



# COUNCIL REPORT

**DATE:** October 22, 2024

**CATEGORY:** Consent

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

**TITLE:** **Ordinance Amending Chapter 1, Article I, Section 1.2 of the Mountain View City Code (Second Reading) and Resolution Amending Council Policy D-7**

## **RECOMMENDATION**

1. Adopt 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 Authorizing 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 (Attachment 1 to the Council report). (First reading: 7-0, October 8, 2024.)
2. Adopt a Resolution of the City Council of the City of Mountain View Amending Section 8.05 of Council Policy D-7: Personnel Rules and Regulations, Governing Holiday Leave for City Employees, to Align with the Amendments to Mountain View Code Section 1.2, to be read in title only, further reading waived.

## **SUMMARY**

On October 8, 2024, the City Council approved a motion to introduce an ordinance that amends Chapter 1, Article I, Section 1.2 of the Mountain View City Code. This introduction followed City Council adoption of compensation packages and MOUs for employee groups on June 25, 2024 that include observance of Cesar Chavez Day and Juneteenth.

The proposed amendment also brings existing language up to date since the previous update in 1974. The analysis of the changes, as well as the recommendation to adopt a resolution authorizing the City Manager to update Council Policy D-7: Personnel Rules and Regulations, to list Cesar Chavez Day and Juneteenth as City holidays, are discussed in the report submitted to the City Council in consideration of the ordinance introduction. In addition to the changes outlined in the October 8, 2024 Council report, staff provided an optional motion to incorporate cleanup of the City Code removing Admissions Day and replacing it with the day before or after Christmas, which was adopted approved unanimously and is reflected in the attached ordinance and resolution for adoption.

**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 adopt the proposed ordinance to update the definition of Holiday in the Mountain View City Code and do not adopt a resolution to update Council Policy D-7: Personnel Rules and Regulations.
2. Adopt the proposed ordinance, but do not adopt a resolution to update Council Policy D-7: Personnel Rules and Regulations.
3. Provide other direction.

**PUBLIC NOTICING**

Agenda posting. The ordinance was published at least two days prior to adoption in accordance with City Charter Section 522.

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- Attachments:
1. Ordinance Amending Article I to Chapter 1 of the Mountain View City Code Related to Holidays
  2. Resolution