



REVISED

NOTICE OF SPECIAL MEETING

Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy City Council** is hereby called for:

Date/Time: **Tuesday, February 17, 2026, 6:00 p.m.**
(or as soon thereafter as possible)

Location: **A quorum of the City Council will be in attendance at:**
Tracy City Hall, Council Chambers
333 Civic Center Plaza, Tracy, CA 95376
and
Council Member Bedolla will attend remotely at the following
location: 1755 Harvest Landing Lane, Tracy, CA 95376

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy City Council on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

This meeting will be open to the public for in-person and remote participation.

For Remote Public Comment:

During the Items from the Audience, public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2556 652 3080** and **Event Password:** TracyCC
 - ***If you would like to participate in the public comment anonymously***, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, enter 25566523080#8722922#
Press *3 to raise the Hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
 - *If you wish to comment under "Items from the Audience/Public Comment" portion of the agenda:*
 - *Listen for the Mayor to open "Items from the Audience/Public Comment," then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*

- *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
- *Comments for the “Items from the Audience/Public Comment” will be accepted until the public comment period is closed.*

1. Call to Order
2. Disclosure of Participation by Teleconference Pursuant to Government Code Section 54953.8.3, If Applicable
3. Roll Call and Declaration of Conflicts
4. Items from the Audience - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, and last amended by Resolution No. 2021-049, a five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment.” For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council.*
5. Workshop Items
 - 5.A. Staff recommends that the City Council (1) receive a summary of potential areas for revision within the Council Meeting Protocols and Rules of Procedure, a summary of additional Council-related protocols identified for potential revision, and an update on Senate Bill 707; (2) discuss and review the Council Meeting Protocols and Rules of Procedure and additional Council-related protocols to identify potential revisions to increase efficiency regarding public meeting facilitation and preparation and ensure compliance with the requirements of Senate Bill 707; and (3) provide direction to staff on how to proceed with revising the Council Meeting Protocols and Rules of Procedure and other Council-related protocols, if applicable.

[5.A - Staff Report - City Council Protocols and Rules of Procedure.pdf](#)
[5.A - Presentation - City Council Protocols and Rules of Procedure.pdf](#)
6. Council Items and Comments
7. Adjournment

Posting Date: February 13, 2026

Americans With Disabilities Act – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for persons with disabilities to participate in Council meetings. Persons requiring assistance or auxiliary aids should submit a request to the City Clerk's Office by emailing cityclerk@cityoftracy.org or calling (209) 831-6105 at least 24 hours prior to the meeting.

Requests for Language Interpretation and Translation – Requests for language interpretation and translation may be arranged by submitting a request to the City Clerk's Office by emailing cityclerk@cityoftracy.org or calling (209) 831-6105 at least 24 hours prior to the meeting.

Agenda Item 5.A

RECOMMENDATION

Staff recommends that the City Council (1) receive a summary of potential areas for revision within the Council Meeting Protocols and Rules of Procedure, a summary of additional Council-related protocols identified for potential revision, and an update on Senate Bill 707; (2) discuss and review the Council Meeting Protocols and Rules of Procedure and additional Council-related protocols to identify potential revisions to increase efficiency regarding public meeting facilitation and preparation and ensure compliance with the requirements of Senate Bill 707; and (3) provide direction to staff on how to proceed with revising the Council Meeting Protocols and Rules of Procedure and other Council-related protocols, if applicable.

EXECUTIVE SUMMARY

The Tracy City Council adopted Council Meeting Protocols and Rules of Procedure in 2019 and, consistent with the provisions contained within the rules, has conducted biennial reviews and updates approximately every two years. The purpose of this periodic review is to evaluate the effectiveness of the protocols, identify opportunities to improve meeting efficiency and public participation, and ensure alignment with current legal requirements and best practices. The most recent review was completed on June 6, 2023; therefore, a subsequent review is now due.

In addition, the passage of Senate Bill 707 (The Brown Act Modernization Act) in October 2025 requires updates to local meeting procedures to ensure compliance with new statutory requirements.

This item outlines potential areas for revision and provides a summary of the changes required under Senate Bill 707. The City Council is asked to provide direction to staff regarding any desired revisions to the Council Meeting Protocols and Rules of Procedure and other related Council protocols. Based on Council direction, staff will return at a future meeting with proposed amendments for formal consideration and action.

BACKGROUND AND LEGISLATIVE HISTORY

At the City Council Meeting on August 19, 2025, Mayor Arriola submitted a request for support to update the Council Meeting Protocols and Code of Conduct, specifically to facilitate updates to the layout of the agenda to ensure efficient meetings out of respect of the public's time. Mayor Pro Tem Abercrombie supported the request. In response to the request, staff has prepared this item to provide a summary of potential areas for revision within the Council Meeting Protocols and Rules of Procedure ("Protocols and Rules"), an update on Senate Bill 707, and an opportunity for the City Council to discuss, review, and provide direction regarding the Protocols and Rules.

