



SEPTEMBER 9, 2021
SPECIAL MEETING AGENDA; REDISTRICTING COMMISSION

IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION
UPDATED SEPTEMBER 3, 2021

Consistent with Contra Costa County Health orders, and in accordance with California Government Code Section 54953(b) and Governor Newsom's Executive Orders N-29-20 and N-08-21 concerning teleconference meetings, this Redistricting Commission meeting will be held exclusively via teleconference, using the Zoom video conferencing system.

How to View and Participate

The public is invited to participate in the Redistricting Commission meeting and offer comments of up to 3 minutes (or as may otherwise be determined by the Council) using any of the following methods:

1. Zoom: www.brentwoodca.gov/brc

As the Council Chamber will not be open, the public may view and participate in the meeting with this link. During the meeting, each period for public comment will be announced, and participants may use the "Raise Hand" feature on Zoom to request to speak. The meeting host will call on you, by name, and enable your video, if desired to be enabled, and microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. *(If you need instructions on how to use this feature, please contact the City Clerk by noon of the meeting date at cityclerk@brentwoodca.gov or 925.516.5182.)*

The public may view the meeting via one-way video feed by selecting the video option at the Redistricting Commission Agendas' link on the City webpage at www.brentwoodca.gov/redistricting

2. Telephone

If you wish to comment during the meeting via telephone, you may "raise your hand" virtually on most devices by pressing *3, and you will be called upon when it is your time to speak. After speaking, please press *3 again to remove the "raise your hand" feature. If that feature does not work on your device, please email cityclerk@brentwoodca.gov in advance of the meeting where possible. The request must contain in the subject line "Request to Speak – Agenda Item #" and should include name and full phone number that will be used to call in. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required.

3. E-mail

While the County Health order to shelter at one's place of residence is effective, public comments can also be submitted via e-mail to redistricting@brentwoodca.gov. Any public comments received up until 12:00 p.m. of the meeting date will be:

- distributed to the Redistricting Commission via email before the meeting,
- posted online for public inspection at <https://www.brentwoodca.gov/redistricting>, and
- later summarized in the meeting minutes.

Public comments received after 12:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the Redistricting Commission, posted online within one day following the meeting, and will be summarized in the meeting minutes. The City cannot guarantee that its network, website, and/or the Zoom system will be uninterrupted. To ensure that the Redistricting Commission receives your comments prior to taking action, **you are strongly encouraged to submit them in advance of the meeting by 12:00 p.m.**

As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

Pursuant to Section 54956 of the California Government Code,
a special meeting of the Redistricting Commission is hereby called for
September 9, 2021, at 6 p.m. or as soon thereafter as possible.

**OATH OF OFFICE - INSTALLATION OF NEWLY APPOINTED 2021/22 BRENTWOOD
REDISTRICTING COMMISSION MEMBERS**

CONVENE THE 2021/22 BRENTWOOD REDISTRICTING COMMISSION

ROLL CALL AND CALL TO ORDER

PUBLIC COMMENTS As a special meeting, the public is permitted to address the Redistricting Commission on items that are on the special meeting agenda. Public comments will therefore occur as each of the agenda items are considered.

Unless otherwise stated, persons addressing the Redistricting Commission are required to limit their remarks to three (3) minutes. Please use the Raise Your Hand feature in Zoom. Those with questions should direct them to the Redistricting Commission and, if relevant, the Commission may direct them to the appropriate staff member.

1. Introductions and Consideration of a Resolution appointing 1) a Chair to preside at Redistricting Commission meetings, and 2) a Vice Chair to preside at Redistricting Commission meetings in the absence of the Chair; and receive information about the City of Brentwood Meeting Rules and Procedures. (Tim Ogden/Margaret Wimberly)
2. Overview of the Redistricting Commission. (Tim Ogden/Damien Brower/Margaret Wimberly/Katy Wisinski)
3. A presentation from the City Attorney's Office regarding the Ralph M. Brown Act, the California Public Records Act, and conflicts of interests as they relate to the Commission. (Damien Brower/Katy Wisinski)
4. Redistricting Commission Meeting Schedule/Next Steps. (Tim Ogden/Margaret Wimberly)

ADJOURN REDISTRICTING COMMISSION

Any disclosable public records related to an agenda item for this meeting distributed to all or a majority of the Redistricting Commission less than 72 hours before this meeting is available on the City's website at www.brentwoodca.gov/redistricting

NOTICE

In compliance with the Americans with Disabilities Act. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 516-5440 or fax (925) 516-5441. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

POSTING STATEMENT

On September 3, 2021, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website www.brentwoodca.gov/redistricting

A complete packet of information is available for public review on our website at www.brentwoodca.gov/redistricting

REDISTRICTING COMMISSION AGENDA ITEM NO. 1

Meeting Date: September 9, 2021

Subject/Title: Introductions and a Resolution appointing 1) a Chair to preside at Redistricting Commission meetings, and 2) a Vice Chair to preside at Redistricting Commission meetings in the absence of the Chair; and information about City of Brentwood Meeting Rules and Procedures.

