

City of Santa Rosa

City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404

CITY COUNCIL REGULAR MEETING AGENDA AND SUMMARY REPORT JUNE 26, 2018

2:30 P.M. - STUDY SESSION (COUNCIL CHAMBER)

4:00 P.M. - REGULAR SESSION (COUNCIL CHAMBER)

PUBLIC COMMENTS:

Except for public hearing items, comments from the public will be allowed on all agenda items at the time each item is called. Comments on public hearing items may be made when the hearing is opened.

Comments from the public on non-agenda items will be heard under Agenda Items 13 and 17. This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. The first public comment period on non-agenda items (Agenda Item 13) will begin no earlier than 5:00 p.m. and will be limited to ten speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 17.

To address the Council you are requested to complete a yellow Speaker Card and give it to the City Clerk. If you are unable to or do not wish to wait for the public comment portion of the agenda, you are encouraged to contact the Council or City Clerk directly by submitting your comments to 100 Santa Rosa Avenue, Room 10, Santa Rosa 95404 or cityclerk@srcity.org.

2:30 P.M. (CITY COUNCIL CHAMBER)

1. CALL TO ORDER AND ROLL CALL

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS - NONE.

Following the announcement of Closed Session items and prior to recess into Closed Session, the public may speak up to three minutes on items to be addressed in Closed Session.

3. STUDY SESSION

Study Session items are items for in-depth discussion and possible direction to staff. No action will be taken.

3.1 REVIEW OF 2018 SANTA ROSA COMMUNITY NEEDS ASSESSMENT SURVEY

The City engaged the services of an opinion research firm to conduct a "Community Needs Assessment Survey." This survey took place from May 25 to May 30, 2018, and covered a range of questions to gauge community sentiment toward City services, issues facing the community, and support for various revenue measures to support City services and programs. These revenue measures included a housing and infrastructure bond, a quarter-cent increase in sales tax, and an increase in Transient Occupancy Tax (TOT).

Representatives from Godbe Research and TBWB Strategies, the firms commissioned to conduct the survey and provide analysis of the results, will present the findings of the Survey and will be available to answer questions from the City Council.

Attachments: Staff Report

Attachment 1
Presentation

4:00 P.M. (CITY COUNCIL CHAMBER)

- 4. ANNOUNCEMENT OF ROLL CALL
- 5. REPORT, IF ANY, ON STUDY AND CLOSED SESSIONS
- 6. PROCLAMATIONS/PRESENTATIONS
 - 6.1 PROCLAMATION IMMIGRANT HERITAGE MONTH

Attachments: Proclamation

7. STAFF BRIEFINGS

This time is reserved for City staff to provide a five-minute briefing to the Council on departmental issues of interest. No action will be taken on these

matters except to possibly place a particular item on a future agenda for Council consideration.

7.1 FIRE RECOVERY AND REBUILD UPDATE

This will be a standing item on the agenda. No action will be taken except for possible direction to staff.

- 8. CITY MANAGER'S/CITY ATTORNEY'S REPORTS
- 9. STATEMENTS OF ABSTENTION BY COUNCILMEMBERS
- 10. MAYOR'S/COUNCILMEMBERS' REPORTS
 - 10.1 MAYOR'S/COUNCILMEMBERS' SUBCOMMITTEE AND LIAISON REPORTS (AND POSSIBLE COUNCIL DIRECTION TO BOARD REPRESENTATIVE ON PENDING ISSUES, IF NEEDED)
 - **10.1.1 Council Subcommittee Reports**
 - 10.1.2 Sonoma County Transportation Authority/Regional Climate Protection Authority (SCTA/RCPA)
 - 10.1.3 Sonoma County Water Agency (SCWA) Water Advisory Committee
 - 10.1.4 Association of Bay Area Governments (ABAG)
 - 10.1.5 Sonoma County Agricultural Preservation and Open Space District Advisory Committee
 - 10.1.6 Sonoma Clean Power Authority (SCPA)
 - 10.1.7 Sonoma County Waste Management Agency (SCWMA)
 - 10.1.8 Groundwater Sustainability Agency (GSA)
 - 10.1.9 Other

10.2 DESIGNATION OF VOTING DELEGATE/ALTERNATE TO LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

10.2.1 In order to vote at the Annual Business Meeting at the League of

California Cities 2018 Annual Conference, each member City must designate a voting delegate and up to two alternate delegates. This year's conference will be held in Long Beach from Wednesday, September 12 through Friday, September 14. The delegates must be designated by the City Council, and the voting delegate and alternates must be registered to attend the conference.

