



POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE
WEDNESDAY MARCH 19, 2025, AT 6:00 PM

In-Person:

San Rafael City Council Chambers
1400 Fifth Ave, San Rafael, California

Virtual:

Watch Online: <https://tinyurl.com/PAAC2025>

Listen by Phone: (669) 444-9171

Meeting ID: 861 8590 4369

AGENDA

How to participate in the meeting:

- You are welcome to provide comments in person at the meeting. Each speaker will have 2 minutes to provide public comments.
- Submit your comments by email to PAAC@cityofsanrafael.org by 4:00 p.m. the day of the meeting.

CALL TO ORDER–6:00PM MINUTES

1. Approve regular meeting minutes from the February 19, 2025, meeting.

OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the Police Advisory and Accountability Committee at this time on matters not on the agenda that are within its jurisdiction. Comments may be no longer than 2 minutes and should be respectful to the community.

OTHER AGENDA ITEMS

If necessary to ensure the completion of the following items, the Chairperson may establish time limits for the presentations by individual speakers.

2. Other Agenda Items:

- a. Response to the U.S. Customs & Immigration and the San Rafael Police Department report and presentation.

Recommendation: Provide recommendations.

- b. Public Comment Time Limitations, San Rafael City and SRPD staff

Recommendation: Discuss the public comment period time limit for PAAC meetings.

- c. Racial Identity and Profiling Act (RIPA), David Swing, Retired Police Chief, California Police Chiefs Association-Past President Representative, Prior RIPA Advisory Board Member. Kyle Williams, Marin County Sheriff's Department and SRPD staff

Recommendation: Receive the informational report.

STAFF LIAISON REPORT

3. Other brief program updates or reports on any meetings, conferences, and/or seminars attended by staff.

COMMITTEE REPORTS

4. Other brief reports on any meetings, conferences, and/or seminars attended by the Committee members.

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Board less than 72 hours before the meeting, shall be available for inspection online and in the city hall large conference room, third floor, 1400 5th Avenue, San Rafael, California placed with other agenda-related materials on the table in front of the location prior to the meeting. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request



SAN RAFAEL
THE CITY WITH A MISSION

**POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE (PAAC)
WEDNESDAY FEBRUARY 19, 2025, AT 6:00 PM**

In-Person:

**San Rafael City Council Chambers
1400 Fifth Ave, San Rafael, California**

Virtual:

Watch Online:

<https://tinyurl.com/PAAC2025>

Listen by Phone: (669) 444-9171

Meeting ID: 898-5264-7245#

MINUTES

CALL TO ORDER

Chair Tokolahi called the meeting to order at 6:00 PM and requested a roll call. Alternate Member Locks voted in the absence of Vice Chair Davidi who arrived at 6:28 p.m.

ROLL CALL

Present: Member Daniel Alm
Member Marilyn Alvarez
Member Paula Kamena
Member Mydung Nguyen
Member Darlin Ruiz
Vice Chair Davidi (arrived at 6:28 p.m.)
Chair Fatai Tokolahi
Alternate Member Salamah Locks
Alternate Member Karla Valdez

Absent: NONE

Staff Present: Angela Robinson Piñon, Assistant City Manager
David Spiller, Police Chief
Scott Eberle, Lieutenant, San Rafael Police Department
Teresa Olson, Sr. Mgmt. Analyst, San Rafael Police Department
Roy Leon, Captain, San Rafael Police Department

Lieutenant Scott Eberle informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. He noted the two-minute timer for public comment and closed captioning on Zoom.

1. MINUTES

Chair Tokolahi invited public comment, however, there was none.

Member Kamena made a motion to approve January 11, 2025, and January 15, 2025, minutes, Member Alm seconded the motion.

AYES: MEMBERS: Alm, Alvarez, Locks, Kamena, Nguyen, Ruiz,
Tokolahi
NOES: MEMBERS: None
ABSENT: MEMBERS: None
ABSTAIN: MEMBERS: None

The motion carried 7-0-0-0.

Alternate Member Locks voted in the absence of Vice Chair Davidi who arrived at 6:28 p.m.

OPEN TIME FOR PUBLIC EXPRESSION

Heidi commented on the PAAC Annual Report.