Prepared by: Margaret Wimberly, City Clerk

Submitted by: Tim Ogden, City Manager

RECOMMENDATION

Adopt a Resolution appointing 1) a Chair to preside at Redistricting Commission meetings, and 2) appointing a Vice Chair to preside at Redistricting Commission meetings in the absence of the Chair; and receive information about the City of Brentwood's Meeting Rules and Procedures.

PREVIOUS ACTION

None.

BACKGROUND

Selection of a Chair and Vice Chair

The Redistricting Commission is a five member body charged with conducting public meetings and, ultimately, selecting two or more potential City Council electoral district maps for consideration by the City Council. In order to complete this work, the Commission will hold a series of required meetings. As with other such bodies, the Commission will select a Chairperson and a Vice Chairperson from its members to oversee the orderly conduct of these meetings. While certain City staff will attend and facilitate the operation of Commission meetings, the Chair will preside, and in the absence of the Chair or the Chair's ability to act, the Vice Chairperson will preside in place of the Chair.

At these meetings, the Chair will have primary responsibility for:

- Formally opening each Commission meeting;
- Maintaining order and proper decorum;
- Announcing the business before the Commission in the order set forth in the agenda;
- Calling for votes on each matter requiring a decision;
- Managing public comments;
- Facilitating Commission discussion and deliberation by summarizing issues that arise, seeking input from the Commission where appropriate, and requesting additional information from staff, if needed;

- Maintaining order by, among other things, recognizing Commissioners who wish to speak; and
- Applying the Commission meeting rules and procedures as needed.

Procedurally, staff would recommend the Commission first select a Chair, and then a Vice Chair, before voting on the resolution, which formally memorializes the selections. To assist in the process, along with tonight's introductions, Commissioner application packets may be found on the Redistricting page of the City's website (www.brentwoodca.gov/redistricting).

It should be noted that following the selection process, the original District 2 Commissioner, Daphne Muse, informed staff that she would be unable to serve due to a new employment obligation. The District 2 Alternate, Mr. Michael Luker, was elevated to serve as the District 2 Commissioner, and Judge Thelton Henderson selected Ellen Poole to serve the new District 2 Alternate.

Meeting Rules of Procedure

In order to run efficient and effective public meetings, the City Council has adopted meeting rules and procedures that are applicable to all City Boards and Commissions, including the Redistricting Commission. The meeting rules and procedures govern such matters as voting procedures, agenda preparation, decorum, and so forth. A copy of these procedures is attached for your information. On all procedural matters, City staff is available to help facilitate issues that may arise.

FISCAL IMPACT

There is no fiscal impact related to this item.

Attachments:

Resolution

City Council Policy 110-1 Meeting Rules and Procedures

RESOLUTION NO.

A RESOLUTION OF THE REDISTRICTING COMMISSION OF THE CITY OF BRENTWOOD, CALIFORNIA, APPOINTING 1) A CHAIR TO PRESIDE AT REDISTRICTING COMMISSION MEETINGS, AND 2) A VICE CHAIR TO PRESIDE AT REDISTRICTING COMMISSION MEETINGS IN THE ABSENCE OF THE CHAIR

WHEREAS, the members of the Redistricting Commission of the City of Brentwood, California (Commission), were sworn into office on September 9, 2021; and

WHEREAS, the Commission desires to appoint one of its members as Chair to preside at Commission meetings, and

WHEREAS, the Commission also desires to appoint one of its members as Vice Chair to serve in the Chair's absence.

NOW, THEREFORE, BE IT RESOLVED by the Redistricting Commission of the City of Brentwood, as follows:

1. That Commissioner _____ is appointed to serve as Chair of the Commission.
2. That Commissioner _____ is appointed to serve as Vice Chair of the Commission.

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Redistricting Commission of the City of Brentwood on the 9th day of September, 2021, by the following vote,

COUNCIL/ADMINISTRATIVE POLICY

Subject: Meeting Rules and Procedures	Policy No: 110-1	Date: 12/12/2017
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CITY OF BRENTWOOD
MEETING
RULES AND PROCEDURES

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1. PURPOSE; APPLICABILITY

1.1 Purpose. The purpose of the Council Meeting Rules and Procedures (these “Rules”) is to establish protocols that will be convenient for the public and contribute to the orderly conduct of City business. These Rules apply in addition to:

- the Ralph M. Brown Act Open Meeting Law (Brown Act, Gov’t. Code §55950 and following);
- the Political Reform Act (Gov’t. Code §81000 and following); and
- any other California laws that govern the conduct of City Council meetings.