The purpose of reviewing the Protocols and Rules is (1) to review and examine public comment provisions to ensure members of the public have an equal opportunity to address their elected and appointed officials and to ensure that City Council business is conducted in the most efficient manner consistent with the Ralph M. Brown Act; (2) to revise the Protocols and Rules to adhere to new rules and requirements under Senate Bill 707; and (3) to complete the review of the Protocols and Rules as required by Section 1.5 of the Protocols and Rules.

The current Council Protocols and Rules (Attachment A) were last reviewed and revised on June 6, 2023, by Resolution No. 2023-102. Since this revision, staff has identified more potential areas for revision to increase efficiency regarding public meeting facilitation and preparation. Additionally, the California State Legislature passed Senate Bill 707 in 2025, which outlines extensive revisions to and new requirements within the Ralph M. Brown Act.

ANALYSIS

The Council Meeting Protocols and Rules require that the City Council review the Protocols and Rules by December 31 of every odd-numbered year. The last review was conducted on June 6, 2023; therefore, review of the Protocols and Rules is due.

During the City Council's Workshop on February 17, 2026, the City Council will receive a summary of potential areas for revision within the Protocols and Rules, a summary of additional Council-related protocols identified for potential revision, and an update on Senate Bill 707 to advise the City Council of new requirements of the Ralph M. Brown Act. The potential revision topics include, but are not limited to, aspects of meeting agenda preparation, public meeting facilitation, public comment, meeting technology, public access to meetings, website updates, agenda posting procedures, Council requests, etc.

FISCAL IMPACT

There are no fiscal impacts related to the actions requested of the City Council in this staff report, except operational expenses.

STRATEGIC PLAN

This agenda item relates to the City Council's Strategic Priority of Government Accountability: Develop Platforms for Public Transparency. Review of the Protocols and Rules is required by the Protocols and Rules, and conducting such review during a Council Meeting Workshop facilitates public transparency by providing an opportunity for public comment and discussion about the rules by which the City's legislative bodies and members of the public engage in the public meeting process.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council (1) receive a summary of potential areas for revision within the Council Meeting Protocols and Rules of Procedure, a summary of additional Council-related protocols identified for potential revision, and an update on Senate Bill 707; (2) discuss and review the Council Meeting Protocols and Rules of Procedure and additional Council-related protocols to identify potential revisions to increase efficiency regarding public meeting facilitation and preparation and ensure compliance with the requirements of Senate Bill 707; and (3) provide direction to staff on how to proceed with revising the Council Meeting Protocols and Rules of Procedure and other Council-related protocols, if applicable.

Prepared by: April B. A. Quintanilla, City Clerk

Reviewed by: Sara Castro, Director of Finance
Arturo M. Sanchez, Assistant City Manager
L. David Nefouse, City Attorney

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS:

Attachment A – Council Meeting Protocols and Rules of Procedure



COUNCIL MEETING PROTOCOLS AND RULES OF PROCEDURE

Adopted by Resolution No. 2019-240
Revised by Resolution Nos. 2020-112, 2021-049 and 2023-102

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City of Tracy – Council Meeting Protocols and Rules of Procedures

Section 1 –Purpose and Applicability

1. Purpose and Applicability

- 1.1. The purpose of these Council Meeting Protocols and Rules of Procedures (“Protocols”) are to provide clear guidelines to assist the City Council, staff and the public to conduct meetings in an efficient and transparent manner and in accordance with the Ralph M. Brown Act (“Brown Act”; Government Code sections 54950-54963) and all applicable laws.¹ These Protocols are adopted pursuant to Section 36813. In the event of a conflict between the Brown Act and these Protocols, the Brown Act shall control.
- 1.2. In the event of a conflict between these Protocols, and the City of Tracy’s adopted Code of Conduct (Resolution No. 2021-146), Protocols shall control.
- 1.3. These Protocols shall apply to the City Council, the Successor Agency to the Community Development Agency, the Tracy Public Facilities Corporation, the Tracy Industrial Development Authority, and all City Boards, Commissions, and Committees.
- 1.4. Suspension of Protocols. Any rule set forth herein may be suspended by a supermajority vote of the City Council.
- 1.5. Review and Changes to Protocols. These Protocols shall be reviewed by December 31st of every odd numbered year. A majority vote of the City Council shall be necessary to amend these Protocols.
- 1.6. A copy of these Protocols shall be available for public review at the City Clerk’s Office and City’s website (www.cityoftracy.org).

¹ All references to statutes are to the California Government Code unless otherwise specified.

