
City Council Policy __: Speakers at Meetings – Public
City of Turlock – City Council & Appointed Officials Policy and Procedure

Section 1: PURPOSE:

The purpose of this policy is to provide an opportunity for members of the public to address the City Council and City commissions, boards and other bodies at meetings while allowing for the effective and efficient conduct of the public's business by the City Council and City commissions and boards.

Section 2: PROCEDURE:

1. In General.

- When this policy states “City Council” or “Council”, that reference shall be inclusive of any City commissions, boards, or other bodies that conduct meetings subject to the Brown Act. In addition, when this policy states “Mayor”, that reference shall be inclusive of all other presiding officers at a City meeting subject to the Brown Act.
- Persons attending City meetings are encouraged to fill out the available speaker cards prior to the meeting or prior to the matter upon which they would like to be heard. These speaker cards should be provided to the City Clerk. Filling out a speaker card is not a mandatory requirement of a member of the public but is requested as a courtesy to make for an efficient meeting.
- When called upon, the person is requested to come forward to speak, state his or her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented. Providing this information is not a mandatory requirement of a member of the public but is requested as a courtesy so that the City and the viewing public may have an accurate record of proceedings.
- Remarks are to be addressed to the City Council as a whole and not to any specific individual.
- If remarks include questions, the questions should be directed to the Mayor who will determine whether, or in what manner, an answer will be provided.

2. Written Comments Encouraged.

- If a member of the public has extensive comments it wants to make to the City Council, it is encouraged that such extensive comments be provided in writing before the start of the meeting since public comment at City meetings is subject to speaker time limits which may not allow a member of the public to fully address what it would like to bring to the attention of the City Council.
- Written comments are not a mandatory requirement for a member of the public but are encouraged for more extensive comments since the speaker time limits imposed by this policy do limit the extent of comments that may be presented verbally at a meeting.
- Extensive written comments should be submitted to the City Clerk. Such comments are requested to be provided to the City Clerk no later than six (6) hours prior to a meeting so that they may be distributed to members of the City Council. Materials not meeting this deadline are not guaranteed to reach members of the Council in time for review prior to the meeting.
- Comment cards are available for persons in attendance at meetings that do not wish to or cannot address the Council during a meeting. A person may comment on a matter using these comment cards, including whether the person opposes or supports a matter at issue. These comment cards should be submitted prior to public comment concluding on any matter.
- Written comments on comment cards submitted at a meeting will be summarized by the Mayor or City Clerk prior to the close of public comment on the item. If the person has submitted their name as part of the comment card, their name will be part of the summary.

3. Time Limits.

- Persons presenting public comment to the City Council are limited to one (1) presentation of three (3) minutes and shall end their presentation when this time has elapsed.
-
- Persons wishing to read comments of another person or present audio, video or similar materials as part of their comments to the Council are limited to one (1) minute. Such materials are requested to be provided to the City Clerk no later than six (6) hours prior to a meeting so that they may be distributed to members of the City Council. Materials not meeting this deadline are not guaranteed to reach members of the Council in time for review prior to the meeting.

- For specific agenda matters in which many persons wish to comment, the Mayor may shorten the three (3) minute limit to a shorter time but not less than one (1) minute in order to provide all persons a chance to speak that wish to speak. The Mayor may also request that persons on one or the other side of an issue appoint spokespersons to avoid repetitive comments. The Mayor may also request a “show of hands” so that the Council may determine the number of persons on one or the other side of the issue.
- One person may not yield their time to another to increase the speaking time available to any person beyond the limits listed in this policy.
- The City Clerk, or designee, will operate a timer to assist with implementation of the time limit.
- Persons that are applicants for a City permit or similar approval, or appellants of City decisions are not subject to this policy. These persons are covered by a separate policy entitled “Speakers at Meetings – Applicants and Appellants”.

4. Other Limits.

- Repeating and Repetitions Comments. Persons shall not present the same or substantially the same comments or arguments to the Council in a repeating manner. Persons shall not present the same or substantially the same comments or arguments of previous speakers to the Council in a repetitious manner. The Mayor may terminate such repeating or repetitious comments or request a speaker to summarize his or her comments so as to not repeat their own comments or the comments of others. No group shall arrange themselves so as to use individual speakers' times in sequential order to circumvent the time limits.
- Subject Matter Jurisdiction. Persons shall not present comments that are not within the subject matter jurisdiction of the Council. At a meeting, public comment may be made on matters within the subject matter jurisdiction of the Council that appear specifically on the agenda and on items that are not specifically on the agenda. Comments for items not specifically on the agenda are provided under the agenda item titled “Public Participation”. A matter that is specifically on the agenda is presumed to be within the subject matter jurisdiction of the City Council.

