

CHAPTER 1

RULES FOR BOARD MEETINGS

1000. Quorum

Three Boardmembers shall constitute a quorum of the Board. The affirmative vote of three members of the Board is required for a decision, including all motions, regulations, and orders of the Board.

1001. Agenda

The Secretary to the Board shall prepare the agenda. The agenda, with all supporting matters shall be delivered to the Boardmembers one week prior to the Thursday Board Meeting to which it pertains and shall be made available to the public no later than three o'clock on the Wednesday preceding the scheduled Board Meeting; providing, however, that at any time prior to the hour set for the meeting, any Boardmember, the Board's Counsel or the Administrator, may direct any matter he or she deems urgent to be placed upon the agenda; provided, further, that any item of public interest or concern added to the agenda after its publication to the general public shall not be considered unless it is accompanied by a full explanation by the advocate of such item and until after a majority of the Board has voted to do so. Matters directed to be placed on the Agenda by Boardmembers shall be listed thereon in order of receipt of such direction.

1002. Time and Place for Holding Regular Meeting

- (a) The Santa Monica Rent Control Board does hereby establish meetings on the first, second, fourth and fifth Thursday of each month at 7:00 p.m. However, if any such Thursday falls on any day designated by law by the City Council or by the Rent Control Board as a day for public feast, Thanksgiving or holiday, such regular meeting shall be held on the date of regular meeting next following said Thursday at the hour heretofore fixed.
- (b) The City Council Chamber in City Hall is established as the location for holding the Board's regular meetings held on the first, second, fourth and fifth Thursday of each month. If, for any reason, the City Council Chamber is unavailable for a particular regular meeting, the Board shall give the public reasonable notice of the alternative site of the meeting. If, however, the City Council Chamber becomes permanently unavailable, the Board shall, with reasonable notice, amend this regulation to set forth the new location(s) of its regular meetings.

[1002 Amended 5/29/86; Effective 5/29/86]

[1002(a) Amended 1/27/2000; Effective 2/11/2000]

1003. Meetings to be Public -- Exception for Closed Sessions

- (a) All regular, adjourned regular, and special meetings of the Rent Control Board shall be public; provided, however, that the Rent Control Board may hold Closed Sessions during a regular or special meeting, from which the public may be excluded, for the purpose of considering the matters referred to in §§54956.7, 54956.8, 54956.9, 54956.95, 54957 or 54957.6 of the California Government Code relating to Closed Sessions of the legislative body, or pursuant to other provisions of law.

The above section is specifically limited by the following:

- (1) Restrictions in Closed Sessions do not apply to meetings of committees of the Rent Control Board consisting of less than a quorum of its members.

- (2) Closed Sessions may not be held to consider the broad category of "personnel" matters.
 - (3) Closed Sessions relating to personnel are limited to those relating to the appointment, employment, evaluation of performance, or dismissal of an employee or to hear complaints or charges brought against such employee.
 - (4) Closed Sessions may not be held to determine the compensation of employees not represented by a collective bargaining organization.
- (b) The general categories permitting Closed Sessions shall include, but not be limited to:
- (1) Consider the employment, performance evaluation, or dismissal of an employee, or to hear charges brought against such person unless the employee in question requests a public hearing, in which event a public hearing shall be permitted.
 - (2) Discuss with the Board counsel pending, proposed or anticipated litigation where the threat of litigation is likely or would be likely, if discussed in an open meeting.
 - (3) Meeting with Attorney General, District Attorney, Sheriff or Chief of Police (or their Deputies) on matters "posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities."
 - (4) Instruct Board staff and/or authorized negotiators concerning salaries, salary schedules or compensation paid in the form of fringe benefits prior to or during negotiations with employee organizations.
 - (5) Negotiate and have discussions with employee organization representatives following intervention of a state labor conciliator in a labor dispute.
 - (6) Instruct Board staff and authorized negotiators concerning purchase, sale, exchange or lease of real property for the purpose of giving instructions regarding the price and terms of payment.
 - (7) Consider those matters which by law are properly subject to Closed Sessions.
- (c) No member of the Rent Control Board, employee, or any other person present during a Closed Session of the Rent Control Board shall disclose to any person the content or substance of any discussion which took place during said closed session unless the Rent Control Board shall authorize the disclosure of such information by majority vote, or unless such disclosure is required, and only to the extent so required, by the provisions of §54957.2 of the California Government Code.