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Section 2 –Duties (Roles and Responsibilities)

2. Roles and Responsibilities at Council Meetings

- 2.1. Mayor. The Mayor is the Presiding Officer of all meetings of the full City Council. The Presiding Officer is the primary, but not the only, person responsible for ensuring that the City Council, staff, and members of the public adhere to these Protocols during City Council meetings. (Section 36802). The Chair of a City board or commission shall act as the Presiding Officer.
- 2.2. Mayor Pro Tem. The Mayor Pro Tem shall serve as the Presiding Officer in the absence of the Mayor. Absence shall be as defined by State law. Upon arrival of the Mayor, the Mayor Pro Tem shall immediately relinquish the role of Presiding Officer at the conclusion of the business then before Council. (Section 36802) The Vice Chair of a City board or commission shall act as the Presiding Officer in the absence of the Chair.
- 2.3. City Council. All members of the City Council shall comply with the Council Code of Conduct at meetings. Newly elected City Council members shall be sworn in and seated at the first regular City Council meeting after receipt of the certified election results from the County Registrar of Voters.
- 2.4. Sergeant-at-Arms. The Sergeant-at-Arms is the law enforcement official charged with maintaining security during meetings of the City Council. The Sergeant-at-Arms of the City Council shall be a police officer assigned by the Police Chief. There shall be at least one officer so assigned and present at each meeting of the full City Council. The officer shall maintain order and enforce the orders of the City Council and Presiding Officer.
- 2.5. City Manager. Pursuant to the Council-Manager form of government established by Chapter 2.08 of the Tracy Municipal Code, the City Manager sets the Council agenda and once published, may request that the City Council, by majority vote, to withdraw an item.
- 2.6. City Clerk. The City Clerk shall attend all meetings of the Council unless excused. The Deputy City Clerk shall attend Council meetings in the City Clerk's absence. The City Clerk shall record, prepare, and maintain the official records of the Council and perform other duties as directed by the City Manager. (Section 36804)
 - 2.6.1. Minutes. The City Clerk's office shall be responsible for the preparation and distribution of the Council minutes. The minutes shall include a public report on any action taken and the vote or abstention on such action of each Council Member present for the action. Unless a reading of the minutes is requested by a Council Member, the minutes may be approved as a Consent Calendar item.
 - 2.6.1.1. No minutes or written record of closed sessions of the City Council shall be kept, except as required by State law or as directed by the majority vote of

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the City Council. The Council shall report at a public meeting any action taken in closed session, as required by Section 54957.1.

2.6.1.2. The City Clerk shall include a report on posting of the agenda in the minutes.

2.6.2. Timekeeper. The City Clerk shall be the designated timekeeper at all City Council meetings and shall have the authority to interrupt speakers, whether members of the public or a City Council member, when their allotted speaking times have expired.

2.7. City Staff. City staff shall (a) prepare balanced staff reports and provide accompanying documents on all agenda items in accordance with the agenda preparation schedule; (b) be available for questions from the City Council in accordance with the Brown Act prior to and during meetings; and (c) respond to questions from the public during meetings only when requested to do so by the City Council or the City Manager.

2.8. City Attorney. The City Attorney shall attend all meetings of the Council unless excused. The Assistant City Attorney shall attend Council meetings in the City Attorney's absence. The City Attorney shall give advice, upon request from the City Council, on questions of law. The City Attorney shall serve as the Parliamentarian at City Council meetings, opining on any procedural issues related to these Protocols, the Brown Act and Rosenberg's Rules.

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Section 3 – Meeting Types

3. Council Meeting Types

- 3.1. Regular Meetings. Regular City Council meetings are held on the first and third Tuesdays of the month at 7:00 p.m. at City Hall Council Chambers, 333 Civic Center Plaza, Tracy, California 95376, unless otherwise noticed and as allowed under Section 54954. No meeting shall be held on a holiday as defined by Section 6700. (Section 36805)
- 3.2. Special Meetings. The City Manager, Mayor, or a majority of the members of the City Council may call a special meeting. (Section 54956). Only the City Attorney is authorized to convene a closed session, which shall be considered a special meeting and conducted in accordance with the Brown Act. (Section 36807)
- 3.3. Workshops. The purpose of a workshop is to inform the City Council of complex issues and provide an opportunity for the City Council to review documents and request additional information. However, no final City Council action shall be taken during the workshop on agendized items. Workshops are open to the public and shall be conducted as public meetings in accordance with the Brown Act.
- 3.4. Closed Sessions.
 - 3.4.1. The City Attorney shall convene a special closed session meeting under the following circumstances:
 - 3.4.1.1. When requested by the City Manager to discuss a matter in closed session, and the City Attorney determines such a matter is permissible for discussion in closed session under the Brown Act;
 - 3.4.1.2. When requested by the City Council, pursuant to Section 4.3, to discuss a matter in closed session, and the City Attorney determines such a matter is permissible for discussion in closed session under the Brown Act;
 - 3.4.1.3. When the City Attorney deems it so necessary and determines a closed session is permissible under the Brown Act.
 - 3.4.2. Closed sessions shall be held in accordance with the Brown Act. Non-agendized matters shall not be discussed in closed session. Closed sessions may precede or follow a City Council meeting.
 - 3.4.3. All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the closed session. Any member sharing information in violation of this rule may be subject to censure by the City Council or other legal remedies as set forth in Section 54963.

