



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** April 18, 2024  
**From:** Director of Public Works/City Engineer  
**Subject:** Residential Parking Permit Program

This Ordinance is exempt from CEQA because it is not a project (CCR Title 14 §15378 (b) (2)).

**Community Goal/Result:** Safe Community

### **Purpose**

To consider changes proposed to the Brisbane Municipal Code Chapter on residential parking permits that will modify existing requirements for the establishment of a designated permit area.

### **Recommendation**

Consider introducing an Ordinance, waiving first reading, revising Chapter 10.26 to the Brisbane Municipal Code Concerning “Residential Parking Permit Program”.

### **Background**

The use of public streets and establishing an acceptable balance between the needs of all its lawful users (pedestrians, bicyclists, drivers, commercial deliveries, emergency responders and those wanting to park a private vehicle, etc.) is an ongoing tension known to many communities. Establishing this balance can be particularly challenging in cities developed on hillsides, where streets are often intentionally designed with a narrow section to avoid impact on the mountainous topography.

As a result of rising tensions over parking capacity, the City Council charged the Complete Streets Safety Committee with reviewing the issue and developing a recommendation therefore. Council reviewed this matter multiple times in early 2024, and chose to send a letter to residents of Tulare Street and Thomas Avenue asking if they would be willing to participate in a pilot residential parking permit program. Prior to hearing this agenda item, Council will receive a report on the responses provided to staff.

### **Discussion**

The current residential parking program has been codified since 1998, but with the program requiring citizens to obtain 70% concurrence from their neighbors it has never been successfully implemented.

The primary changes in the attached ordinance;

1. Lowers the percentage of residents required to request a designated permit area to “. . . not less than a majority of the dwellings on each side of the street.” (§10.26.040 B)
2. Clearly provides Council the authority to impose residential parking restrictions by resolution. (§10.26.010 D)
3. Throughout the ordinance provides structure for the implementation of the program, defines the vehicles impacted, and assigns oversight responsibilities to various city departments

### **Fiscal Impact**

None as a direct result of introducing this ordinance. Previous staff reports by the City’s Deputy Director of Public Works have offered estimates on the cost to implement the two pilot streets now under consideration.

### **Measure of Success**

A revised municipal code that allows residents and the Council to establish a parking program that is appropriate for individual neighborhoods.

### **Environmental Review**

Adoption of this ordinance does not need further environmental review under the California Environmental Quality Act (CEQA) as it is general policy and procedure making not applied to a specific instance and therefore it is not a “project”(California Code of Regulations, Title 14, Division 6, Chapter 3, Article 20, §15378 (b) (2)).

### **Attachments**

1. Ordinance revising Chapter 10.26 concerning Residential Parking Permit Program
2. Redline markup of existing Chapter 10.26

*R.L. Breault*

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Randy Breault, Public Works Director

*Clay Holstine*

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Clay Holstine, City Manager

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF BRISBANE  
REVISING CHAPTER 10.26 TO THE BRISBANE MUNICIPAL CODE CONCERNING  
RESIDENTIAL PARKING PERMIT PROGRAM**

**The City Council of the City of Brisbane hereby ordains as follows:**

**Section 1. Chapter 10.26 to the Brisbane Municipal Code is revised to read as follows:**

“10.26.010 Purpose of chapter.

This chapter has been adopted for the following purposes:

- A. To create a voluntary program that will enable persons residing in the city to request the establishment of residential parking restrictions within the area where they reside which are in addition to, and likely to be more restrictive than, the city's standard parking regulations for such area;
- B. To provide for the issuance of a certain number of parking permits to the occupants in such designated areas, the display of which will serve to exempt their vehicles from the operation of the parking restrictions;
- C. To promote a cooperative effort among persons residing in the city in dealing with a shortage of parking spaces on the streets where they reside by enabling them to recommend such parking restrictions as they determine to be appropriate for their own neighborhood;
- D. To authorize the City Council to impose by resolution residential parking restrictions for those streets or portions of streets and related requirements as determined appropriate and necessary to alleviate parking space shortages.

