

**BENICIA CITY COUNCIL  
CITY COUNCIL SPECIAL MEETING AGENDA**

**Videoconference Meeting  
October 20, 2020  
5:00 PM**

**Coronavirus (Covid-19) Advisory Notice**

The Solano County Public Health Department has advised that non-essential gatherings should be canceled, postponed, or done remotely. Additional information is available at <http://www.solanocounty.com/depts/ph/ncov.asp>.

This meeting is necessary so that the City can continue to conduct its business and is considered an essential gathering. Consistent with Executive Orders No. 25-20 and No. 29-20 from the Executive Department of the State of California, the meeting will not be physically open to the public. Members of the City Council and staff will participate in this meeting via videoconferencing as permitted under Executive Orders No. 25-20 and No. 29-20.

As always, the public may submit public comments in advance and may view the meeting from home. Below is information on how to watch the meeting via cable and/or live stream and how to send in public comments that will be part of the public record.

How to Watch the Meeting:

- 1) Cable T.V. Broadcast on Channel 27
- 2) Livestream online at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).
- 3) Zoom Meeting (link below)

How to Submit Public Comments for this videoconferencing meeting:

Members of the public may provide public comments to the City Clerk by email at [lwolfe@ci.benicia.ca.us](mailto:lwolfe@ci.benicia.ca.us). Any comment submitted to the City Clerk should indicate to which item of the agenda the comment relates. Specific information follows:

- Comments received by 3:00 pm on the day of the meeting will be electronically forwarded to the City Council and posted on the City's website.

- Comments received after 3:00 pm, but before the start time of the meeting will be electronically forwarded to the City Council, but will not be posted on the City’s website, and will not be read into the record.
- Comments received after the start time of the meeting, but prior to the close of the public comment period for an item will be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Mayor's discretion.

Additionally, the public may view and provide public comment via Zoom (via computer or phone) link: <https://us02web.zoom.us/j/82689446934?pwd=TUJGQXczQnZlZXk0bIZpS0xkQ3BNQT09>

- If prompted for a password, enter 454382.
- Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Please note, your electronic device must have microphone capability. Once unmuted, you will have up to 5 minutes to speak.

Dial in with phone:

Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one.

- 1 669 900 9128
- 1 346 248 7799
- 1 253 215 8782
- 1 646 558 8656
- 1 301 715 8592
- 1 312 626 6799

- Enter the meeting ID number: 826 8944 6934 \*please note this is an updated ID number\*.
- Enter password: 454382
- When prompted for a Participant ID, press #.
- Press \*9 on your phone to “raise your hand” when the Mayor calls for public comment during the item you wish to speak on. Once unmuted, you will have up to 5 minutes to speak.

Any member of the public who needs accommodations should email City Clerk Lisa Wolfe at [lwolfe@ci.benicia.ca.us](mailto:lwolfe@ci.benicia.ca.us), who will use her best efforts to provide as much accessibility as possible while also maintaining public safety.

**1. Call To Order (5:00 P.M.)**

**2. Convene Open Session**

**3. Roll Call**

**4. Pledge Of Allegiance**

## **5. Reference To The Fundamental Rights Of The Public**

The fundamental rights of each member of the public can be found in the municipal code posted on the City's website per section 4.04.030 of the City of Benicia's Open Government Ordinance.

## **6. Adoption Of The Agenda**

## **7. Opportunity For Public Comments**

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## **8. Written Comment**

**9. Public Comment**

**10. Business Items**

**10.A - AB 1234 ETHICS TRAINING AND BMC 4.16.030 OPEN GOVERNMENT TRAINING FOR PUBLIC OFFICIALS (City Attorney)**

AB 1234 requires local elected and appointment officials who are compensated for their service or reimbursed for their expenses to take two hours of training in government ethics every two years. (Gov. Code 53235(a), (b).) Benicia Municipal Code (BMC) section 4.16.030 requires all public officials to participate in an annual open government training.

Recommendation:

Conduct the required AB 1234 ethics training, which will also meet Benicia's open government requirements.

[Staff Report - AB 1234 Ethics Training & BMC 4.16.030 Open Government Training](#)

**11. Adjournment (7:00 P.M.)**

## **Public Participation**

The Benicia City Council and its Boards and Commissions welcome public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

## **Disabled Access or Special Needs**

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Alan Shear, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

## **Meeting Procedures**

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

## **Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the

City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

<b>Contact Your Council Members</b>
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If you would like to contact the Mayor or a Council Member, please call the number listed below to leave a voicemail message.