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- 3.4.4. The public may speak regarding any closed session item prior to the closed session as required by the Brown Act.
- 3.4.5. The City Attorney shall attend all closed sessions unless excused by the majority of the Council as related to personnel evaluations or disciplinary matters related to the City Attorney and shall report out in public session any reportable actions there taken by Council and the vote on such actions, in accordance with the Brown Act.
- 3.5. Teleconferenced Meetings. The City Council may hold a meeting by teleconference, meaning a meeting of the Council in which members are in different locations and connected by electronic means, through either audio or video, or both. Any teleconference meeting of the Council must comply with the requirements of Government Section 54953 and other applicable law, including but not limited to the requirement that all votes taken shall be by roll call.
- 3.6. Emergency Meetings. In the case of an emergency, as defined by Section 54956.5, a majority of Council may call a meeting and dispense with the special meeting notice and posting requirements under the Brown Act. Any emergency meeting held shall comply with the applicable Brown Act provisions.
- 3.7. The City Clerk shall ensure that the applicable noticing and posting requirements under the Brown Act are followed for all meetings of the City Council and shall poll and confirm a quorum is available for all such meetings in advance of publication.

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Section 4 – Meeting Agendas

4. Meetings Agendas

4.1. Purpose of Agenda. The Council meeting agenda documents serve four purposes:

- To communicate and inform City Council, City staff, the public and the press about City business.
- To comply with mandated state laws.
- To facilitate the decision-making process by including sufficient background information so that the City Council can obtain a full understanding of the issues and staff's analysis and recommendation prior to their consideration and action.
- To serve as a historical reference that can be kept as a record of proceedings and actions as needed for future actions and/or litigation.

As set forth above, the purpose of the agenda is to provide a framework within which Council meetings can be conducted and to effectively implement the approved Council programs, goals and budget. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

4.2. Posting and Distribution of Agendas. At a minimum, the posting and distribution of all agendas shall be done in accordance with the Brown Act. Agendas for regular meetings shall be posted not less than 72 hours prior to the meeting (Section 54954.2(a)(1)); special meeting agendas shall be posted not less than 24 hours prior to the meeting (Section 54956).

4.2.1. All agendas shall be posted in the following locations: City Hall, the Tracy Library, the City's website, and other locations as may be required by the bylaws of a particular Board or Commission. Posting of agendas at City Hall shall be the official location for purposes of Brown Act compliance.

4.2.2. Agenda packets are provided electronically to City Council Members on the Thursday prior to a City Council meeting unless technical difficulties occur. If technical difficulties occur, the City Clerk will endeavor to provide Council with hard copies of the agenda as soon as reasonably possible. Distribution to the staff, public and media shall occur immediately after distribution to the City Council. Members of the public may sign up to receive notification that a Council meeting agenda has been posted on the City's website (www.cityoftracy.org). The City Clerk will mail copies of the agenda or particular agenda items to any person submitting a request. (Section 54954.1) Said requests will be valid for one year. Copies of the agenda, and of individual agenda items, are available at costs established in the City's Master Fee Schedule. Copies of the agenda are also available for inspection at the Tracy Library and City Clerk's office. Agendas for Council meetings are posted on the City's website (www.cityoftracy.org).

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4.3. Agenda Item Submission, Council Member Request for Agenda Items. Council Members may seek to have an item discussed by the City Council at a future meeting and shall follow the below processes to have an item placed on a future City Council agenda:

4.3.1. During "Council Items and Comments", a Council Member may make a motion , to place an item on a future City Council agenda, and upon receiving a second to such motion, the City Manager shall place the item on a future agenda.

4.3.1.1. When the motion is made, the City Manager may provide information regarding current workloads, staffing and/or anticipated research that may affect the timing of completing the requested item, so as to establish more accurate and realistic expectations of when such item will be placed on a future City Council agenda.

4.3.1.2. If no discussion is had regarding the timing, the City Manager shall place the requested item on a future City Council agenda within a reasonable time.

4.3.1.3. The motion maker may include a specific meeting date on which the item must be brought to the City Council for consideration, and such date shall prevail, unless the City Manager provides information to explain that such date is not possible either due to current workloads, staffing and/or anticipated research.

4.3.2. A Council Member may request a time sensitive item be placed on the next City Council agenda, by contacting the City Manager, or their designee, via telephone, email or in person. Upon the request of a Council Member, the item will be placed on the next City Council agenda as long as the motion maker obtains one other Council Member to second the request. In the interest of transparency and Brown Act compliance, the motion maker shall limit discussions, outside of City Council meetings, to only one other Council Member to obtain support for a second to the motion regarding the time-sensitive request.

4.3.2.1. For purposes of this section 4.3.2, "time-sensitive" shall mean any agenda item that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the City Council. All necessary information should be submitted to City Council for a valid time-sensitive request.

4.3.2.2. In the event of a time-sensitive request, the City Manager shall notify the rest of the City Council when two Council Members request an item to be placed on the agenda. The City Manager will place the item on the next City Council agenda, unless the City Manager has communicated to the two requesting Councilmembers that such timeframe is not possible based on current workloads, staffing and/or research. The City Manager shall consult and coordinate with the City Attorney on all time-sensitive matters.

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4.3.2.3. If the time-sensitive item is not able to be placed on the next City Council agenda, due to the information provided by the City Manager pursuant to Section 4.3.2.2, then the Council Member may place the item on a future City Council agenda pursuant to Section 4.3.1

4.3.3. Other Public Agencies. Agenda items such as presentations and proposals from other public entities must be sponsored for agenda placement by two Council members or the City Manager.