10.26.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- A. "Designated permit area" means a contiguous area of a residential zoning district, containing not less than ten (10) dwellings, upon which the city council imposes parking restrictions in response to a petition to do so submitted by persons residing in such area in accordance with this chapter.
- B. "Dwelling" means a dwelling as defined in Section 17.02.235 of this Code.
- C. "Motor vehicle" means automobiles as defined by California Vehicle Code §465 and including leased motor vehicles and company owned motor vehicles used by a person residing within a designated permit area as a primary vehicle for transportation, motorcycles as defined by California Vehicle Code §400, trucks or other motor driven vehicles not exceeding seven thousand (7,000) pounds curb weight. The following (which are not exhaustive) do not meet the definition of "motor vehicle" as defined in this subsection: commercial trucks and truck tractors, boat trailers and all commercial trailers, recreational vehicles including campers, coaches, house cars and trailer coaches, and commercial passenger vehicles such as limousines, taxis and vanpool vehicles.
- D. "Non-resident vehicle" means a motor vehicle parked or left standing in a designated permit area without having displayed thereon a parking permit for such area issued the city pursuant to this chapter, regardless of whether such motor vehicle is owned or being used by a resident of the designated permit area. A motor vehicle parked or left standing in a designated permit area displaying a parking permit for a different designated permit area shall be treated as a nonresident vehicle.
- E. "Parking permit" means a permit issued by the city pursuant to this chapter to an occupant within a designated permit area for display on a motor vehicle owned or used by such occupant or his or her guests which is parked or left standing within the boundaries of such area.

#### 10.26.030 Parking permit exemption.

- A. A motor vehicle on which is displayed a valid, unexpired parking permit shall be permitted to stand or be parked in the designated permit area for which such permit has been issued without being subject to the residential parking restrictions established for such area pursuant to this chapter.
- B. All nonresident vehicles which are parked or left standing in violation of any parking restriction established pursuant to this chapter for any designated permit area shall be subject to the same fines and penalties, including towing of nonresidential vehicles, as applied for violations of restrictions pertaining to parking time limit areas other than special zones.
- C. Notwithstanding subsections A and B of this Section,, the display of a valid, unexpired identification of the motor vehicle as being used by a disabled person meeting the requirements of Section 22511.5 of the California Vehicle Code shall be deemed a parking permit and such vehicle shall be exempt from any parking restrictions established for any designated permit area in the city.
- D. Nothing contained in this chapter shall be interpreted in a manner that will affect, impair, or supersede the enforcement of any other state or local laws, ordinances, or regulations, whether pertaining to parking or otherwise, and the same shall continue to be applied with full force and effect in all designated permit areas. In the event of any conflict or inconsistency with the parking restrictions established pursuant to this chapter, such other laws, ordinances and regulations shall be controlling.

#### 10.26.040 Establishment of designated permit area pursuant to application.

- A. Persons desiring to create a designated permit area may submit an application to the Director of Public Works/City Engineer containing the following information:
  - 1. A description or a map showing the proposed boundaries of the designated permit area. Both sides of the street must be included within the boundaries of any proposed area;
  - 2. The address of each dwelling unit within the proposed designated permit area and, to the extent such information is available to the applicants, the name(s) of the adult occupant(s) of each dwelling;
  - 3. An identification of any nonresidential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments;
  - 4. Concurrence that on Sundays through Thursday starting at 10 p.m. and ending at 6 a.m. the next day on-street parking within a designated permit area shall be reserved for holders of city issued parking permits within that designated permit area;
  - 5. Concurrence that each household within a designated permit area shall be issued no more than one permit to each occupant with a valid California Driver's License and a current vehicle registration that shows the vehicle registered at the address within the designated permit area; provided, however, that the number of permits per household shall not exceed the number of registered vehicles at that household address or the number of occupants with a valid California driver's license, whichever is less.
  - 6. The application shall include the following statement:

We the undersigned are occupants of the dwellings within the proposed designated permit area described in this petition. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) persons residing within the area will be entitled to obtain a limited number of permits exempting their vehicle from such parking restrictions, but if a person owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and will need to be renewed each year; (iv) the cost of installing and maintaining the parking restriction signs and the cost of issuing the annual parking permits will be paid by the occupants; and (v) the City of Brisbane will have no obligation to collect delinquent payments.
- B. The application must be signed by at least one adult occupant of not less than a majority of the dwellings located within the boundaries of the proposed designated permit area. Where dwellings are located on both sides of the street, the application must be signed by at least one adult occupant of not less than a majority of the dwellings on each side of the street.

- C. The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council.
- D. A public hearing on the application shall be conducted by the city council. Notice of the public hearing shall be mailed not less than ten (10) days prior to the scheduled date of the hearing to all persons listed in the application as being occupants of the dwelling units located within the boundaries of the proposed designated permit area and to any other persons who may not be listed in the application but are shown on the latest available assessment roll of the county as owning property located within the proposed area. Notice of the hearing shall also be posted in at least three (3) conspicuous locations within the proposed designated permit area and at such additional locations as may be necessary to post at least one notice on each separate block within the proposed area.
- E. Any person who has signed the application for designation may withdraw his or her consent to the establishment of the proposed designated permit area by communicating such withdrawal verbally or in writing to the city council at any time prior to adoption of the resolution establishing the area.
- F. The city council may approve, reject or modify the application in any manner the council deems appropriate, except that the boundaries of the proposed designated permit area shall not be expanded but may be reduced by excluding certain properties as long as the remaining properties are contiguous to each other. When a designated parking area has been requested by application, the city council may establish a designated permit area by resolution, which shall set forth the exact boundaries of the area, the specific parking restrictions applicable to such area, the initial cash contribution required for the cost of installing parking restriction signs, and the fees to be charged for issuance and renewal of parking permits.

#### 10.26.045 Establishment of a designated parking area by City Council

Notwithstanding the provisions of subsection A, B, and C of Section 10.26.040, City Council may by resolution impose a designated permit area, establish the applicable parking restrictions within such area, and establish the requirements as to who may obtain a permit and the number of permits issued.

#### 10.26.050 Modification of designated permit area.

In response to a request submitted by any person or upon its own initiative, the city council may modify the boundaries of a designated permit area or any of the parking restrictions applicable to such area, or the council may abolish the entire area or rescind any of such restrictions. No action shall be taken until a public hearing on the proposed modification has been conducted by the city council, with notice thereof given in the same manner as prescribed in this chapter for notice of the public hearing on the initial establishment of the designated permit area.

#### 10.26.060 Issuance of parking permits.

- A. Persons residing within a designated permit area may apply to the City of Brisbane police department for parking permits, which shall be granted upon payment of the application fee and submitting documentation showing proof of residency within the designated permit area, proof of a valid California driver's license and current registration of the motor vehicle to be parked in the designated permit area, and proof of ownership or entitlement to use each motor vehicle for which a parking permit is requested. The issuance of a parking permit shall not constitute the reservation or guaranty of any on-street parking spaces for the exclusive use of the permit holder.
- B. The number of permits that may be issued to the occupants of each dwelling unit located within the designated permit area shall not exceed the maximum number as may be specified in the resolution of the city council establishing the area; provided, however, that the chief of police, upon the showing of special circumstances or unavoidable hardship, shall have authority to issue a greater number of parking permits to the occupants of any dwelling unit within the designated permit area. The additional permits issued by the chief of police may be either temporary or renewable.
- C. Each household within the designated permit area may apply to the city police department for a parking permit for guests or invitees of the household but in no event shall the cumulative number of days for such permit or permits exceed twenty-one (21) days annually.

- D. Parking permits shall be issued for a term of one year and may be renewed for additional terms of one year upon payment of the renewal fee and the person requesting the renewal satisfying the requirements of paragraph 5 of subsection A or Section 10.26.040 or satisfying the requirements established by City Council resolution if different.
- E. The chief of police shall have authority to issue rules and regulations concerning the granting, renewal and display of parking permits, provided the same are consistent with the terms and provisions of this chapter.