1.2 Applicability. These Rules apply to meetings of the City Council and all City Commissions (unless: a provision is clearly not applicable, stated otherwise in the ordinance establishing a particular commission, or stated otherwise in state law). Reference to *Mayor, Council, Council Member, and City Clerk* shall respectively mean *Chairperson, Commission, Commissioner and Secretary*, when applicable to a City commission.

1.3 Effect. Failure to observe these Rules does not invalidate any otherwise lawful action.

2. MEETINGS: GENERAL RULES

2.1 Meeting – Definition. The term *meeting* means the gathering together of three or more members of the City Council (or a majority of the total members of any commission) to hear, discuss, deliberate, or take action on any matter within its jurisdiction. (Gov’t. Code §54952.2(a).)¹

2.2 Meetings Open to the Public. Unless otherwise authorized by law to be held in closed session, all City Council meetings are open and public. (Cal. Const. art I, §3(b)(1); Gov’t. Code §54953(a).)

2.3 Time and Place of City Council Meetings. The City Council shall hold regular meetings at the dates, time, and location set forth in Municipal Code Chapter 2.04 and any related resolutions, or as modified by the Council.

2.4 Quorum. A majority of the total members of the Council shall constitute a quorum and is sufficient to transact regular business. A Council Member present but abstaining is counted for purposes of constituting a quorum. A Council Member disqualified from voting by law is not counted for purposes of constituting a quorum. (See Section 3.4a below.) If there is no quorum, the Mayor or City Clerk shall adjourn the meeting to a stated time and place.

2.5 Presiding Officer. The Mayor is the presiding officer of the Council. In the absence of the Mayor or in case of conflict under Section 3.4a, the Vice-Mayor shall preside. In the absence

¹ The Brown Act prohibits a majority of a city council, outside an open and noticed meeting, from using a series of communications of any kind (including telephone or email, or through intermediaries) to discuss, deliberate or take any action on city business. (Gov’t. Code §54952.2(b)(2).)

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of the Mayor and Vice-Mayor, the City Manager shall preside over the election of a temporary chair. The temporary chair will preside until the return of one of the officers.

2.6 Types of meetings.

- a. Regular meetings.** This is the regular City Council meeting generally held twice per month, as established by the Municipal Code (Chapter 2.04) and City Council Resolution.
- b. Special Meetings.** A special meeting may be called by the Mayor or by a majority of the City Council. Notice must be given in conformance with Government Code §54956 at least 24 hours before the special meeting.
- c. Closed Sessions.** The City Council may meet in closed session (not open to the public), as provided by California law. No member of the City Council, City employee or person present during a Closed Session may disclose to anyone not present at the Closed Session the content or substance of any confidential written materials or confidential discussions which took place during the session, unless the City Council votes to authorize disclosure of such information by a majority vote, except as otherwise required by law. (Gov't. Code § 54956.5.)
- d. Adjourned Meetings.** The City Council may adjourn a regular or special meeting to a specific time and place. (If there is less than a quorum at any scheduled meeting or if all members are absent, the Mayor or City Clerk may declare the meeting adjourned to a stated time and place and post notice of that fact consistent with Government Code § 54955.)
- e. Continued Hearings.** The City Council may continue any hearing to a subsequent meeting, stating the specific date, time, and place. (Government Code § 54955.1).
- f. Emergency Meetings.** The City Council may hold an emergency meeting under Government Code section 54956.5 if a majority of the members of the City Council determine that there is 1) a work stoppage or other activity which severely impairs public health, safety, or both, or 2) a crippling disaster which severely impairs public health, safety, or both. Notice shall be given as provided in Government Code section 54956.5.
- g. Teleconferences.** The City Council may use teleconferencing for any City Council meeting. Each teleconference location must be open to the public, and an agenda posted at each location. Each teleconference location shall be identified in the notice and agenda of the meeting. At least a quorum of the Council Members must be present at locations within the City. All votes taken during a teleconferenced meeting shall be by roll call vote. (Gov't. Code § 54953.)
- h. Meetings with City Commissions.** The City Council may hold a joint meeting with a City Commission, or with another public agency, in conformance with the Brown Act.

2.7 Minutes; Record-keeping. The City Clerk or his or her designee will take action minutes, consisting of the names of individuals speaking about an item, and the action taken by Council on each item including the motion and the vote. City Council and Planning Commission meetings are generally broadcast live and are also available for viewing later on the City's website. The City maintains audio recordings for other commission meetings. Copies or transcripts are available upon request, with prior payment of fees established by City Council resolution.