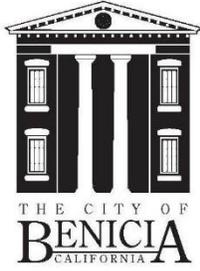
Mayor Patterson: 746-4213

Vice Mayor Strawbridge: 746-4213

Council Member Campbell: 746-4213

Council Member Young: 746-4213

Council Member Largaespada: 746-4213



**AGENDA ITEM  
CITY COUNCIL MEETING DATE – OCTOBER 20, 2020  
BUSINESS ITEMS**

**TO** : City Council  
**FROM** : City Attorney  
**SUBJECT** : **AB 1234 ETHICS TRAINING AND BMC 4.16.030 OPEN GOVERNMENT TRAINING FOR PUBLIC OFFICIALS**

**EXECUTIVE SUMMARY:**

AB 1234 requires local elected and appointment officials who are compensated for their service or reimbursed for their expenses to take two hours of training in government ethics every two years. (Gov. Code 53235(a), (b).) Benicia Municipal Code (BMC) section 4.16.030 requires all public officials to participate in an annual open government training.

**RECOMMENDATION:**

Conduct the required AB 1234 ethics training, which will also meet Benicia’s open government requirements.

**BUDGET INFORMATION:**

There are no financial or budgetary impacts associated with this training.

**BACKGROUND:**

AB 1234 requires local elected and appointment officials who are compensated for their service or reimbursed for their expenses to take two hours of training in government ethics every two years. (Gov. Code § 53235(a), (b).)

If a local agency compensates or reimburses expenses for members of any of its public bodies, then those public bodies must receive the AB 1234 training. In Benicia, the City Council is the only public body that is compensated and reimbursed for expenses. The Planning Commission, Historic Preservation Review Commission (HPRC), and other appointed bodies are neither compensated nor reimbursed and are therefore not required to take the AB 1234 training.

The City Attorney’s office will administer the AB 1234 ethics training. The City Council will be able to ask questions during and after the training. Additionally, members of the public may attend the training.

The training includes the following topics:

- Laws related to personal financial gain by public officials, including laws prohibiting bribery and conflict-of-interest laws.
  - Laws relating to claiming perquisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
  - Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
  - Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.
- (Gov. Code § 53234(d).)

Once local officials have received the ethics training, they will be given proof of participation. Copies of these certificates will be maintained by the Clerk’s office and are subject to disclosure for at least five years. (Gov. Code § 53235.2.)

BMC section 4.16.030 requires City public officials to participate in open government training. The Municipal Code does not specify what the content of said training should include. The AB 1234 will cover topics related to open and transparent government, including disclosure laws and public meeting laws. For this reason, the training will meet the requirements of both AB 1234 and Benicia’s open government requirements.

**NEXT STEPS:**

None.

**ALTERNATIVE ACTIONS:**

None.

<b>General Plan</b>	The overarching goal of the General Plan is sustainability.
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<b>Priority Based Budgeting</b>	<b>Strategic City Result Impacted by this Agenda Item</b>
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Protect Community Health &amp; Safety</li> <li><input type="checkbox"/> Maintain &amp; Enhance A High Quality of Life</li> <li><input type="checkbox"/> Preserve &amp; Enhance Infrastructure</li> <li><input type="checkbox"/> Strengthen Economic &amp; Fiscal Conditions</li> <li><input type="checkbox"/> Protect &amp; Enhance the Environment</li> <li><input checked="" type="checkbox"/> High Performing Government</li> </ul>

	<p><b>City Programs Impacted by This Agenda Item (Top 3):</b></p> <ol style="list-style-type: none"> <li>1. Training Staff, Boards and Commissions</li> <li>2. Organizational Leadership &amp; Development</li> <li>3.</li> </ol>
	<p><b>Priority Based Budgeting (PBB) Website:</b></p> <p>Coming soon in Fall 2020 will be a link to the City of Benicia's PBB website to learn more about these programs and their costs.</p>

<p><b>CEQA Analysis</b></p>	<p>As this is a presentation and no action is taking place, this item is not a project subject to the California Environmental Quality Act (CEQA) under Guidelines Section 15378 and 15060 (c).</p>
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**ATTACHMENTS:**

None

*For more information contact: Benjamin Stock, City Attorney*

*Phone: (707) 746-4212*

*E-mail: [bstock@ci.benicia.ca.us](mailto:bstock@ci.benicia.ca.us)*