[1003 Amended 6/12/97; Effective 6/20/97]

1004. Board Correspondence

(a) Non-Board Items

Written communications addressed to the Board, the subject matter of which comes within the jurisdiction of any other Board, Commission or Department of the City, may be referred to such Body or Department, or both, by the Secretary, and such communications shall not be placed on the Board agenda.

Any person submitting a written communication to the Board which is subsequently referred another Board, Commission, or Department of the City shall be notified of such referral by the

Secretary. If dissatisfied with either the action of the Secretary or the action of the Body or Department to which the communication was referred, such person may appeal to the Board.

- (b) The Secretary is authorized to open all mail or other written communications collectively addressed to the Board and to give it immediate attention to the end that all administrative business referred to in said communications which does not necessarily require Board action may be acted upon between Board Meetings.

- (c) **Board Items**

Correspondence collectively addressed to the Board shall be received and opened by the Secretary, transmitted to the appropriate officer having jurisdiction, and placed on the agenda if Board action is deemed appropriate by the Secretary, except in the following circumstances:

- (1) No communication containing material which:
 - (i) Is profane;
 - (ii) Is in the nature of a criminal or civil slander, or is potentially slanderous or libelous;
 - (iii) Advocates or opposes the candidacy of any person or party for any elective office;
 - (iv) Is primarily an advertisement or promotion or has as a substantial purpose the advancement of any cause the major benefit of which is private and not public; or
 - (v) Does not necessitate Board action, shall be placed upon any Board agenda.

- (d) **Availability to the Public**

- (1) Correspondence addressed to individual Boardmembers shall not be opened by the Secretary unless authorized to do so by individual Boardmembers. Such communications shall not become public records until received and filed by the Board at a regular, special or adjourned meeting of the Board, or retained or used as provided in §6250 of the California Government Code.
- (2) Correspondence received in the Secretary's or other Board offices after twelve o'clock noon on Mondays prior to the Board Meeting shall not be placed on the agenda unless it concerns a matter to be considered by the Board at the next regular meeting or is determined by the Secretary to be an urgent matter which should be brought to the immediate attention of the Board.
- (3) Correspondence shall not be read aloud at a Board Meeting unless requested by a majority vote of the Board. No item which is exempted by §6254 of the California Government Code shall be disclosed or treated as a public record.

1005. Order of Business

- (a) The Board shall consider and dispose of its business in the following order:
 - (1) Call to Order
 - (2) Recess to closed session; reconvene to Open Session, Roll Call and Salute to the Flag. Closed session may be held between 6:00 p.m. and 7:30 p.m. or as part of Administrative Items.