**10.26.070 Posting of signs.**

The parking restrictions established for a designated permit area shall become effective and enforceable upon the posting of street signs giving notice of such restrictions to the public in the manner prescribed by the California Vehicle Code. The city engineer shall have the responsibility of installing and maintaining such signs.”

**Section 2.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 3.** This Ordinance shall be in full force and effect 30 days after its passage and adoption.

\* \* \* \*

The above Ordinance was regularly introduced and after waiting the time required by law was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on October 3, 2023, by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 Terry O’Connell, Mayor

ATTEST:

\_\_\_\_\_  
 Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
 Thomas R. McMorrow, City Attorney

## Chapter 10.26 RESIDENTIAL PARKING PERMIT PROGRAM

### 10.26.010 Purpose of chapter.

This chapter has been adopted for the following purposes:

- A. To create a voluntary program that will enable ~~residents of persons residing in~~ the city to request the establishment of ~~neighborhood residential~~ parking restrictions within the area where they ~~live reside~~ which are in addition to, and likely to be more restrictive than, the city's standard parking regulations for such area;
- B. To provide for the issuance of a certain number of parking permits to the residents of such designated areas, the display of which will serve to exempt their vehicles from the operation of the parking restrictions;
- C. To promote a cooperative effort among ~~neighbors persons residing in the city~~ in dealing with a shortage of parking spaces on the streets where they reside by enabling them to ~~formulate recommend~~ such parking restrictions as they determine to be appropriate for their own neighborhood;
- D. ~~To authorize the City Council to impose by resolution residential parking restrictions for those streets or portions of streets and related requirements as determined appropriate and necessary to alleviate parking space shortages.~~

### 10.26.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- A. ~~A.~~ "Designated permit area" means a contiguous area of a residential zoning district, containing not less than ten (10) dwelling units, upon which the city council imposes parking restrictions in response to a petition to do so submitted by the residents of such area in accordance with this chapter.
- B. ~~"Dwelling" means a dwelling as defined in Section 17.02.235 of this Code.~~
- C. ~~"Motor vehicle" means automobiles as defined by California Vehicle Code §465 and including leased motor vehicles and company owned motor vehicles used by a person residing within a designated permit area as a primary vehicle for transportation, motorcycles as defined by California Vehicle Code §400, trucks or other motor driven vehicles not exceeding seven thousand (7,000) pounds curb weight. The following (which are not exhaustive) do not meet the definition of "motor vehicle" as defined in this subsection: commercial trucks and truck tractors, boat trailers and all commercial trailers, recreational vehicles including campers, coaches, house cars and trailer coaches, and commercial passenger vehicles such as limousines, taxis and vanpool vehicles. automobile, three wheel motorcycle, truck, or other motor driven vehicle, not exceeding six thousand (6,000) pounds unladen weight.~~
- D. ~~C.~~ "Non-resident vehicle" means a motor vehicle parked or left standing in a designated permit area without having displayed thereon a parking permit for such area issued the city pursuant to this chapter, regardless of whether such motor vehicle is owned or being used by a resident of the designated permit area. A motor vehicle parked or left standing in a designated permit area displaying a parking permit for a different designated permit area shall be treated as a nonresident vehicle.

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~~ED.~~ "Parking permit" means a permit issued by the city pursuant to this chapter to ~~a resident of an~~ occupant within a designated permit area for display on a motor vehicle owned or used by such ~~resident-occupant~~ or his or her guests which is parked or left standing within the boundaries of such area.