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3 ELECTION OF CITY COUNCIL OFFICERS; DUTIES

3.1 Election of Vice Mayor. The City Council shall elect a Vice Mayor for a two-year term, at the meeting when new Council Members are sworn in after a general municipal election. If the office of Vice Mayor becomes vacant for any reason (including resignation, incapacity, death, recall, municipal election, or removal by majority vote), the City Council shall elect one of its members to fill the vacancy at the next regular meeting. The election or removal of the Vice-Mayor requires three affirmative votes.

3.2 Duties of Mayor. The Mayor has the power, authority, and discretion, without a vote of the majority of the Council (except as noted) to:

a. Preside over Council meetings:

- 1) maintain order and proper decorum (See Rule 5 below);
- 2) announce the business before the Council in the order set forth in the agenda;
- 3) call for votes on each matter requiring a decision, and announce the results. The Mayor may make a motion, second and debate matters, subject only to the same limitations of debate as are imposed upon all members.);
- 4) when requested, make these Rules known and decide questions of order, subject to an appeal of the Council;
- 5) set time limits on Council discussion (subject to Council concurrence) and on communications from members of the public, consistent with the Brown Act;
- 6) open public hearings.

b. Agendas. Work with the City Manager in the preparation of agendas, and place items on a future Council meeting agenda, under Rule Sections 4.2 and 4.4 below.

c. Signing. Sign all documents as authorized by the City Council, and ceremonial documents.

d. Subcommittees. Create subcommittees, with a concurrence of the Council, under Section 3.4b.

e. Appointments. Make appointments to a public office or position, with the confirmation of a majority of the City Council.

f. City Spokesperson. Serve as the chief spokesperson and representative for the City and City Council for matters concerning public policy.

g. Other duties. Perform other duties as are required by law or as pertain to the office of Mayor.

3.3 Duties of Vice Mayor. The Vice Mayor has the power and authority to:

- a. Exercise the duties and powers of the Mayor, in the Mayor's absence.
- b. Serve with the Mayor as spokesperson and representative for the Council.

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c. Assist the Mayor in anticipating an issue that may warrant a special meeting.

3.4 Duties of all Council Members. It is the duty of each Council Member to attend Council meetings, adhere to these Rules, and to cast votes as outlined below.

a. Abstention from voting. A Council Member must abstain from voting if:

- 1) the Council Member has a personal or financial interest in the matter as defined in the California Political Reform Act (Government Code §§ 81000 et seq.)²; or
- 2) the law otherwise declares the Council Member's participation to be a conflict of interest (e.g., Government Code §§ 1090, 1126, 81000 et seq.; or case law); or
- 3) the member is disqualified as to a particular matter because of his or her absence from a prior public hearing and inability or failure to review the prior testimony and evidence presented.

If a Council Member is disqualified, he or she shall declare this fact and the reason for it on the record, and shall leave the room until the matter is concluded. However, if the matter on which the Council Member is disqualified is on the Consent Calendar, and is not pulled from the Consent Calendar, the Council member does not need to step down from the dais during the vote. Rather, before the Consent Calendar vote, he or she should declare this fact and the reason for it on the record and state that he or she is not voting on that item.

b. Committees and Boards. The business of the City Council will from time to time require work in Council committees (either a standing committee or ad hoc committee), and through Council Member participation on boards of other governmental agencies.

The Mayor, a majority of the Council, or staff may recommend formation of a committee. A committee assists in the resolution or study of issues arising from a specific area of Council concern. All communications and advice from a committee shall be made to the Council. A committee serves until discharged by a majority of the Council.

It is the duty of any Council Member sitting on such a committee, or outside board, to make periodic reports to the City Council as a whole and to the general public at regular City Council meetings. It is also the duty of a Council Member to timely advise his or her alternate, if any, if the Council Member will be absent from any committee or board meeting.

3.5 Absences. A Council Member should endeavor to give notice to the Mayor, City Manager, or City Clerk in advance if he or she will be absent or late to a Council meeting. If a Council Member is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy. (Gov't. Code §36513.)

² A Council Member may not make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which they know (or have reason to know) they have a financial interest. (Gov't. Code § 81000.)

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4 MEETING AGENDA: PREPARATION AND CONTENTS

4.1 General. The City Council will not discuss any item of business not appearing on the written agenda, except as provided in Government Code section 54954.2.

If other matters (not on the agenda) are raised by the public, the City Council or staff may refer the matter to staff or to a subsequent meeting.³ (Gov't. Code §54954.2.)

4.2 Agenda Preparation; Distribution. There shall be a written agenda for each City Council meeting. The agenda shall contain a brief general description of each item of business to be transacted or discussed and shall include other matters as set forth in this Section 4. The City Clerk shall prepare the agenda in conjunction with the City Manager's office. Anonymous communications will not be considered nor placed on the agenda. Only the City Manager, City Attorney, the Mayor and Council Members may add items to a Council agenda. If a member of the public wishes an item to be added, he or she must have a Council Member sponsor the item. The agenda will be posted and distributed as required by the Brown Act. (Gov't. Code §§54954.2, 54954.1.)