- (3) Approval of Minutes of previous meeting.
- (4) Special agenda items (such as announcements, commendations, award of service pins, introduction of special guests).
- (5) Items from previous Board Meeting agendas not concluded at such meeting.
- (6) Consent Calendar. The Consent Calendar shall consist of those items determined to be of a non-controversial nature and which under the Board Rules do not generally require a public hearing. Unless a Boardmember wishes to be heard on these items, they may be considered as a group by a single motion to approve the consent calendar, and the title to the individual consent items need not be read unless a request to do so is made by a member of the Board. (Public discussion is permitted only if the item allows discussion and a specific request to be heard is made.)
- (7) Jurisdictional Items and Proceedings.
Items in which the Board is required to make a decision concerning an individual application or appeal. (Public discussion permitted.)
- (8) Public Hearings, regulations or rules, the time for which has been set previously or set by law. (Public discussion permitted.)
- (9) Administrative Items. (Public discussion permitted only if a specific request to be heard is made, or a contract is involved or public discussion is otherwise required by law.)
- (10) Reports of Committees. (Public discussion permitted except where the committee was composed exclusively of Boardmembers and a public meeting was held wherein all interested members of the public were permitted to address the committee on that item.)
- (11) Board Discussion Items. The Secretary shall list said items in order of receipt. (No public discussion permitted unless consent is given by two-thirds (2/3) vote of the Boardmembers present.)
- (12) Written Communications other than reports of the staff. The Secretary shall list all communications in order of receipt. Discussion concerning any written communication to the Board may occur at the request of a Boardmember or the person presenting the communication. The discussion may be limited in duration by a majority vote of the Board.
- (13) Requests to speak to the Board. The Board Secretary shall receive requests from members of the public to speak to the Board on any item on the agenda, or on any subject of general interest to the community. Such requests shall generally indicate the subject or agenda item to be addressed. The speaker shall have three minutes to speak unless a majority of the Board permits a longer period.
- (14) Report of Closed Session Action. The Board's Legal Counsel shall announce the result of any Final Board action taken in closed session.
- (15) Adjournment

[1005 Amended 8/13/92; Effective 8/20/92]
[1005 Amended 4/14/94; Effective 4/23/94]
[1005 Amended 6/12/97; Effective 6/20/97]

1006. Preparation of Minutes

The Secretary shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by a majority action of the Board.

1007. Reading of Minutes

Unless the reading of the minutes of a Board Meeting is ordered by a majority vote of the Board, such minutes may be approved without reading if the Secretary has previously furnished each Boardmember with a copy.

1008. Presiding Officer

The Chairperson shall be the Presiding Officer at all meetings of the Rent Control Board. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the Secretary shall call the Board to order whereupon a temporary Presiding Officer shall be elected by the Boardmembers present to serve until the arrival of the Chairperson or Vice-Chairperson or until adjournment.

1009. Powers and Duties of Presiding Officer

(a) Participation

The Chairperson or Vice-Chairperson or such other member presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed upon members of the Board by these rules and shall not be deprived of any of the rights or privileges of a Boardmember by reason of his/her acting as Presiding Officer.

(b) Duties

The Presiding Officer shall preserve order at all regular, adjourned regular, and special meetings of the Board. Such officer shall state each question coming before the Board, announce the decisions of the Board on all subjects, rule on all evidentiary matters and decide all questions of order; subject, however, to an appeal by the Board, whereupon a majority vote of the Board on any question of order shall govern and determine conclusively such evidentiary ruling or question of order.

(c) Signing of Documents

The Presiding Officer shall sign all Resolutions and other documents necessitating his/her signature which were adopted in his/her presence, unless he/she is unavailable, in which case the signature of the alternate Presiding Officer may be used. The Administrator shall execute all contracts on behalf of the Board unless otherwise ordered by the Board. Prior to Board authorization each contract shall be reviewed by the Board's counsel as to the form and legality.

1010. Sworn Testimony

(a) The Presiding Officer may require any person addressing the Board to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require if directed to do so by a majority vote of the Board. Any member of the Board may request that anyone appearing before the Board on any matter shall be sworn. On receipt of such a request, all proceedings shall be suspended and the Board will, without debate, immediately vote on whether the individual should

be sworn. A majority vote of the members present shall determine whether the speaker shall be placed under oath. All oaths and affirmations will be administered by the Secretary.

- (b) The Board shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the Board and be attested by the Secretary.

1011. Rules of Debate

- (a) Getting the Floor

Every Boardmember desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine himself/herself to the question under debate, avoiding personalities and indecorous language.

