.5 Recall and Resignation

- 8.5.1 Committee member resignations must be submitted in writing to the Committee Chair.
- 8.5.2 A Committee member shall be removed from office on written petition of twothirds or more of the committee. The resulting vacancy shall be addressed according to the provisions of Section 1 of the Public Art Policy.
- 8.5.3 A two-thirds majority of the Committee may recommend removal of any committee member who misses two consecutive meetings or who fails to meet minimum committee responsibilities. Such removal may be initiated by any member at any regularly scheduled committee meeting. Notification of the removal shall be made in writing to the Committee Chair. The resulting vacancy shall be addressed according to the provisions of Section 1 of the Public Art Policy.
- 8.5.4 If the designated entity does not replace the absent committee member within the time frame outlined in this document, the Committee may appoint a qualified appointee to fill the vacant position for the remainder of the term.

8.6 Other Committees. The Committee may create other standing committees and by motion may appoint working groups for particular temporary purposes.

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Adopted by Resolution No. 2017-