Jason spoke on the topic of homelessness.

2. OTHER AGENDA ITEMS

a. U.S. Customs & Immigration and the San Rafael Police Department

Captain Roy Leon presented the item.

The Committee asked questions.

Chair Tokolahi opened the item for public comment.

Speakers: Jason, Juliana, Tara, Shinji Sakai-Egi, Xania, Heidi

The Committee provided comments.

STAFF LIAISON REPORT

Lieutenant Eberle reminded the Committee that the Racial Profiling and Identity Act (RIPA) will be presented at the March meeting, and the Military Equipment (AB481) report will be presented at the April meeting.

COMMITTEE REPORTS

- Member Alm attended a West End Traffic Safety meeting with members of Public Works staff, he also met Chief Spiller for coffee.
- Member Davidi expressed appreciation for public meeting participation both online and in person.
- Member Locks expressed interest in adding the topic of the public comment time limit to a future agenda.
- Member Kamena thanked staff and the public for participating in the Annual Report presentation to the City Council and thanked Teresa Olson for her work and support of the PAAC. She also shared she attended the 1st Baptist Church Black History Month celebration, mentioned a new county ordinance for gate safety for

homeowners, and shared a story of reconnecting with a sexual assault victim after 30 years who thanked her for treating her with kindness.

- Member Tokolahi mentioned he is on the Seeds of Hope planning committee and the next event is in May at the B Street Community Center. He also shared home visits he has with formerly unhoused people and his work in assisting with financial education and job placement.
- Member Valdez attended an event at the San Rafael church discussing immigration rights. She also attended a meeting for the Canal Alliance on 1/29 via Zoom on the same topic and they have additional informational sessions upcoming on February 26 and March 26th. They are advertising the dates on their Facebook page.

ADJOURNMENT

Chair Tokolahi adjourned the meeting at 7:44 PM

Liaison

Teresa Olson, Staff

APPROVED THIS _____ DAY OF _____, 2025



March 19, 2025,
Item 2a

**TITLE: RESPONSE TO U.S. CUSTOMS & IMMIGRATION AND THE SAN RAFAEL
POLICE DEPARTMENT**

RECOMMENDATION: Provide feedback.

BACKGROUND:

At the [February 19, 2025](#), meeting of the Police Advisory and Accountability Committee (“Committee”), the Committee heard a presentation from SRPD Captain Roy Leon. The [presentation](#) is provided as Attachment 1 and the [staff report](#) as Attachment 2.

DISCUSSION:

Please note that staff provided much of the background and context related to SRPD Policy 413 and U.S. Customs & Immigration during the February 19, 2025, meeting. The recommendation is for the Committee to provide feedback during the March 19, 2025, PAAC meeting to staff about the content covered in the presentation. Staff can also respond to any questions about the February 19, 2025, Committee meeting.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Submitted by:

Teresa Olson

Teresa Olson

Senior Management Analyst II

ATTACHMENTS:

1. [February 19, 2025, Presentation](#)
2. [February 19, 2025, Staff Report](#)

SB54/ Immigration Policy

Captain Roy Leon






SENATE BILL 54

- Senate Bill 54, also known as the California Values Act, was signed in 2017 and went into effect on January 1st, 2018. The primary purpose of Senate Bill 54 is to limit the involvement of local and state law enforcement agencies, in federal immigration enforcement, aiming to protect immigrant communities.




SENATE BILL 54

- Key aspects of Senate Bill 54 include:
 - Restricting cooperation with federal immigration authorities. The bill prevents local law enforcement agencies from using their resources to assist federal immigration enforcement, such as U.S. Immigration and Customs Enforcement (ICE), unless it is related to specific criminal cases or public safety concerns.
- 




SENATE BILL 54

- Local law enforcement is restricted from transferring individuals to ICE custody for deportation purposes.
 - The law allows certain exceptions, such as when individuals have been convicted of certain serious felonies, or if they are being sought for a criminal investigation related to a violent crime.
 - i.e.- Rape, Child Abuse, Kidnapping, Homicide
- 



SENATE BILL 54

- The law is intended to build trust between immigrant communities and local law enforcement by ensuring that people are not afraid to report crimes or cooperate with the police, due to fear of deportation.
- 



SRPD POLICY 413


Immigration Violations

- The purpose of SRPD Policy 413 is to provide guidelines to members of the San Rafael Police Department relating to immigration and interacting with federal immigration officials.
- It is the policy of the San Rafael Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.