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Section 5 –Conduct of Meetings

5. Conduct of Meetings

- 5.1. Order of Business. The suggested order of business of Council meetings shall be as follows.
1. Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Invocation
 5. Presentations/Proclamations and Awards
 6. Order of Business
 7. Consent Calendar
 8. Items from the Audience/Public Comment
 9. Continued Public Hearings
 10. Public Hearings
 11. Regular Items
 12. Items from the Audience/Public Comment
 13. Staff Items
 14. Council Items and Comments
 15. Adjournment
- 5.2. Call to Order. The Presiding Officer shall take the chair at the hour appointed for the meeting and shall immediately call the meeting to order.
- 5.3. Roll Call. A majority of the members of the Council then in office shall constitute a quorum. (Section 36810)
- 5.4. Invocations. Any member of the public who wishes to offer an invocation prior to the opening of a regular Council meeting shall contact the City Clerk. The City Clerk shall select a mutually agreeable City Council meeting date for the invocation.
- 5.5. Presentations/Proclamations and Awards. This portion of the Agenda is dedicated for presentations, such as proclamations and awards, employee of the month recognitions, board and commission recognitions, and employee swearing-ins, and shall be limited to a 15-minute maximum period.
- 5.6. Order of Business . The order of business shall be as set forth in the published agenda. However, the Mayor may reorder agenda items or a Council Member may request that the Mayor reorder agenda items. The Mayor, as the Presiding Officer, shall be the decision maker on the order of business, except that the Mayor's decision may be appealed by a Council Member and such appeal shall be decided upon by a majority vote of the City Council. Upon a final determination that a reorder is occurring, the Mayor shall announce the reorder prior to proceeding with the meeting.
- 5.7. Consent Calendar. All items listed on the Consent Calendar are considered to be routine matters or consistent with previous City Council direction, such as resolutions confirming action from a previous meeting or the adoption of an ordinance previously

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introduced by Council. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

5.8. Items from the Audience/Public Comment. It is the policy of the City Council that members of the public be allowed to address the Council on any item of interest to the public, before or during its consideration of that item, that is within the City Council's subject matter jurisdiction. (Section 54954.3(a)).

5.8.1. Agendas for regular meetings will have two opportunities for "Items from the Audience/Public Comment." (Section 54954.3(a)). In the interest of allowing the City Council to have adequate time to address the agendized items of business, the first public comment opportunity will be limited to a 15-minute maximum period. (Section 54954.3(b)). The second opportunity will not have a time limit period. A five-minute time limit per speaker will apply to all individuals speaking during the "Items from the Audience/Public Comment" portion of the agenda. Speakers may not concede any part of their allotted time to another speaker.

5.8.1.1. However, in the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes.

5.8.2. Each speaker shall avoid repetition of the remarks of the prior speakers, and when speaking under a specific agenda item, shall speak only to that agenda item. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak.

5.8.3. Speaker Cards. To facilitate the orderly process of public comment and to assist the City Council to conduct its business as efficiently as possible, members of the public wishing to address the City Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address, to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the City Council. (Section 54953.3)

5.9. Public Hearings. Public hearings are required for a variety of City Council actions such as changes to the Tracy Municipal Code, zoning revisions, some annexations, street vacations, weed abatement, liens, fee increases, etc. Whenever the law provides that publication of a notice shall be made, such notice shall be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner required. Each speaker will be allowed a maximum of five minutes for public input or testimony. However, in the event there are 15 or more individuals wishing to speak

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regarding a public hearing item, the maximum amount of time allowed per speaker will be three minutes.

- 5.9.1. Public Hearings for Land Use and Other Matters. The Presiding Officer may designate individuals as the “Proponent/Appellant” or “Opponent” and provide each with additional time for comments and the opportunity to present a rebuttal.
- 5.10. Regular Items. This portion of the Agenda is for non-public hearing agenda items that require Council action or direction such as status or informational reports from staff and Council requests for agenda items.
- 5.11. Staff Items. This portion of the agenda provides an opportunity for the City Manager, City Attorney, and City staff to provide information of community interest to the City Council.
- 5.12. Council Items and Comments. This portion of the agenda is for each member of the City Council to provide brief reports on any intergovernmental agency meetings, conferences, community meetings, meetings of other legislative bodies, or other events of interest to the community that they attended, as well as meetings attended at the City’s expense. This portion of the agenda is also for the City Council to provide guidance and direction to staff concerning items to be included on future agendas and information to be provided in response to questions raised during “Items from the Audience/Public Comment.”
 - 5.12.1. Under this portion of the agenda, two Council members may request staff to provide information, perform studies, or undertake other action. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or if it will involve substantial staff resources, the City Manager will report to the City Council at a subsequent City Council meeting and request further direction. At that time, the consensus of a majority of the City Council will be required to proceed.
 - 5.12.2. Agendas for regular and special meetings of the Council shall include a “Council Items and Comments” section. (Resolution No. 2021-049)
- 5.13. Adjournment. If a City Council meeting is still in session at 11:00 p.m., the Presiding Officer shall ask the question of whether the City Council desires to consider any new items after 11:00 p.m. The City Council shall determine, by motion, which specific items will be considered or continued. The City Manager shall inform the City Council of any time sensitive items. Any item continued due to the lateness of the hour shall automatically be placed on the agenda for the next regularly scheduled City Council meeting unless otherwise scheduled by motion action of a majority of the City Council.
- 5.14. Non-Agendized Items. The Brown Act prohibits the City Council from discussing or acting upon any non-agendized matter, unless an exception under Section 54954.2