- (b) Questions to Staff

Every Boardmember desiring to question Board staff shall, after recognition by the Presiding Officer, address his/her questions to the Administrator, the Board's counsel, or any staff member then present on the dais. If either the Administrator or the Board's counsel feels another staff member who is not located on the dais could best respond to the Boardmember's question, he or she may direct the question to a member of his/her staff in the audience for that purpose.

- (c) Interruptions

- (1) A Boardmember, once recognized, shall not be interrupted when speaking unless:
 - (i) called to order by the Presiding Officer;
 - (ii) a point of order or a personal privilege is raised by another Boardmember; or
 - (iii) the speaker chooses to yield to a question by another Boardmember.
- (2) If a Boardmember, while speaking, is called to order, he/she will cease speaking until the question of order is determined and, if determined to be in order, he/she may proceed.
- (3) Members of the staff after recognition by the Presiding Officer shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

- (d) Points of Order

The Presiding Officer shall determine all points of order subject to the right of any Boardmember to appeal to the Board. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

- (e) Point of Personal Privilege

The right of a Boardmember to address the Board on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned or where the welfare of the Board is concerned. A Boardmember raising a point of personal privilege may interrupt another Boardmember who has the floor only if the Presiding Officer recognizes the privilege.

(f) Privilege of Closing Debate

The Boardmember moving the introduction or adoption of a Resolution or Motion, shall have the privilege of closing the debate, after other members of the Board have been given the opportunity to speak.

(g) Motion to Reconsider

A motion to reconsider any action taken by the Board may be made only by a Boardmember of the prevailing side and may be made only on the same day the action is taken and shall have precedence over all other motions or while a member has the floor and said motion shall be debatable.

(h) Calling for the Question

Neither the moving party nor the party seconding any motion is allowed to call for the question.

(i) Limitation of Debate

No Boardmember shall be allowed to speak more than once upon any particular subject until every other Boardmember desiring to do so shall have spoken. Each Boardmember speaking on any item on the agenda shall be limited to ten (10) minutes per item to state his/her opinion and his/her views.

1012. Remarks of Boardmembers and Synopsis of Debate

A Boardmember may request through the Presiding Officer for the privilege of having an abstract of his/her statement on any subject under consideration by the Board entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.

1013. Protest Against Board Action

Any Boardmember shall have the right to have the reasons for his/her dissent from, or his/her protest against any action of the Board entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

1014. Rules of Order

- (a) Except as otherwise provided in this Chapter, the City Charter, other rules adopted by the Board, or applicable provisions of State law, the procedures of this Board shall be governed by the latest revised edition of Robert's Rules of Order.
- (b) These Board rules, or any one thereof, may be suspended by a vote of two-thirds (2/3) of the Boardmembers.

1015. Failure to Observe Rules of Order

Rules adopted to expedite the transaction of the business of the Board in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with law.

1016. Addressing the Board

(a) Registration

Each person wishing to address the Board regarding items on the agenda where public discussion is permitted shall register first with the Secretary his/her name and address. Preferably the person shall register to speak prior to the start of the Board meeting, and to any discussion of that item. Except for public hearings, registration to speak is permitted after discussion of a particular agenda item has commenced. All persons wishing to speak at public hearings must register prior to the opening of the public hearing.

(b) Manner of Addressing the Board

- (1) Each person desiring to address the Board shall:
 - (i) step up to the microphone in front of the rail;
 - (ii) state his/her name and home address for the record;
 - (iii) state the subject he/she wishes to discuss;
 - (iv) state whom he/she is representing if he/she represents an organization or other persons; and
 - (v) For public hearings, unless further time is granted by majority vote of the Board, shall limit his/her remarks to five (5) minutes, for all other items, unless further time is granted by a majority vote of the Board, shall limit his/her remarks to three (3) minutes per item, except if he/she is the applicant or appellant on a Jurisdictional Proceeding item, in which case a person shall limit his/her remarks to ten (10) minutes.
- (2) All remarks shall be addressed to the Board as a whole and not to any member thereof.
- (3) No questions shall be asked of a Boardmember or a member of the Board staff without permission of the Presiding Officer.