Attachments: 2018 Letter

10.3 MATTERS FROM COUNCIL REGARDING FUTURE AGENDA ITEMS

This time is reserved for Council to discuss whether to place matters on a future agenda for further discussion.

10.3.1 REQUEST FOR A RESOLUTION TO OPPOSE THE POLICY TO SEPARATE IMMIGRANT CHILDREN FROM THEIR PARENTS

BACKGROUND: At the June 19, 2018, City Council meeting, Council Member Olivares requested for a resolution to oppose the policy to separate immigrant children from their parents. Council Member Combs concurred with the request.

10.3.2 REQUEST FOR A STUDY SESSION ITEM ON A CITYWIDE \$15 MINIMUM WAGE MEASURE

BACKGROUND: At the June 19, 2019, City Council meeting, Council Member Combs requested a future study session item to discuss a citywide \$15 minimum wage measure. Vice Mayor Rogers concurred with the request.

10.3.3 REQUEST FOR A STUDY SESSION ITEM ON THE BENNETT VALLEY SENIOR CENTER AND POSSIBLE USE AS A SHELTER OR SAFE HAVEN

BACKGROUND: At the June 19, 2018, City Council meeting, Council Member Combs requested a future study session item to discuss the Bennett Valley Senior Center and the possible use as a shelter or safe haven. Mayor Coursey concurred with the request.

11. APPROVAL OF MINUTES - NONE.

12. CONSENT ITEMS

12.1 RESOLUTION - AMENDMENT TO THE MEASURE O IMPLEMENTATION PLAN FOR ALL PROGRAMS

RECOMMENDATION: It is recommended by the Finance, Police, Fire, Recreation and Parks Departments, the City Manager's Office, the Office of Community Engagement and the Measure O Citizens' Oversight Committee that the Council, by resolution, amend the Transaction and Use Tax Implementation Plan to adjust for Fiscal Year (FY) 2018-19 budget and forecasted budget amounts for all Measure O programs. This requires six affirmative votes from the Council.

Attachments: Staff Report

Resolution
Exhibit A
Presentation

12.2 MOTION - REQUEST AUTHORIZATION TO SUBMIT GRANT APPLICATION FOR THE BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) GRANT PROGRAM

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by motion, authorize the Director of Transportation and Public Works to submit a grant application to the U.S. Department of Transportation for the Better Utilizing Investments to Leverage Development, or BUILD, Transportation Discretionary Grant program for the Hearn Avenue Interchange construction project.

Attachments: Staff Report

Presentation

12.3 RESOLUTION - CONTRACT EXTENSION WITH MV
TRANSPORTATION FOR ADA PARATRANSIT SERVICES AND
OAKMONT DEVIATED FIXED-ROUTE SERVICE

RECOMMENDATION: It is recommended by the Transportation and Public Works Department that the Council, by resolution, approve the First Amendment to Professional Services Agreement with MV Transportation, Inc. extending the term for 90 days through September 28th, 2018, and increasing the budget by \$160,000 to account for this

time period.

Attachments: Staff Report

Resolution
Exhibit A
Presentation

12.4 RESOLUTION - SIXTH AMENDMENT OF THE PUBLIC MEETING VIDEO STREAMING, ARCHIVING AND AGENDA MANAGEMENT AGREEMENT WITH GRANICUS, INC. AND WAIVER OF COMPETITIVE PROCESS

RECOMMENDATION: It is recommended by the Information Technology Department that the Council, by resolution, waive the competitive process and approve a Sixth Amendment to General Services Agreement Number F000308, with Granicus, Inc., San Jose, CA, to add GovDelivery services in the amount of \$102,560.71, for a cumulative contract total of \$693,175.71, and extend the term of the contract by six (6) months, to June 30, 2022, to coincide with the City's fiscal year end.