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applies. For non-agendized items, City Council members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff person; or request that the matter be placed on a future agenda or that staff provide additional information to the City Council. However, items may be added to the agenda (such as emergency matters) as permitted in the Brown Act. Brief announcements, brief responses, or questions seeking clarifications, may be made to statements or questions raised on items not on the agenda (Section 54954.2(a)(3)). Action on any item not on the agenda shall be deferred until the item is properly listed on the agenda for a subsequent City Council meeting unless added due to an immediate need if permitted under state law.

- 5.15. Voting Requirements. All ordinances, resolutions, and orders for payment of money require a majority vote of the total membership of the City Council in accordance with Section 36939, unless otherwise required by State law.

5.15.1. It is a best practice that all City Council members vote on every item of business unless prevented from doing so by virtue of an actual or potential conflict of law or other valid abstention under applicable laws. City Council Members are encouraged to disclose the reason for that abstention prior to the City Council engaging in discussion on that item.

- 5.16. Parliamentary Procedures. City Council meetings shall be conducted in accordance with the Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century unless otherwise specified herein. (Appendix A - Rosenberg's Rules of Order, Revised 2011, as may be amended). City Boards and Commissions may use Rosenberg's Rules of Order or any other informal meeting protocols or parliamentary procedures to conduct their meetings. (Resolution No. 2021-049)

5.16.1. Time Limit for City Council Discussion and Debate. Each City Council Member shall have an aggregate maximum of five minutes to speak during each City Council discussion item and debate of a motion. (Resolution No. 2021-049)

5.16.2. Point of Order. Any City Council member may ask for a point of order, at which time the Presiding Officer will ask for an explanation. Points of order relate to matters that a City Council member considers inappropriate conduct for the meeting, such as the failure to adhere to these Protocols. The Presiding Officer shall rule on the matter. Any member can move to appeal the Presiding Officer's ruling, with a second from another Council member. Following debate, the ruling of the Presiding Officer may be reversed by a majority vote.

- 5.17. Written Communications from the City and the Public. The City Clerk shall manage communications to members regarding meeting topics to ensure compliance with the Brown Act.

5.17.1. Except for records exempt from disclosure under the California Public Records Act and otherwise by law, agendas or any other writings distributed to all or a majority of the members of a legislative body for discussion or consideration at a

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public meeting are disclosable to the public, and shall be made available upon request without delay.

5.17.2. Materials distributed to the members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the City or a City Council member, or posted on the City's website within 48 hours the conclusion of the meeting if prepared by another person.

5.18. Written Materials after the City Council Agenda has been Distributed. On occasion, the City Council may receive, from members of the public, written materials either after the Agenda has been posted or at a City Council meeting. These written materials are typically related to an agenda item or handed out during "Items from the Audience/Public Comment." Upon the City Council receiving these written materials, they become a public record. For materials related to an agenda item, copies will be kept on file at the City Clerk's Office and will typically be posted on the City's website under "Materials Distributed at Council Meetings" 48 hours after the City Council meeting.

5.18.1. For agenda items, staff may distribute materials to the City Council after the agenda has been published, only in compliance with the Brown Act. Any such materials will be made available at the City Council meeting for the public to review.

5.18.2. Interested parties or their authorized representatives may address the Council by written communications regarding agenda items.

5.18.2.1. Documents (6 copies are recommended) that members of the public submit to the City Council at the meeting shall be given directly to the City Clerk for distribution and shall not be given directly to the City Council. The documents will be available to the public on the City's website within 48 hours of the conclusion of the meeting.

5.19. Compliance with the Americans with Disabilities Act (ADA). The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled. To allow for such reasonable accommodations, persons requiring assistance or auxiliary aids to participate at a City Council meeting, should contact the City Clerk's Office at (209) 831-6105 at least 24 hours prior to the meeting.