(c) Discretion to Limit Duration and Number of Speakers

- (1) Where more than one person desires to speak on a particular item, it shall be within the discretion of the Presiding Officer to limit the number and duration of presentations to not less than ten (10) minutes for each side giving equal time for each position or side.
- (2) It is recommended that a spokesperson for each side be chosen prior to the meeting and the Secretary shall advise persons of this recommendation. If a spokesperson has not been selected prior to the meeting, the item may be called and the Presiding Officer may either pass the item or grant a recess to permit the selection of a spokesperson.
- (3) The Presiding Officer may also determine which persons have a predominant or proprietary interest in an item and permit such persons to speak first. If the Presiding Officer determines that more than one person desiring to speak has a predominant or proprietary interest, the person having the burden of proof on the matter should be called to speak first.
- (4) Nothing in this section shall be deemed to preclude the Presiding Officer or a majority of the Boardmembers present from allowing debate on any matter.

(d) Persons Speaking on More Than One Item

Any person wishing to speak on more than one item shall limit his/her remarks to three (3) minutes (five (5) minutes on public hearings) on the item he/she considers most important, two (2) minutes on the item he or she considers next most important, and one (1) minute on any other item unless a greater or lesser time is set by a majority vote of the Board. This subsection does not apply with respect to an applicant or appellant speaking on a Jurisdictional Proceeding item.

(e) After Motion

After a motion has been made or a public hearing has been closed, no member of the public shall address the Board from the audience on the matter under consideration without first securing permission to do so by a majority vote of the Board.

[1016 Amended 6/12/97; Effective 6/20/97]

1017. Rules of Decorum

(a) Boardmembers

- (1) When the Board is in session, the members must preserve order and decorum, and a member shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Board nor disturb any member while speaking nor refuse to obey the orders of the Presiding Officer.
- (2) Members of the Board shall not leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

(b) Employees

Members of the Board staff and employees shall observe the same rules of order and decorum as are applicable to the Board, with the exception that members of the Board staff who are not seated at the Board table may leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

(c) Persons Addressing the Board

- (1) No person other than a member of the Board and the person having the floor shall be permitted to enter into discussions either directly or through a member of the Board, without permission of the Presiding Officer.
- (2) No questions shall be asked of a Boardmember except through the Presiding Officer.
- (3) All remarks shall be addressed to the Board as a body and not to any one Boardmember.
- (4) Any person making impertinent, slanderous or profane remarks, speaks in a loud, abusive or threatening way, or who becomes boisterous while addressing the Board, or who engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of a Board meeting, shall be called to order by the Presiding Officer and if such conduct continues, may, at the discretion of the Presiding Officer, be barred from further audience before the Board during that meeting.

(d) Members of the Audience

- (1) Any person in the audience or at the Board table who engages in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, or who disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the Presiding Officer, shall be guilty of a misdemeanor and upon instructions from the Presiding Officer, with the consent of the majority, through the Secretary, it shall be the duty of the Sergeant at Arms to remove any such person from the Board Chambers and to place him/her under arrest.
 - (2) No person shall be permitted to interrupt the individual Boardmembers or the Secretary when the Board is in session.
 - (3) Except with prior authorization of the Presiding Officer, no placards, signs, posters, packages, bundles, suitcases or other large objects, shall be brought into the Board Chambers.
 - (4) Unless addressing the Board or entering or leaving the Board Chambers, all persons in the audience shall remain sitting in the seats provided. No person shall stand or sit in the aisles or along the walls nor shall the doorways be blocked.
 - (5) Except with prior authorization of the Presiding Officer, the distribution of literature of whatever nature or kind is prohibited.
- (e) Persons Authorized to be Within Rail
- No person except members of the Board, staff and recognized representatives of the news media shall be permitted within the rail without the consent of the Presiding Officer.
- (f) Enforcement of Decorum
- The Chief of Police or such member or members of the Police Department as he/she may designate, shall be Sergeant at Arms of the Board and shall carry out all orders given by the Presiding Officer (through the Secretary) for the purpose of maintaining order and decorum at the Board meetings. Any Boardmember may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Board shall require him/her to do so.