Attachments: Staff Report

Attachment Resolution Exhibit A

12.5 RESOLUTION - FIRST AMENDED MEMORANDUM OF UNDERSTANDING REGARDING SONOMA-MARIN SAVING WATER PARTNERSHIP

RECOMMENDATION: It is recommended by the Board of Public Utilities and the Water Department that the Council, by resolution, approve the First Amended Memorandum of Understanding Regarding the Sonoma-Marin Saving Water Partnership and authorize the Mayor to execute the agreement.

Attachments: Staff Report

Attachment 1
Attachment 2
Resolution
Exhibit A
Presentation

12.6 RESOLUTION - GENERAL MUNICIPAL ELECTION - NOVEMBER 6, 2018: CALLING THE ELECTION, REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION AND ADOPTING REGULATIONS PERTAINING TO CANDIDATE STATEMENTS

RECOMMENDATION: It is recommended by the City Clerk that the Council, by two resolutions, (1) call and request to consolidate the November 6, 2018, General Municipal Election for the elective offices for Council Districts 2, 4, and 6 with the Statewide General Election; and (2) adopt regulations pertaining to candidate statements as required by Elections Code Section 13307.

Attachments: Staff Report

Attachment 1
Resolution 1

Resolution 1 - Call and Consolidation (Uploaded 6/25/18)

Resolution 2
Presentation

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. This public comment period will begin no earlier than 5:00 p.m. and will be limited to ten speakers selected randomly by the Mayor. Each speaker will be allowed three minutes. Speakers who do not have an opportunity to speak during this time will be allowed to make public comment under Agenda Item 17.

(THE COUNCIL MAY RECESS DURING THE EVENING FOR A DINNER BREAK)

14. REPORT ITEMS

14.1 REPORT - CITY OF SANTA ROSA REVENUE OPTIONS FOR AFFORDABLE HOUSING, INFRASTRUCTURE AND GENERAL CITY SERVICES

BACKGROUND: Additional financial resources are needed to enable the City to meet the following Council goals:

- Effectively implement the recovery and rebuilding of Santa Rosa;
- Meet housing needs;
- · Attain functional zero homelessness; and
- Foster a strong downtown and overall economic development of the community.

To generate the needed funding, the Council may consider one or more of the following new revenue options: (1) Increase City sales tax by a quarter-cent; (2) Increase the Transient Occupancy Tax paid by guests at hotels, motels and other short-term rentals within the City limits from 9% to up to 14%; (3) Approve a Housing and Infrastructure Bond, placing a new Ad Valorem tax on properties within the City and thereby allowing the issuance and repayment of bonds to support affordable housing and municipal infrastructure; and/or (4) Approve a Housing Bond, placing a new Ad Valorem tax on properties within the City and thereby allowing the issuance and repayment of bonds with revenues to be dedicated solely to the production and maintenance of affordable housing.

All of the four options would require voter approval.

RECOMMENDATION: It is recommended by the City Council Infrastructure and Housing Finance Ad Hoc Committee that the Council, by motion, a) direct staff to return on July 24, 2018 with a resolution calling for an Affordable Housing Recovery Bond for the November 6, 2018 general election, ballot language, and all necessary materials to seek voter approval for an Ad Valorem property tax on properties within the City limits of Santa Rosa for affordable rental and homeownership housing; and, b) provide direction to staff if the Council wants to also place a quarter cent sales tax for a six year period and/or an increase in the Transit Occupancy Tax in an amount up to 5% for an on-going

period for general fund recovery on the same November 6, 2018 ballot.