4.3. Agenda Contents; Order of Business. The agenda shall include general information, a brief description of items of business, and the order of business (See Government Code § 54954.2).

The order of business is as follows, subject to change by the Mayor, Vice-Mayor (in the Mayor's absence), City Manager or a majority vote of the City Council:

- Call to Order and Roll Call
- Pledge of Allegiance
- Presentations (and Proclamations) (these may also be included on the Consent Calendar.)
- Public Comments (for items *not* on the public hearings or business items portions of the agenda, or requests for future agenda items)
- Informational Reports from Council Members, committees, liaisons, and staff
- Consent Calendar
- Public Hearings⁴
- Business Items
- Request for Future Agenda Items (by Council Members)
- Adjournment

³ No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights, ask a question for clarification, or provide a reference to staff or other resource for factual information. (Gov't. Code §54954.2)

⁴ Public Hearings. Public hearings are those having specific notice requirements by state law or City ordinance. At the hearing, the Council shall afford any interested person (and his or her representative) the opportunity to speak, present witnesses and evidence, subject to these Rules.

Public hearings will be conducted in the following order: (1) Staff Reports and Council Member questions to staff; (2) Public hearing opened by Mayor; (3) Public testimony; (4) Mayor closes the public hearing, by majority vote; (5) Discussion among Council Members; and (6) Action by majority vote.

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4.4 Adding Future Agenda Items.

An item may be added to a future agenda, and staff time authorized, in either of the following ways:

- a. Standard agenda process for agenda preparation, under Rule Section 4.2 above, including:
 - 1) by the City Manager, City Attorney, or staff; or
 - 2) by written request to the City Manager by the Mayor or two Council Members at least one week before the publication of the next agenda (Thursday by 5:00 p.m.) and the City Manager determines that there is adequate staff time to prepare discussion and recommendation materials; or

- b. By an individual Council Member making:
 - 1) a written request to the City Manager at least one week before the publication of the next agenda to place the item under Request for Future Agenda Items on the next agenda; or
 - 2) a verbal request at a Council meeting to have an item placed on the next agenda under Request for Future Agenda Items.

In either case (b.1 or b.2), the listed item will identify the Council Member making the request and briefly describe the nature of the request. Council discussion will be limited to whether staff time and City resources should be spent on the item and the time period for scheduling. Staff will not spend time on the requested item unless and until the Council wishes additional information, except that if staff has already worked on a matter or the City Manager deems an item to be urgent, he or she may place it on the next agenda as an action item.

5 DECORUM

- 5.1 Decorum Generally - City Council Members.** The Mayor and Council Members shall preserve order and decorum at City Council meetings. Council Members shall confine their remarks to the agenda item under consideration and speak only when recognized by the Mayor, except as otherwise provided in these Rules. Once a Council Member is recognized, he or she will not be interrupted unless called to order by the Mayor. A Council Member may not, by conversation or otherwise, disturb or disrupt the proceedings or the peace of the City Council in any way, nor disturb any other Council Member or member of the public while speaking, nor refuse to obey the instruction of the Mayor or City Council.

During a quasi-judicial hearing⁵, an applicant or appellant is entitled to due process of law, including a meaningful opportunity to be heard. Council Members should not receive

⁵ A *quasi-judicial hearing* is one that involves the application of rules to a specific project or set of existing circumstances. Examples include land use matters (but not legislative decisions such as General Plan or zoning amendments, or development agreements), employee disciplinary proceedings, and proceedings for the revocation, suspension, or reinstatement of permits, licenses, and franchises.

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information outside of the hearing on the matter unless they disclose the nature of the communications. Council Members will give full attention to speakers at the hearing.

Council meetings will be governed by common sense and good taste. In case of a dispute concerning a procedural matter not specifically covered in these Rules, the majority vote of the Council will control.

- 5.2 Decorum Generally - Public.** Members of the public wishing to speak during the public discussion are requested to fill out the speaker form provided and hand the card to the City Clerk at the beginning of (or during) the meeting. Comments by members of the public are generally limited to five minutes, or less time if a large number of speakers is anticipated. A speaker may not allocate his or her time to another speaker. The Mayor will invite public testimony on each item at the appropriate time. Written documents or messages to the City Council or any Council Member while the City Council is in session, which pertain to the Council's business, shall be made only through the City Clerk.

A member of the audience must come forward to the lectern so that their remarks may be accurately recorded. All remarks shall be addressed to the Mayor, except that answers to questions posed by a City Council Member recognized by the Mayor may be addressed to the questioner. No person other than a member of the City Council and the person having the floor shall enter into any discussion, either directly or through a Council Member, without the permission of the Mayor. The comments must be pertinent to the agenda item under discussion. A member of the public may not ask a question of a Council Member or staff member, except through the Mayor. Speakers are urged to avoid unnecessary repetition in their remarks and instead simply indicate agreement with previous speakers.