City of Tracy – Council Meeting Protocols and Rules of Procedures

Section 6 – Conduct of the Public

6. Conduct of the Public

- 6.1. Purpose of Public Comment. The City, in accordance with the Brown Act, provides the public the opportunity to address the City Council body as a whole and express their opinions regarding agenda items and non-agenda matters within the subject matter jurisdiction of the City Council. (Section 54954.3) Items are generally considered to be within the City Council's subject matter jurisdiction if they are within the City Council's scope of influence.
- 6.1.1. Nothing in these Protocols shall be construed as prohibiting public criticism of the City's policies, procedures, programs or services, or the acts or omissions of the City Council. However, these Protocols are not intended to confer any privilege or protection for expression beyond that otherwise provided by law. (Section 54954.3(c)).
- 6.1.2. Public comments should not be addressed to individual City Council members nor City staff, but rather to the City Council as a whole.
- 6.1.3. While members of the public may speak their opinions on City business, personal attacks on members and City officials, use of swear words, and verbal or non-verbal signs or displays of disrespect for individuals are discouraged as they impede good communication with the City Council.
- 6.1.4. Consistent with the Brown Act, the City Council is limited in its ability to respond to public comments regarding non-agenda matters.
- 6.2. In the interest of conducting an efficient meeting, the Presiding Officer may stop a member of the public whose comments are not confined to the agenda item being heard. In addition, during the "Items from the Audience/Public Comment" portion of the agenda, the Presiding Officer may stop a member of the public whose comments are not within the subject matter jurisdiction of the City.
- 6.3. Rules of Decorum. While the City Council is in session, no person in the audience at a City Council meeting shall engage in conduct that disrupts the orderly conduct of a Council meeting, including, but not limited to, the utterance of loud, threatening or abusive language, refusing to abide speaker time limits and leave the podium when directed; whistling, stamping of feet, yelling or shouting or interrupting a speaker who is addressing the City Council; repeated waving of arms; or other disruptive acts. Clapping at any time during a City Council meeting, except during the "Presentations/Proclamations and Awards" portion of the meeting, shall be considered a disruption.
- 6.4. Any person who disrupts the orderly course of the meeting may be issued a criminal citation pursuant to Penal Code section 403 and/or called out of order by the Presiding Officer and barred from further participation during that session of the City Council in accordance with the Brown Act.

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- 6.4.1. All persons attending a Council meeting shall obey any lawful order or direction of the Presiding Officer or Sergeant-at-Arms.
 - 6.4.2. The Sergeant-at-arms shall assist the Presiding Officer in enforcing these rules of decorum at City Council meetings, including but not limited, removing disruptive audience members. Additionally, any City Council member may at any time call for a point of order, to request the timely enforcement of these rules of decorum.
- 6.5. Location of Speaker. Members of the public wishing to address the City Council must approach the podium when recognized by the Presiding Officer and shall speak only from the podium.

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Section 7 – Miscellaneous

7. Miscellaneous

- 7.1. Conflicts of Interests. It is the responsibility of every Council member to disclose conflicts of interest on agenda items, in accordance with State and local laws.
- 7.2. Proclamations. The Mayor issues proclamations to provide special recognition by the City to an individual, event, issue etc. Proclamations are not statements of policy and do not require the official approval or action of the City Council.
- 7.3. Broadcasting of Council Meetings. Generally, City Council meetings are broadcast live on Channel 26 and the City's website (www.cityoftracy.org), unless technical difficulties make that infeasible. Reruns of the preceding City Council meeting are shown every Wednesday at 8:00 p.m., every Thursday at 10:00 a.m., and every Saturday at 9:00 a.m. on Channel 26.
 - 7.3.1. Recordings of City Council meetings shall be accessible on the City's website (www.cityoftracy.org) by the end of the following business day. DVD recordings of Council meetings are available at costs established in the City's Master Fee Schedule.

City of Tracy – Council Meeting Protocols and Rules of Procedures

Appendices

- A. Rosenberg's Rules of Order, revised 2011, Simple Rules of Parliamentary Procedure for the 21st Century. Judge Dave Rosenberg



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

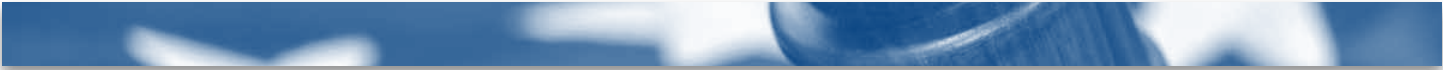


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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ... ”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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REVIEW OF CITY OF TRACY CITY COUNCIL MEETING PROTOCOLS & RULES OF PROCEDURES/SB 707 Updates

Prepared by: L. David Nefouse, City Attorney

February 17, 2026

Purpose of Review

1. Review and examine public comment provisions to ensure members of the public have an equal opportunity to address their elected and appointed officials and to ensure that city council business is conducted in the most efficient manner consistent with the Ralph M. Brown Act
2. Revise to adhere to new rules and requirements under Senate Bill 707.
3. Review of protocols as required every other year.



Summary of Potential Changes to Public Comment Provisions

- Potential Amendments related to provisions regarding public comment for consideration include:
 1. Agendized items
 2. Non-agendized items
 3. Consent Calendar
 4. Special Meetings
 5. Additional Policies
 6. Deadline for Correspondence

Public Comment Consideration for Non-Agendized Items (General Public Comment)

- The Council should try to avoid arbitrary decisions under the Brown Act
- As such, non-agendized items (general public comment) within the Council's jurisdiction could be amended as follows:

The time limits for each speaker are based on the number of comment requests submitted:

- **20 or fewer requests:** Each speaker gets 3 minutes.
- **21 to 30 requests:** Each speaker gets 2 minutes.
- **More than 30 requests:** Each speaker gets 90 seconds.