Attachments: Staff Report

Attachment 1

Attachment 2 - Santa Rosa (Uploaded 6/25/2018)

Presentation

14.2 REPORT - RENEWAL ENTERPRISE DISTRICT (RED)

BACKGROUND: In the months following the 2017 wildfires, there was heightened awareness of the importance of ensuring not only that our fire survivors rebuild, but also ensuring community-wide economic vitality by meeting housing development goals. The Sonoma County Board of Supervisors and the Santa Rosa City Council have been working to address the problem, and directed staff to identify new and more effective structures that can, over the next five years, facilitate substantially increased housing development for all income levels. In response, the concept of a regional housing construct began to take shape in the Renewal Enterprise District or RED.

The basic premise of the RED is to work across jurisdictions to market and attract developers, blend private financing and public funds, leverage state and federal grant funds, and facilitate creation of housing that meets established public policy goals for increased density, access to transit, protection of open space and community separators, and improving energy efficiency, climate resilience, and affordability, and advancing equity.

By working together, the City and County have an opportunity to develop and implement a common vision and drive regional renewal efforts, by leveraging their real estate assets, regulatory authority, and new funding sources for maximum effect and long-term benefit.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department and the Housing and Community Services Department that the Council, by motion, authorize creation of a Renewal Enterprise District (RED) through a Joint Powers Authority comprised initially of the City of Santa Rosa and the County of Sonoma to facilitate the development of housing in targeted geographic areas.

Attachments: Staff Report

Presentation

14.3 REPORT - APPROVAL OF AMENDMENT NO. 1 TO ERNST & YOUNG AGREEMENT

BACKGROUND: In the early morning hours of October 9, 2017, a firestorm swept through Santa Rosa and the surrounding communities. The fires were unprecedented in the destruction left in its wake. Ernst & Young was selected to help the City with disaster recovery management services.

Staff now wishes to increase compensation by \$500,000 to continue the recovery management services provided by Ernst & Young.

RECOMMENDATION: It is recommended by the City Manager's Office, that the Council, by resolution, approve the First Amendment to Professional Services Agreement number F001625 with Ernst & Young, LLP in the amount of \$500,000.

Attachments: Staff Report

Resolution
Exhibit A
Presentation

14.4 REPORT - APPROVAL OF AMENDMENT NO. 3 TO CITY MANAGER'S EMPLOYMENT AGREEMENT AND INTRODUCTION OF ORDINANCE TO INCREASE THE COMPENSATION OF THE CITY MANAGER BY PROVIDING, EFFECTIVE JULY 8, 2018, (1) A 3% COST OF LIVING SALARY ADJUSTMENT, AND (2) AN INCREASE TO CONTRIBUTION BY THE CITY FOR THE 2018-2019 FISCAL YEAR IN AN AMOUNT EQUAL TO 0.25% OF BASE WAGE TO THE CITY MANAGER'S RETIREE HEALTH SAVINGS PLAN, FOR A TOTAL CONTRIBUTION OF 0.5% OF BASE WAGE

BACKGROUND: The City Manager's salary and compensation are set by ordinance adopted by City Council as required by the City Charter, and the City's employment agreement with the City Manager is approved by the Council by resolution.

As established by ordinance, and provided in the City Manager's employment agreement as previously amended ("Employment Agreement"), the City Manager's current salary is \$19,365 per month.

The Employment Agreement provides that "the City Manager's compensation shall change by the percentage of the cost of living salary adjustment, if any, and benefits adjustment, if any, paid to the City's executive management in the then current fiscal year, unless the Council fixes some different amount for the City Manager in advance of July 1st."

The Employment Agreement further provides that the City shall provide the City Manager with a Retiree Health Savings Plan "under the same terms it is provided to other executive management employees."

On July 18, 2017, the Council approved a three-year Wages, Hours and other Terms and Conditions of Employment Agreement for Executive Management. In Fiscal Year 2017-18, the Agreement includes a 3% cost of living salary increase and a 0.25% of base wage retiree health savings plan contribution for executive management, effective July 1, 2017. In Fiscal Year 2018-19, the Agreement includes, effective the first full pay period following June 1, 2018, a 3% cost of living salary adjustment and an increase in City's contribution by 0.25% of base wage retiree health savings plan contribution, for a total contribution of 0.5% of base wage.