A matter that is not specifically on the agenda which a person wishes to address under “Public Participation” may or may not be within the

subject matter jurisdiction of the City Council. If the topic is not within the subject matter jurisdiction of the City Council, the Mayor may rule those comments out of order as not germane to the proceedings at which time the comments will not be made as a part of the meeting and the person will end such comments.

An example of a topic that is not within the subject matter jurisdiction of the Council is whether the United States should support one foreign country at war with another foreign country. It is not within the subject matter jurisdiction of the City Council because foreign policy and war powers are the domain of the federal government. In this case, the Mayor is empowered to rule the comments out of order as not germane to the proceedings of the City Council.

Whether a matter is within the subject matter jurisdiction of the City Council will be determined on a case-by-case basis. A matter that was not within the subject matter jurisdiction of the City Council could be transformed into a matter within the Council's jurisdiction by Council action. For example, in the previous example, if the City Council previously had passed a resolution stating that the United States should support one foreign country at war with another foreign country, the Council would bring this matter within its jurisdiction. In that case, public comment on that matter could not be ruled out of order either at the initial consideration of the resolution or in the future.

###

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF RESCINDING	}	RESOLUTION NO. 2021-013
RESOLUTION NO. 2019-094 REGARDING THE	}	
CITY OF TURLOCK ELECTED AND APPOINTED	}	
OFFICIALS' HANDBOOK, PENDING	}	
COMPREHENSIVE REVIEW, UNSEATING THE	}	
CIVILITY CODE RULES COMMITTEE, AND	}	
TEMPORARILY REINSTATING RESOLUTION	}	
NOS. 2008-019 REGARDING THE PROCEDURES	}	
AND RULES FOR PLACING MATTERS ON THE	}	
AGENDA, 2011-162 REGARDING THE	}	
TELECONFERENCING POLICY, AND 2014-033	}	
REGARDING THE CODE OF CONDUCT FOR	}	
ELECTED OFFICIALS	}	
<hr style="border: 1px solid black;"/>	}	

WHEREAS, on May 14, 2019, the City Council adopted a resolution approving a City of Turlock Elected and Appointed Official's Handbook (Handbook) establishing rules, procedures, and guidelines for City Officials in conducting City-related business; and

WHEREAS, several members of the City Council have approached the Acting City Manager with concerns regarding the Handbook as it relates to the City Council agenda; and

WHEREAS, the City Council agenda serves as the Council's vehicle for the Governance of the City; yet the Handbook seems to vest oversight and control of the agenda in City executive staff, rather than the City Council; and

WHEREAS, there is interest by City Council to further review and modify the handbook to recapture the history of Turlock City Council managing and overseeing the City Council agenda; and

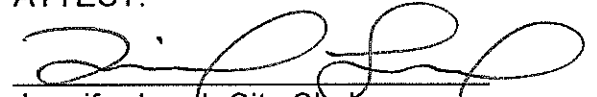
WHEREAS, reinstating Resolution Nos. 2008-019, 2011-162, and 2014-033 (attached as Exhibit A) will provide the City Council with temporary policies and procedures to have in place while a comprehensive review of the Handbook is performed to more closely review the practices and procedures pertaining to Council meetings and agendas.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby rescind Resolution No. 2019-094 regarding the City of Turlock Elected and Appointed Officials' Handbook, pending comprehensive review, unseat the Civility Code Rules Committee, and temporarily reinstate Resolution Nos. 2008-019 regarding the procedures and rules for placing matters on the agenda, 2011-162 regarding the teleconferencing policy, and 2014-033 regarding the code of conduct for elected officials.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 26th day of January, 2021, by the following vote:

AYES: Councilmembers Franco, Monez, and Mayor Bublak
NOES: Councilmembers Larson and Nosrati
NOT PARTICIPATING: None
ABSENT: None

ATTEST:



Jennifer Land, City Clerk,
City of Turlock, County of Stanislaus,
State of California

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ADOPTING }
PROCEDURES AND RULES FOR }
PLACING MATTERS ON THE }
CITY COUNCIL MEETING AGENDA }
_____ }

RESOLUTION NO. 2008-019

WHEREAS, the Turlock City Council desires to adopt a set of written rules for placing matters on the agenda.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby adopt the following rules and procedures and shall apply them to all City Council meetings:

The City Manager is authorized and directed to place all routine approvals and authorizations on the agenda. Other matters may be scheduled for Council consideration on a future agenda in the following ways:

- (1) by direction of the Mayor;
- (2) by direction of the City Manager in consultation with the Mayor;
- (3) by a council member utilizing the process set forth below;
- (4) pursuant to processes set forth in statutory or similar legal authority, such as review of a land use matter after Planning Commission consideration and recommendation.

Each City Council agenda shall specifically provide for a discussion of Future Agenda Items. Council members wishing to place items on a future agenda shall submit requests to the City Manager at least ten (10) days before the Council meeting. The item shall identify the council member making the request and contain a brief description of the subject matter. Staff shall assist in framing the request. The Council will consider only whether staff time and City resources should be expended on the item. Any such items deemed by the City Manager to be of an urgent nature may be placed directly on the agenda. Members of the public wishing to place an item on the agenda must have a council member sponsor the item.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 22nd day of January, 2008, by the following vote:

AYES: Councilmembers Hatcher, Howze, Spycher, Vander Weide and Mayor Lazar
NOES: None
ABSTAIN: None
NOT PARTICIPATING: None
ABSENT: None

ATTEST:

Rhonda Greenlee
Rhonda Greenlee, CMC, City Clerk,
City of Turlock, County of
Stanislaus, State of California

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF RESCINDING }
RESOLUTION NO. 2009-073 AND }
AMENDING THE POLICY FOR }
TELECONFERENCING AT CITY COUNCIL }
MEETINGS }
_____ }

RESOLUTION NO. 2011-162

WHEREAS, individual Council members have requested the use of teleconferencing for City Council meetings when they are unable to be present at a City Council meeting; and

WHEREAS, the City Council adopted a policy by Resolution No. 2009-073 on the use of teleconferencing at City Council meetings which was more restrictive in nature than the general provisions and requirements afforded under the Ralph M. Brown Act; and

WHEREAS, California Government Code Section 54953 provides for teleconferencing as follows:

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b)(1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by roll call.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

WHEREAS, Council wishes to amend the teleconferencing policy and operate under the general provisions and requirements of the Ralph M. Brown Act [California Govt. Code § 54953(b)] related to teleconferencing.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock, in its discretion, does hereby elect to avail itself of the teleconferencing option when the following minimum statutory requirements have been met:

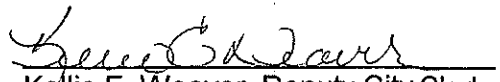
1. During the teleconference meeting, at least a quorum of the members of the City Council must participate from locations that are within the boundaries over which the City Council exercises jurisdiction.
2. All votes taken during a teleconference meeting must be conducted by roll call.
3. Each teleconferencing location must be fully accessible to members of the public.
4. Members of the public must be able to hear the meeting and testify from each teleconference location.
5. The teleconference location must be completely accessible to the disabled. The teleconference facility must be ADA compliant, including the restrooms within the facility, and must comply with section 202 of the Americans with Disability Act of 1990.
6. The teleconferencing technology must be fully accessible to all members of the public, including those with disabilities.
7. The teleconference location must not require an admission fee or any payment for attendance.
8. The meeting agenda must identify the teleconference location and must be posted at that teleconference location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting, if it is a regular meeting and 24 hours prior to the meeting, if it is a special meeting.

If the Council Member or staff determines that any of these requirements cannot be met, the Council Member shall not participate in the meeting via teleconferencing.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 9th day of August, 2011, by the following vote:

AYES:	Councilmembers DeHart, Jackson, White, and Mayor Lazar
NOES:	Councilmembers Bublak
NOT PARTICIPATING:	None
ABSENT:	None

ATTEST:


Kellie E. Weaver, Deputy City Clerk,
City of Turlock, County of Stanislaus,
State of California