If a meeting is willfully interrupted by any individual, group or groups of people so as to render the orderly conduct of the meeting unfeasible, the Mayor may recess the meeting and require the removal of individuals who are interrupting the meeting, or clear the room and continue the meeting allowing only members of the press to remain. (Gov't. Code §§ 54957.9.)

6 VOTING AND DECISION; RECONSIDERATION

- 6.1 Voting and Decision.** Ordinances, resolutions and other matters submitted to the Council must be adopted by a majority vote of the total membership of the Council unless a greater number of votes is required by law. A *majority* means three votes for the City Council (and for each City commission with a total of five members). If one or more Council Members is absent and a majority vote cannot be obtained, and no additional action is taken, the matter shall automatically be added to a future agenda, to be considered at least once with all Council Members present.

If a member (qualified to vote) does not vote in the affirmative or negative, the member shall be deemed to have voted in the affirmative.

A tie vote means the motion is not approved.

After a vote is taken on a matter, if an appropriate resolution is not already prepared, the

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Council may direct the staff to prepare a resolution reflecting the City Council's findings and decision. A resolution brought back to the Council may be placed on the Consent Calendar. (No public comments can be received or considered unless a public hearing is re-noticed.) The vote is not considered final until the City Council reviews and approves the resolution at a later meeting.

6.2 Reconsideration. This section 6.2 does not apply to City Commissions.

a. Reconsideration of Quasi-Judicial Actions. (See footnote 5.) A motion to reconsider any quasi-judicial action taken by the City Council may be made by any Council Member who voted with the majority on a question, and may be seconded by any Council Member. The motion must be approved by a majority vote of the entire City Council. The City Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

1) Timing. The motion must be made at the same meeting at which the action was taken (including an adjourned or continued meeting), at the next regular meeting, or at any intervening special meeting. If a request for reconsideration is communicated to the City Manager by any Council Member who voted in the majority, at least 24 hours before the state law deadline for posting the City Council meeting agenda, then the request shall appear on the posted agenda for the next regular meeting or intervening special meeting. Otherwise, no City Council discussion or action on reconsideration may occur unless the item is appropriately added to the agenda under Government Code section 54954.2(b) which addresses adding items that are not listed on a posted agenda, when immediate action is necessary. (See Rule Section 4.1b.)

2) Effect of Approval of Motion; Notice. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters, and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with state law and the Municipal Code. In certain circumstances, a right may have vested after the initial decision, precluding reconsideration.

b. Reconsideration of Legislative or Other Non-Quasi-Judicial Actions. The City Council may rescind, repeal or amend its prior legislative or other non-quasi-judicial actions (unless precluded from doing so under applicable laws) at any regular or special meeting of the City Council. Noticing and scheduling of such actions shall be consistent with Rule Section 4 (Meeting Agenda: Preparation and Contents) and any required notice provisions.

COUNCIL/ADMINISTRATIVE POLICY

Subject: Meeting Rules and Procedures	Policy No: 110-1	Date: 12/12/2017
	Resolution No: 2017-162	Page 10 of 10

Revision History

Date	Resolution
11/13/2001	2399 adopted policy
04/27/2004	2004-97 amended Rules 1-27 added rules 28-36
05/25/2005	2005-260 deleted Rule 8
04/11/2006	2006-73 deleted Rule 36
01/23/2007	2007-15 added Rule 13A
10/09/2007	2007-225 amended Rule 13A
05/24/2011	2011-67 deleted a portion of Rule 32 & amended Rule 28H
01/22/2013	2013-11 amended Rule 26 Priority of Business
12/10/2013	2013-174 amended Rule 35 in its entirety
12/09/2014	2014-182 amended Rule 13 A
6/14/2016	2016-74 Re-adopting new Meeting Rules and Procedures
12/12/2017	2017-162 Quorums and reconsideration of matters by City commissions

REDISTRICTING COMMISSION AGENDA ITEM NO. 2

Meeting Date: September 9, 2021

Subject/Title: Overview of the Redistricting Commission

Prepared by: Margaret Wimberly, City Clerk
Katherine Wisinski, Assistant City Attorney

Submitted by: Tim Ogden, City Manager
Damien Brower, City Attorney

RECOMMENDATION

Receive a presentation providing an overview of the Redistricting Commission.

PREVIOUS ACTION

None.

BACKGROUND

On July 9, 2019, the City Council of the City of Brentwood adopted Ordinance No. 1010, which, for the first time, established City Council member electoral districts, a district election process, and the sequence of those district elections. Cities whose local elections are subject to districts must revisit the composition of these districts every ten years, in step with the Federal Census. The population figures for the 2020 Census have now been released, triggering this requirement for Brentwood.