To provide the City Manager with the same cost of living salary adjustment, and the same retiree health savings plan contribution provided to the executive management team in Fiscal Year 2018-2019, Council must approve, by resolution, an amendment to the City Manager Employment Agreement and adopt an Ordinance establishing the City Manager's new compensation.

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, approve Amendment No. 3 to the Employment Agreement of the City Manager and introduce an Ordinance to increase the compensation of the City Manager by providing, effective July 8, 2018, (1) a 3% cost of living salary

adjustment, and (2) a contribution by the City for Fiscal Year 2018-2019 in an amount equal to 0.25% of base wage to the City Manager's Retiree Health Savings Plan, for a total contribution of 0.5% of base wage.

<u>Attachments:</u> Staff Report

Attachment A
Resolution
Exhibit A
Ordinance
Presentation

14.5 REPORT - RESOLUTION APPROVING AMENDMENT NO. 1 TO CITY ATTORNEY'S EMPLOYMENT AGREEMENT AND ORDINANCE TO INCREASE THE COMPENSATION OF THE CITY ATTORNEY BY PROVIDING, EFFECTIVE JULY 8, 2018, (1) A 3% COST OF LIVING SALARY ADJUSTMENT, AND (2) A CONTRIBUTION BY THE CITY FOR THE 2018-2019 FISCAL YEAR EQUAL TO 0.5% OF BASE WAGE TO THE CITY ATTORNEY'S RETIREE HEALTH SAVINGS PLAN

BACKGROUND: The City Attorney's salary and compensation are set by ordinance adopted by City Council as required by the City Charter, and the City's employment agreement with the City Attorney is approved by the Council by resolution.

As established by ordinance, and provided in the City Attorney's employment agreement ("Employment Agreement"), the City Attorney's current salary is \$17,083.34 per month.

The Employment Agreement currently provides that "the City Attorney's compensation shall change by the percentage of the cost of living salary adjustment, if any, paid to the City's executive management employees for the 2018-19 fiscal year and each fiscal year thereafter. The City Attorney's compensation shall also change by the benefits adjustment, if any, paid to the City's executive management for the 2017-18 fiscal year and each fiscal year thereafter."

The Employment Agreement further provides "A Retiree Health Savings

Plan (RHS) shall be provided under the same terms it is provided to other executive management employees."

On July 18, 2017, the Council approved a three-year Wages, Hours and other Terms and Conditions of Employment Agreement for Executive Management. In Fiscal Year 2017-18, the Agreement includes a 3% cost of living salary increase and a 0.25% of base wage retiree health savings plan contribution for executive management, effective the first full pay period following July 1, 2017. In Fiscal Year 2018-19, the Agreement includes, effective the first full pay period following July 1, 2018, a 3% cost of living salary adjustment and an increase in City's contribution by 0.25% of base wage retiree health savings plan contribution, for a total contribution of 0.5% of base wage.

To provide the City Attorney with the same cost of living salary adjustment, and the same retiree health savings plan contribution provided to the executive management team in Fiscal Year 2018-2019, Council must approve, by resolution, an amendment to the City Attorney Employment Agreement and adopt an Ordinance establishing the City Attorney's new compensation.

RECOMMENDATION: It is recommended by the Human Resources Department that the Council, by resolution, approve Amendment No. 1 to the Employment Agreement of the City Attorney and introduce an Ordinance to increase the compensation of the City Attorney by providing, effective July 8, 2018, (1) a 3% cost of living salary adjustment, and (2) a contribution by the City for Fiscal Year 2018-19 of 0.5% of base wage to the City Attorney's Retiree Health Savings Plan.

<u>Attachments:</u> Staff Report

Attachment
Resolution
Exhibit
Ordinance
Presentation

14.6 REPORT - CONTRACT AWARD - TEMPORARY FIRE STATION 5, 3480 PARKER HILL ROAD

BACKGROUND: On October 9, 2017, Fire Station 5 on Newgate Court serving the Fountaingrove area and the former Fire Station 5 on 3480 Parker Hill Road were destroyed in the Tubbs fire. The former Fire Station 5 site on Parker Hill Road was selected as the preferred site of a temporary fire station. The modular fire station and apparatus tent are leased from Menlo Park Fire Protection District. Site improvements are necessary to operate the temporary facilities, including construction of disability access and repair of fire damaged utility connections. The temporary fire station 5 is expected to serve the Fountaingrove area until a permanent fire station is built.