[1017 Amended 6/12/97; Effective 6/20/97]

1018. Voting Procedure

Any vote of the Board, including a roll call vote, may be registered by the members by answering "AYE" for an affirmative vote or "NO" for a negative vote upon his/her name being called by the Secretary. Unless a member of the Board states that he/she is not voting, silence shall be recorded as an affirmative vote.

1019. Disqualification for Conflict of Interest

- (a) Any Boardmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification in an open meeting.
- (b) Where no thoroughly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Boardmember affected, be decided by other Boardmembers.

- (c) A Boardmember who is disqualified by reason of conflict of interest in any matter shall not remain in his/her seat during the debate and vote on such matter, but shall request and be given the permission of the Presiding Officer to step down from the table and leave the Board Chamber.
- (d) A Boardmember stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

1020. Failure to Vote

Every Boardmember is entitled to vote unless disqualified by reason of conflict of interest.

1021. Tie Vote

Tie votes shall be lost motions and may be reconsidered.

1022. Changing Vote

A member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the Secretary and prior to the time that the next item in the order of business is taken up.

1023. Procedure on Agenda Items Requiring a Motion:

- (a) The Secretary reads the title.
- (b) Explanation by the Secretary, if called for by the Presiding Officer.
- (c) Questions to the Secretary by Boardmembers.
- (d) All background material complete at this point.
- (e) Public to be heard subject to the limitations set forth therein.
- (f) Close of public session.
- (g) The Presiding Officer to ask for a motion and second.
- (h) Motion discussed by Board.
- (i) The maker of the motion to have a chance for further discussion.
- (j) The Presiding Officer to restate the motion.
- (k) Vote on the motion.

1024. Regulations and Resolutions

- (a) The Presiding Officer, before calling for a motion on the adoption of any regulation or resolution, shall first inquire if there is anyone who desires to be heard on said proposed regulation or resolution. All persons desiring to be heard must have registered with the Secretary, prior to the discussion of the regulation item they wish to speak on and the Presiding Officer will call upon speakers from that list.

- (b) At the time adoption of a regulation or resolution, it shall be read in full unless, after the reading of the title thereof, the further reading thereof is waived by a unanimous vote of the Boardmembers present. Such consent may be expressed by a statement by the Presiding Officer that "If there is no objection, the further reading of the regulation or resolution shall be waived."

1025. Prior Approval by Administrative Staff

All regulations and resolutions and contract documents shall, before presentation to the Board, have been approved as to form and legality by the Board's counsel, and shall have been examined for administration by the Administrator or his or her authorized representative.

1026. Informal Meetings

The Board, subject to notice and other requirements imposed by law, may hold informal meetings in the Council Chambers of the City Hall at such times as may be designated in order for a special meeting. At any such informal meeting, the Board shall not take any formal motion, resolution, ordinance, nor any other action required by law to be taken by the Board. Such informal sessions shall be devoted exclusively to the presentation and exchange of information.

1027. Adjournment

All Board Meetings shall adjourn at eleven o'clock p.m., unless two-thirds (2/3) of the Boardmembers vote otherwise.

1028. Record of Meetings

All public meetings of the Board shall be recorded by tape recorder. The recording shall be made by the Secretary and shall be part of the records of the Board. The use of other recording or television equipment is permitted so long as it is not disruptive of the meeting.

1029. Interpretation and Modification of the Rules

These rules shall be interpreted liberally in order to provide for the optimum in the free interchange of information and public debate without any unnecessary waste of time or duplication of effort.

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[1003 Amended 6/12/97; Effective 6/20/97]
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