The time limit is set based on the number of requests submitted to the City Clerk before the first speaker is called and hands raised online. For all requests submitted/hands raised after the first speaker is called, the speakers shall receive 90 seconds.



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Public Comment Protocol - Agendized Items

The time limits for each speaker are based on the number of comment requests submitted:

- **20 or fewer requests:** Each speaker gets 3 minutes.
- **21 to 30 requests:** Each speaker gets 2 minutes.
- **More than 30 requests:** Each speaker gets 90 seconds. The time limit is set based on the number of requests submitted to the City Clerk before the first speaker is called.
- Requests submitted after the first speaker is called will receive 90 seconds.
- Council may have the option by majority vote to add an additional minute if it so chooses.



Public Comment Consideration- Consent Calendar

- Purpose: **Consent Calendar** groups non-controversial items for quick approval without debate, streamlining meetings, but requiring adherence to Brown Act principles like proper notice and public comment opportunities
- Allowing the public to pull items is not required under the Brown Act
- Potential Proposal:
 - Remove the ability of members of the public to pull individual items and instead: offer time for members of the public to speak on consent *prior* to the Council voting (consistent with the new, potential rules noted above)



Public Comment – At the End of the Meeting

- We have seen no other jurisdictions in this area that allow for an additional general public comment period at the end of a meeting after all business has been concluded
- This comment period is not required under the Brown Act
- Because of the requirement to allow for online/remote participation for the public, the rationale for this additional comment period is relatively unavailing
- Potentially consider: (1) removing the comment period altogether; or (2) limit time to 90 seconds and consider limiting the end of meeting period to items not on the agenda and/or previously addressed to avoid redundancy

Special Meetings

- Under the Brown Act, for a special meeting public comment may be limited to the item(s) on the agenda
- As a special meeting is not a regular meeting, the agency is not required to permit general/non-agendized public comment at the meeting
- Council comments is also not required for a Special Meeting
- The Council may elect to limit public comment at special meetings just to items on the agenda and defer general public comment to regular meetings



A Review of Rosenberg's Rules

- Staff suggests a review of Rosenberg's Rules to determine what practices are consistent with the City of Tracy
- For instance, unless the Mayor/Chair motions to move an item on the agenda to be heard later/sooner, if another councilmember does not, under Rosenberg's Rules, it requires a motion to suspend the rules

Additional Protocols to Consider

- A staff/time management (i.e., “Council request”) policy
- Cut-Off Time of Receipt of Communications for a Council Meeting
- Council Majority “Consensus” Policy vs. a “Second”
- Decorum Policy (SB 101)
- Public Hearing Process Policy/Consistency
- Vacancy Appointments (considering district elections)
- Agenda Postings

Staff seeking direction if Council wishes for Staff to bring an item back at the next regular City Council Meeting



Summary of amendments related to enactment of SB 707

Amendments to the following provisions required after enactment of Senate Bill 707 include:

1. Teleconferencing
2. Just Cause for Remote Participation
3. Disability Accommodations
4. Public Meeting Requirements
5. Civil Rights and Access Laws
6. Disruptive Behavior

Teleconferencing provisions

- Revises and recasts alternative teleconferencing provisions until January 1, 2030
- In-person location must be listed and open to the public
- Remote access (audio + visual) must be provided
- Public comment must be enabled remotely
- Remote participants must be noted in minutes
- ADA accommodations must be addressed



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Alternative teleconferencing provisions – Subsidiary Bodies

Subsidiary Body defined as:

- Serves as advisory-only
- Cannot take final action
- Must not be majority staff or legislative body
- No jurisdiction over elections, budgets, police, etc.



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Multijurisdictional Bodies

- Authorizes, until January 1, 2030, alternative teleconferencing provisions for multijurisdictional bodies
- Applies to bodies with members from multiple jurisdictions
- Same teleconferencing standards apply



Just Cause for Remote Participation

- SB 707 requires that minutes state which members are remote and under what legal authority
- Broader “just cause” definitions
- Remote attendance for disability
- Military Service is recognized as a Just Cause



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Disability Accommodations

Members with physical or mental disabilities can participate remotely and count towards quorum requirements



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Public Meeting Requirements

- Two-way telephonic or audiovisual access required
- Captioning and service restoration policy required
- Outreach to underrepresented and non-English-speaking communities
- Agenda translation required



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Civil Rights and Access Laws

Requirements must not supersede other civil rights, non-discrimination or public access law



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Disruptive Behavior

- Requires policies to handle disruptions in remote services (internet/teleconference)
- Requires fallback or recess procedures

Implementation Plan for Tracy

- Update agenda templates and public notices
- Conduct technology audit for compliance
- Draft policy for service disruptions and ADA access
- Translate agendas and enhance public meeting website



Next Steps

- Council review and adoption of updated protocols at a subsequent meeting(s)
- Staff training and public communication
- Monitor compliance and adjust as needed



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