RECOMMENDATION: It is recommended by the Fire Department and the Transportation and Public Works Department that the Council, by resolution, approve the project and award Contract No. C02183, Temporary Fire Station 5, 3480 Parker Hill Road, in the amount of \$574,000 to the lowest responsible bidder, Oak Grove Construction Co., Inc. of Petaluma, California, approve a 15% contract contingency, authorize a total contract amount of \$660,100, and authorize the Chief Financial Officer to increase the appropriation of funds to JL Key 05096 by \$1,000,000 for the project. The source of funds is from insurance claims proceeds.

Attachments: Staff Report

Attachment 1
Attachment 2
Resolution
Presentation

14.7 REPORT - URGENCY ORDINANCE - RESILIENT CITY (-RC) COMBINING DISTRICT

BACKGROUND: Beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events damaged or destroyed thousands of residential and commercial structures within the City of Santa Rosa. On October 13, 2017, the City Council ratified a proclamation of local emergency in the City of Santa Rosa. To facilitate and expedite the reconstruction process, on October 24, 2017, the Council adopted an urgency ordinance establishing the Resilient City (-RC) Combining Zoning District, to be applied to the base zoning of

each property most severely impacted by the Fires.

Proposed is an urgency ordinance to amend Section 20-28.100 of the Santa Rosa City Code, -RC Combining District, to grant the City Engineer, Director of Planning and Economic Development, authority to approve the installation of any structure proposed to overhang an existing public or private service or access easement when it can be shown that the encroachment existed before the fire and no expansion of the structure is proposed. The City Engineer will render a final determination regarding the encroachment in consultation with the Director of the City Department having responsibility for any and all City activities within the easement area.

The proposed urgency ordinances would be effective immediately upon enactment. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

RECOMMENDATION: It is recommended by the Planning and Economic Development Department that the Council adopt an urgency ordinance amending Title 20 of the Santa Rosa City Code granting the City Engineer, Director of Planning and Economic Development, the authority to allow structures to overhang existing service and access easements when it has been determined that the encroachment existed prior to the fire and no expansion of the previously existing encroachment is proposed.

<u>Attachments:</u> Staff Report

Urgency Ordinance

Presentation

15. PUBLIC HEARINGS - NONE.

Public Hearing matters will begin no earlier than 5:00 p.m. or as soon thereafter as the matters are reached on the agenda.

16. WRITTEN COMMUNICATIONS - NONE.

17. PUBLIC COMMENTS ON NON-AGENDA MATTERS

This is the time when any person may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of

the Council. Each speaker will be allowed three minutes.

18. ANNOUNCEMENT OF CONTINUED CLOSED SESSION ITEMS, RECESS TO CLOSED SESSION IN THE MAYOR'S CONFERENCE ROOM, RECONVENE TO OPEN SESSION, AND ANNOUNCEMENTS [IF NEEDED]

19. ADJOURNMENT OF MEETING

20. UPCOMING MEETINGS

This schedule is tentative and subject to change pending final publication and posting of the City Council Meeting Agenda.

20.1 UPCOMING MEETINGS LIST

<u>Attachments:</u> <u>Upcoming Meetings List</u>

The City of Santa Rosa does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings are available by contacting the City Clerk Office at 543-3015 or cityclerk@srcity.org one week prior to the meeting. TDD 543-3063

Meeting information can also be accessed via the internet at http://srcity.org

Any writings or documents provided to a majority of the City Council prior to this meeting regarding any item on this agenda, excluding closed session items, are available for public review in the City Clerk's Office, Room 10, City Hall, 100 Santa Rosa Ave, during normal business hours.

^{*}Did not appear on the preliminary agenda.

^{**}Quasi-judicial or adjudicative action.