SRPD POLICY 413


Immigration Violations

- To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.
- 



SRPD POLICY 413

Immigration Violations

- An officer shall not investigate, interrogate, detain, or arrest persons for immigration enforcement purposes, including a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).
 - An officer shall not use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody (Government Code § 7284.6).
- 



SRPD POLICY 413

Immigration Violations

- The Department shall not collect any information about an individual's immigration status. No officer shall provide personal information about an individual to any immigration authority, including, but not limited to, the individual's name, physical description, home address, work address, and telephone number unless that information is available to the public (Government Code § 7284.6(a)(1)(D); Civil Code § 1798.3).



SRPD POLICY 413

Immigration Violations

- Requests by federal immigration officials for assistance from this department should be directed to the Operations Lieutenant through the on-duty supervisor. The Operations Lieutenant is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).
 - Full details of the San Rafael Police Department immigration policy can be found on our website at srpd.org



CONTACT

CAPTAIN ROY LEON

485@srpd.org

415-485-3392



**February 19, 2025
Item 2a**

**TITLE: INFORMATION ON U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (ICE)
AND THE SAN RAFAEL POLICE DEPARTMENT (SRPD)**

RECOMMENDATION:

Receive the report.

BACKGROUND:

The San Rafael Police Department (SRPD or Department) is committed to ensuring the safety and security of all individuals within our community, regardless of their immigration status. In accordance with the [California Values Act \(SB 54\)](#) and [SRPD Policy 413](#), our Department does not engage in federal immigration enforcement. SB54 was enacted to limit the involvement of local and state law enforcement agencies in immigration matters, thereby reinforcing community trust, safeguarding public safety, and ensuring the effective functioning of law enforcement agencies.

SRPD Policy 413 aligns with this state mandate by stipulating that personnel shall not utilize Department resources for immigration enforcement. This policy is reflective of our broader commitment to prioritizing community safety, including responding to service calls, investigating criminal activities, and working collaboratively with residents to foster a safer environment for all in San Rafael.

SRPD recognizes that maintaining positive and cooperative relationships with our diverse community, particularly with immigrant populations, is critical to the success of our policing efforts. SRPD places a high value on building and sustaining trust through transparency, proactive engagement, and accessibility. It is our firm belief that every member of the community, regardless of immigration status, should feel confident in reaching out to law enforcement for assistance without fear of immigration-related consequences.

Through these efforts, SRPD continues to prioritize the safety, well-being, and trust of all residents, reinforcing our commitment to providing professional, responsive, and inclusive law enforcement services to the entire San Rafael community.

DISCUSSION:

SRPD complies with SB 54 and SRPD Policy 413 by ensuring that our resources are not used for immigration enforcement. As a matter of policy and practice, the SRPD does not engage in immigration enforcement activities, including collaborating with federal immigration officials on investigations, interrogations, detentions, or arrests related to immigration status, unless required to do so by any future federal legal mandates. San Rafael remains committed to being a welcoming and inclusive city. The following guidelines are in place to reinforce our commitment:

- Non-Involvement in Immigration Enforcement – Officers do not stop, question, arrest, or detain individuals solely based on suspected immigration status.
- Data Protection – SRPD does not share personal information with federal immigration

authorities unless required by state or federal law.

- Detainer Requests – The Department does not honor immigration detainer requests without a judicial warrant or a qualifying criminal offense as outlined in SB 54.
- Community Reassurance – Officers are trained to communicate SRPD’s position on immigration enforcement, ensuring that community members feel safe engaging with law enforcement.
- Commitment to a Safe and Inclusive Community

SRPD requires all officers to uphold a professional commitment to enforcing the law consistently and without bias. This commitment is essential in fostering public trust and improving the Department’s effectiveness in serving and protecting the entire community while ensuring the dignity and rights of all individuals are respected, regardless of national origin or immigration status.

