



# COUNCIL REPORT

**DATE:** October 8, 2024

**CATEGORY:** Unfinished Business

**DEPT.:** City Attorney and Human Resources

**TITLE:** **Ordinance Amending Chapter 1, Article I, Section 1.2 of the Mountain View City Code**

## **RECOMMENDATION**

Introduce an Ordinance of the City of Mountain View Amending Chapter 1, Article I, Section 1.2 of the Mountain View City Code to Modify the Definition of “Holiday” and Authorize City Staff to Return Directly to City Council with a Resolution Amending Section 8.05 of Council Policy D-7 Governing Holiday Leave for City Employees, to be read in title only, further reading waived, and set a second reading for October 22, 2024 (Attachment 1 to the Council report).

## **BACKGROUND**

On June 25, 2024, the City Council adopted resolutions for employee compensation and memorandums of understanding (MOU) that added two new City-observed holidays, Cesar Chavez Day and Juneteenth. The addition of these two new holidays prompted staff to identify the existing definitions of holidays to be updated.

### **Mountain View City Code Chapter 1, Article I, Section 1.2**

The term “holiday” is defined in the Mountain View City Code, definition and rules of construction which was last amended on August 26, 1974. Since 1974, state and federal holidays have changed and the proposed ordinance updates City-observed holidays for the purposes of the construction of the City of Mountain View Code.

### **Mountain View City Code Chapter 2, Article II, Section 2.14: Personnel Rules and Regulations by Council Adoption**

Mountain View City Code Chapter 2, Article II, Section 2.14 sets forth that the City Council shall adopt personnel rules and regulations governing the administration of the personnel system upon recommendation of the City Manager. Council Policy D-7: Personnel Rules is implemented and administered by the City Manager. Section 8.05 currently lists City-observed holidays for closure of City facilities and governs holiday leave for City employees on the City-observed holidays.

## **ANALYSIS**

The proposed ordinance to amend the City Code and proposed updates to Council Policy D-7: Personnel Rules incorporates Cesar Chavez Day and Juneteenth in accordance with the provisions of adopted MOUs with employee groups. In addition, the following revisions are proposed to update the Mountain View City Code to reflect changes since 1974:

- Add Martin Luther King, Jr. Day.
- Remove Lincoln’s Birthday and update the observance of the third Monday in February to be listed as President’s Day (it is currently listed as Washington’s birthday).

The updates to the City Code and to Council Policy D-7 are intended to promote consistency and align with the June 25, 2024 resolution for employee compensation. The process to complete these updates will include a second reading of the proposed ordinance on October 22, 2024 and a resolution to update Council Policy D-7. Typically, proposed amendments to City Council Policies are first reviewed by the Council Policy and Procedures Subcommittee (“CPPC”). However, staff recommends that the necessary updates to City Council Policy D-7 be brought directly to City Council because they are inextricably intertwined with the updates to Mountain View Code Section 1.2. As such, the proposed ordinance authorizes staff to bypass the CPPC and to return directly to City Council with a resolution to update Council Policy D-7 on the same date of the second reading of the proposed ordinance.

**FISCAL IMPACT**—None.

## **LEVINE ACT**

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

**SUBJECT TO THE LEVINE ACT**

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

**EXEMPT FROM THE LEVINE ACT**

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html).

**ALTERNATIVES**

1. Do not introduce the proposed ordinance to update the definition of Holiday in the Mountain View City Code and authorize City staff to return with a resolution to update Council Policy D-7 governing holiday leave for employees.
2. Provide other direction.

**PUBLIC NOTICING**—Agenda posting.

Prepared by:

Lindsey Bishop  
Human Resources Manager

Maxine Gullo  
Human Resources Director

Jennifer Logue  
City Attorney

Approved by:

Kimbra McCarthy  
City Manager

LB-MG-JL/2/CAM/035-10-08-24CR  
204526

Attachment: 1. Ordinance Amending Article I to Chapter 1 of the Mountain View City Code  
Related to Holidays