By action taken on April 27, 2021, the City Council created a hybrid Redistricting Commission, which is charged with conducting public meetings and selecting two or more electoral district maps for consideration by the City Council by early next spring.

The members of the Redistricting Commission were impartially selected by a retired Federal judge, the Honorable Thelton Henderson, and were sworn in at the beginning of tonight's meeting. With this step, the work of the Commission has begun.

What does this work consist of? In brief, the Commission is tasked with the following:

1. Conducting public meetings. The Commission is required by law to hold at least four public hearings with the purpose of soliciting public input on the composition of Council electoral districts. These hearings are subject to their own rules, which include:
 - a. At least one hearing must be held before any maps are drawn. At this hearing, the Commission will take public comment about which communities of interest should be kept together in a district and discuss how the district maps should be drawn.
 - b. At least two hearings must be held after maps are drawn. At these hearings, the Commission will take public comment regarding the draft maps and discuss whether or how to make changes to the maps.

- c. At least one hearing or workshop to be held on a Saturday, Sunday, or after 6 p.m. on a weekday. This hearing can be any one or more of the hearings described above, and all meetings are currently scheduled to occur at 6 p.m., qualifying for this requirement.
2. Selecting at least two potential maps for Council consideration. At the conclusion of this series of public hearings, the Redistricting Commission must select at least two potential City Council electoral district maps to submit to the Council for the Council's consideration. The Council must then adopt, without changing, one of the maps forwarded by the Commission.

Given that the Council's selection must be adopted no later than April 17, 2022, it is strongly recommended that the work of the Commission be concluded by February, 2022, in order for this deadline to be met. Failure of the City to meet the deadline will result in referral to the local Superior Court, either to draw the map itself or to refer the matter to a special master (someone appointed by the Court to make sure its orders are carried out) at the City's expense.

Community Outreach

Along with the Commission's State mandated public hearings, the redistricting process places considerable emphasis on community outreach. Staff will take the lead on the community outreach efforts, which will include the use of social media, City newsletters, press releases, and notification through our utility billings.

Additional community virtual sessions may be conducted as needed, but due to the COVID-19 restrictions anticipated during this time, in-person community meetings will not be feasible.

FISCAL IMPACT

There is no fiscal impact related to this item.

REDISTRICTING COMMISSION AGENDA ITEM NO. 3

Meeting Date: September 9, 2021

Subject/Title: The Ralph M. Brown Act, the California Public Records Act, and state conflicts of interest laws pertaining to the Redistricting Commission

Prepared by: Katherine Wisinski, Assistant City Attorney

Submitted by: Damien Brower, City Attorney

RECOMMENDATION

Receive a presentation on the Ralph M. Brown Act, the California Public Records Act, and state conflicts of interest laws pertaining to the Redistricting Commission.

PREVIOUS ACTION

None.

BACKGROUND

Like the members of the other City Commissions that serve the people of Brentwood, the members of the Redistricting Commission are subject to various laws governing public figures performing governmental functions. These include:

1. **Open meeting laws.** The Ralph M. Brown Act, in conjunction with provisions enshrined in the California state Constitution, protects the right of the public to attend and participate in meetings of elected and appointed bodies of local agencies such as the City of Brentwood. This law includes requirements as to notifying the public of upcoming meetings, conducting meetings only when a majority of the body is convened, and including opportunities for public participation in meetings, among other things.
2. **Public records.** The California Public Records Act sets out and governs the right of the public to access certain public records, which may include emails sent to or from members of the Redistricting Commission on matters within the Commission's jurisdiction, as well as other items.
3. **Conflicts of interest laws.** As public servants, members of the Commission will also be governed by laws and principles that prohibit public officials from participating in decisions in which the official has a disqualifying conflict of interest. Each Commission member must also file a Statement of Economic Interests (also known as a Form 700) to provide transparency and ensure accountability with regard to governmental decisions made in the course of their service.

The City Attorney's Office will provide a brief overview of these laws and how they pertain to the Commission.

FISCAL IMPACT

None.

REDISTRICTING COMMISSION AGENDA ITEM NO. 4

Meeting Date: September 9, 2021

Subject/Title: Redistricting Commission Next Steps and Consideration of a Resolution Establishing a Regular Meeting Schedule.

Prepared by: Margaret Wimberly, City Clerk

Submitted by: Tim Ogden, City Manager

RECOMMENDATION

Receive an update on the Redistricting Commission's next steps, and adopt a resolution establishing a regular meeting schedule.

PREVIOUS ACTION

None.