#### 10.26.030 Parking permit exemption.

- A. A motor vehicle on which is displayed a valid, unexpired parking permit shall be permitted to stand or be parked in the designated permit area for which such permit has been issued without being subject to the neighborhood parking restrictions established for such area pursuant to this chapter.
- B. All nonresident vehicles which are parked or left standing in violation of any parking restriction established pursuant to this chapter for any designated permit area shall be subject to the same fines and penalties, including towing of nonresidential vehicles, as applied for violation of restrictions pertaining to parking time limit areas other than special zones.
- C. Notwithstanding ~~the foregoing subsections A and B of this Section~~, the display of a valid, unexpired identification of the motor vehicle as being used by a disabled person meeting the requirements of Section 22511.5 of the California Vehicle Code shall be deemed a parking permit and such vehicle shall be exempt from any parking restrictions established for any designated permit area in the city.
- D. Nothing contained in this chapter shall be interpreted in a manner that will affect, impair, or supersede the enforcement of any other state or local laws, ordinances, or regulations, whether pertaining to parking or otherwise, and the same shall continue to be applied with full force and effect in all designated permit areas. In the event of any conflict or inconsistency with the parking restrictions established pursuant to this chapter, such other laws, ordinances and regulations shall be controlling.

#### 10.26.040 Establishment of designated permit area.

- A. Persons desiring to create a designated permit area may submit an application to the ~~city clerk~~ Director of Public Works/City Engineer containing the following information:
  1. A description or a map showing the proposed boundaries of the designated permit area. Both sides of the street must be included within the boundaries of any proposed area;
  2. The address of each dwelling unit within the proposed designated permit area and, to the extent such information is available to the applicants, the name(s) of the adult occupant(s) of each dwelling ~~unit~~;
  3. An identification of any nonresidential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments;
  4. Concurrence that on Sundays through Thursday starting at 10 p.m. and ending at 6 a.m. the next day on-street parking within a designated permit area shall be reserved for holders of city issued parking permits within that designated permit area; ~~A statement of the proposed parking restrictions desired by the applicants, including days of the week, times during the day, and the length of time for the restriction. (For example, a two (2) hour maximum time limit during the hours of five p.m. to ten p.m. on Mondays through Fridays, holidays exempted.);~~
  5. Concurrence that each household within a designated permit area shall be issued no more than one permit to each occupant with a valid California Driver's License and a current vehicle registration that



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~~shows the vehicle registered at the address within the designated permit area; provided, however, that the number of permits per household shall not exceed the number of registered vehicles at that household address or the number of occupants with a valid California driver's license, whichever is less. The suggested maximum number of parking permits that may be issued to each dwelling unit located within the proposed boundaries of the designated permit area;~~

6. The application shall include the following statement:

We the undersigned are ~~residents-occupants~~ of the ~~dwellings within the~~ proposed designated permit area described in this petition. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) ~~residents of persons residing within~~ the area will be entitled to obtain a limited number of permits exempting their vehicles from such parking restrictions, but if a ~~resident person~~ owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and will need to be renewed each year; (iv) the cost of installing and maintaining the parking restriction signs and the cost of issuing the annual parking permits will be paid by the ~~residents-occupants~~; and (v) the City of Brisbane will have no obligation to collect delinquent payments ~~from any resident~~.

- B. The application must be signed by ~~the at least one adult~~ occupants of not less than ~~seventy percent (70%) a majority~~ of the dwellings ~~units~~ located within the boundaries of the proposed designated permit area. Where dwellings are located on both sides of the street, ~~the application must be signed by at least one adult occupant of not less than a majority of the dwellings on each side of the street. signatures by the occupants of not less than seventy percent (70%) of the dwelling units on each side of the street must be obtained. If a dwelling unit is occupied by more than one person, the signature by any of the adult occupants of such dwelling unit shall be sufficient for purposes of the application.~~
- C. The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council.
- D. A public hearing on the application shall be conducted by the city council. Notice of the public hearing shall be mailed not less than ten (10) days prior to the scheduled date of the hearing to all persons listed in the application as being occupants of the dwelling units located within the boundaries of the proposed designated permit area and to any other persons who may not be listed in the application but are shown on the latest available assessment roll of the county as owning property located within the proposed area. Notice of the hearing shall also be posted in at least three (3) conspicuous locations within the proposed designated permit area and at such additional locations as may be necessary to post at least one notice on each separate block within the proposed area.
- E. Any person who has signed the application for designation may withdraw his or her consent to the establishment of the proposed designated permit area by communicating such withdrawal verbally or in writing to the city council at any time prior to adoption of the resolution establishing the area.
- F. The city council may approve, reject or modify the application in any manner the council deems appropriate, except that the boundaries of the proposed designated permit area shall not be expanded but may be reduced by excluding certain properties as long as the remaining properties are contiguous to each other. ~~When a designated parking area has been requested by application, t~~he city council may establish a designated permit area by resolution, which shall set forth the exact boundaries of the area, the specific parking restrictions applicable to such area, the initial cash contribution required for the cost of installing parking restriction signs, ~~and~~ the fees to be charged for issuance and renewal of parking permits, ~~and the maximum number of parking permits that may be issued to each dwelling unit located within the designated permit area.~~