BACKGROUND

The Redistricting Commission will need to complete a number of key steps in its ultimate task of overseeing the preparation of at least two potential electoral district maps to recommend to the City Council. Before April 17, 2022, the City Council must adopt, without alteration, one of the maps submitted to it by the Commission. These maps will be in effect for the next general municipal election in November 2022, and will remain in place until the next redistricting process is undertaken following the 2030 U.S. Census.

Following tonight's orientation meeting, the next steps include the following:

1. U.S. Census Bureau Data. The U.S. Census Bureau has sent population data to the states, and it is anticipated that California will release this data along with the State mandated adjustment for incarcerated populations to cities by September 20, 2021, so that the redistricting process can begin.
2. Communities of Interest. After receiving U.S. Census population data, the Commission will hold at least one public hearing before maps are drawn, and solicit feedback from the public. In particular, the Commission will look for input on those criteria that State law requires it to consider in weighing various district mapping options. Among these criteria is respect for "communities of interest":

A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates. (Elections Code Section 21621(c)(2).)

3. Public Hearings. Feedback from the public will be solicited throughout this entire process, and in addition to providing feedback on communities of interest, an online mapping tool will be made available to the public in October 2021, so they may create their own maps for submission to the Commission. Once preliminary feedback has been provided, and maps have been developed for consideration, the Commission must then hold at least three additional public hearings with maps, finally leading to the recommendation of two or maps for City Council consideration.

The final two or more maps developed from the public hearing process will be submitted to the City Council for the selection of one, without modification, and the adoption of all necessary ordinances to create new electoral district boundaries prior to the State deadline of April 17, 2022.

Based on the availability of the demographer, Michael Wagaman, staff is recommending the following schedule for the Commission’s consideration and approval:

DATE	SUBJECT
10/14/2021	Hold first public hearing with the demographer, receive an overview of the mapping process and Communities of Interest.
Between these meetings	Outreach to the Brentwood community on opportunities to provide Community of Interest feedback to the Commission
12/2/2021	Hold the second public hearing – receive Community of Interest testimony and provide direction for drafting maps with the demographer.
1/13/2022	Hold the third public hearing – review the public and draft maps with the demographer, including potential revisions.
2/10/2022	Hold the fourth public hearing – review the public and draft maps, and provide a recommendation on which maps should be submitted to the City Council.
Before March 2022	Hold a fifth Public Hearing (if needed) – further discussion could be held prior to selecting the maps to provide to the City Council.

Staff recommends that the Commission adopt, by resolution, the above regular meeting schedule, which will then be posted on the City’s Redistricting webpage for reference by members of the public. The webpage may be found at:

<https://brentwoodca.gov/redistricting>

Given the continuing changes to County and State health orders, for the immediate future, meetings will be held virtually, via Zoom. Should in person meetings be reinstated, then regular Commission meetings, will be held in the City Council

Chambers, located at 150 City Park Way. Commission, staff, and public attendance at such meetings may require the wearing of face coverings, and proof of vaccine status or a negative COVID test.

FISCAL IMPACT

As a part of the Mid-Term Operating Budget process in June of 2021, the City Council approved a General Fund budget amendment of \$150,000 for the estimated special legal counsel, demographic, and public outreach costs of the redistricting process. The cost used to establish the budget was the best estimate at the time and the actual cost of the process could be higher, depending on the activities and number of meetings held by the Commission. Staff will monitor the actual costs and, if required, bring a future action to the City Council to amend the budget.

Attachments: Resolution

RESOLUTION NO.

A RESOLUTION OF THE REDISTRICTING COMMISSION OF THE CITY OF BRENTWOOD, CALIFORNIA, ADOPTING A REGULAR MEETING SCHEDULE

WHEREAS, the members of the Redistricting Commission of the City of Brentwood, California (Commission), were sworn into office on September 9, 2021; and

WHEREAS, the Commission desires to set forth a regular meeting schedule, so that the public knows when the Commission is scheduled to meet; and

WHEREAS, City staff have proposed a regular meeting schedule (Attachment "A") based on the legal requirements for the number and types of meetings the Commission must hold, and the deadline for completion of the Commission's work.

NOW, THEREFORE, BE IT RESOLVED by the Redistricting Commission of the City of Brentwood:

1. That the regular meeting schedule in Attachment "A" is adopted

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Redistricting Commission of the City of Brentwood on the 9th day of September, 2021, by the following vote:

Attachment A

Regular Meeting Schedule of the Redistricting Commission of the City of Brentwood, California

All non-virtual meetings of the Redistricting Commission of the City of Brentwood, California, will be held in the City Council Chambers located at City Hall, 150 City Park Way, Brentwood, California.

- Thursday October 14, 2021 – 6 p.m.
- Thursday December 2, 2021 – 6 p.m.
- Thursday January 13, 2022 – 6 p.m.
- Thursday February 10, 2022 – 6 p.m.