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#### **10.26.045 Establishment of a designated parking area by City Council**

Notwithstanding the provisions of subsection A, B, and C of Section 10.26.040, the City Council may by resolution impose a designated permit area, establish the applicable parking restrictions within such area, and establish the requirements as to who may obtain a permit and the number of permits issued.

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#### **10.26.050 Modification of designated permit area.**

In response to a request submitted by any person or upon its own initiative, the city council may modify the boundaries of a designated permit area or any of the parking restrictions applicable to such area, or the council may abolish the entire area or rescind any of such restrictions. No action shall be taken until a public hearing on the proposed modification has been conducted by the city council, with notice thereof given in the same manner as prescribed in this chapter for notice of the public hearing on the initial establishment of the designated permit area.

#### **10.26.060 Issuance of parking permits.**

- A. Persons residing within a designated permit area may apply to the ~~city~~ City of Brisbane police department for parking permits, which shall be granted upon payment of the application fee and submitting documentation ~~acceptable to the chief of police or his or her authorized representative~~ showing proof of residency within the designated permit area, proof of a valid California driver's license and current registration of the motor vehicle to be parked in the designated permit area, and proof of ownership or entitlement to use each motor vehicle for which a parking permit is requested. ~~and proof of ownership or entitlement to use each motor vehicle for which a parking permit is requested.~~ The issuance of a parking permit shall not constitute the reservation or guaranty of any on-street parking spaces for the exclusive use of the permit holder.
- B. The number of permits that may be issued to the occupants of each dwelling unit located within the designated permit area shall not exceed the maximum number as may be specified in the resolution of the city council establishing the area; provided, however, that the chief of police, upon the showing of special circumstances or unavoidable hardship, shall have authority to issue a greater number of parking permits to the occupants of any dwelling unit within the designated permit area. The additional permits issued by the chief of police may be either temporary or renewable.
- C. Each household within the designated permit area may apply to the city police department for a parking permit for guests or invitees of the household but in no event shall the cumulative number of days for such permit or permits exceed twenty-one (21) days annually.
- D. Parking permits shall be issued for a term of one year and may be renewed for additional terms of one year upon payment of the renewal fee and, the person requesting the renewal satisfying the requirements of paragraph 5 of subsection A or Section 10.26.040 or satisfying the requirements established by City Council resolution if different if requested by the chief of police, upon resubmittal of the applicant's proof of residency and proof of vehicle ownership or entitlement to use.
- D. The chief of police shall have authority to issue rules and regulations concerning the granting, renewal and display of parking permits, provided the same are consistent with the terms and provisions of this chapter.

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**10.26.070 Posting of signs.**

The parking restrictions established for a designated permit area shall become effective and enforceable upon the posting of street signs giving notice of such restrictions to the public in the manner prescribed by the California Vehicle Code. The city engineer shall have the responsibility of installing and maintaining such signs, ~~but only after receipt of payment for the cost thereof made by or on behalf of the residents of the designated permit area. Failure to make such payment within the time to do so, as specified in the resolution adopted by the city council, shall operate to nullify the resolution.~~