A fundamental responsibility of the SRPD is to build trust and establish meaningful connections with all members of our community. Beyond ensuring policy compliance, we are dedicated to strengthening our relationship with the immigrant community. We recognize that community safety is a shared responsibility, and it is vital that individuals feel safe and supported when reporting crimes, seeking assistance, or participating in civic life—without fear or hesitation. Our goal is to create an environment where every resident feels valued, respected, and confident in turning to law enforcement for help, knowing that their safety and well-being are our highest priorities.

To that end, we actively engage with residents through outreach efforts, educational programs, and cultural events that strengthen relationships between law enforcement and San Rafael’s diverse communities.

COMMUNITY OUTREACH:

SRPD considers community engagement a core component of building trust, particularly with immigrant communities. We are committed to establishing strong relationships through targeted outreach efforts. Recent initiatives have included:

1. **Holding Community Meetings in Spanish:** To ensure accessibility, SRPD organizes safety forums conducted entirely in Spanish. These sessions cover topics such as crime prevention, domestic violence resources, and how to report incidents without fear of immigration consequences.
2. **Participation in Cultural and Religious Events:** SRPD actively participates in community events such as Día de los Muertos, local church gatherings, and other cultural celebrations to demonstrate our commitment to inclusivity and to interact with residents in a non-enforcement capacity.
3. **Spanish-Speaking Community Academy:** SRPD offers a Spanish-Speaking Community Academy, providing residents with an in-depth look at police operations, crime prevention, and community safety topics in their preferred language. This program strengthens relationships, enhances transparency, and empowers residents to engage with law enforcement confidently.
4. **Youth Engagement & Cadet Program:** We work closely with local schools to recruit students for our Cadet and Explorer programs, ensuring that young people from diverse backgrounds, including Hispanic/Latino students, have positive early interactions with law enforcement. We actively recruit people from our local

community to fill all positions within the police department.

5. **Collaboration with Community Organizations:** SRPD partners with advocacy groups, non-profits, and legal aid organizations to provide resources, education, and reassurance to immigrant families. These partnerships help bridge gaps in understanding and ensure that residents know their rights and protections under California law.

These outreach efforts reinforce SRPD's commitment to ensuring that all residents, regardless of immigration status, feel safe, valued, and supported in our community. SRPD remains steadfast in our commitment to serving and supporting the entire San Rafael community. This includes every individual, regardless of their nationality or immigration status. The Department's mission is rooted in ensuring public safety and delivering equitable service to everyone. We provide protection and assistance to everyone we serve.

FISCAL IMPACT:

None

Submitted by:

Roy Leon

Police Captain

Attachments:

1. [SRPD Policy 413](#)
2. [California Values Act \(SB 54\)](#)
3. [SB54 Presentation](#)



**March 19, 2025
Item 2b**

TITLE: PUBLIC COMMENT DURATION

RECOMMENDATION: Discuss the item and make a recommendation

BACKGROUND:

At the February 19, 2025, meeting of the Police Advisory and Accountability Committee ("Committee"), Alternate Member Locks requested that the time limit for public comment at Committee meetings be included on the agenda for discussion. Staff are now presenting this item to the Committee for further consideration.

DISCUSSION:

In 2023, the City Council adopted Resolution 15196, which formalized the [Boards, Commissions & Committees Rules & Procedures](#) (Attachment 1) to be applied consistently across the entire Boards, Commissions & Committees (BCC) Program. This resolution sets a standardized framework for the operation of these bodies, ensuring clarity and consistency in their practices.

Currently, the City oversees 16 distinct boards, commissions, and committees, each serving a unique function within the community. Thirteen boards, commissions, and committees allocate 2 minutes for public comment during meetings. However, three bodies extend the time for public comment to 3 minutes: the Bicycle and Pedestrian Advisory Committee, the Park & Recreation Committee, and the Public Art Review Board. The staff liaisons to the BCCs intend to standardize the public comment time to 2 minutes for the remaining boards, commissions, and committees in the coming months.

Staff recommends that public comment remain at 2 minutes to be consistent with the City Council meeting and all BCCs and to limit confusion for the community as they maneuver through public meetings in San Rafael.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Submitted by:

Teresa Olson

Teresa Olson

Senior Management Analyst II

ATTACHMENTS:

1. [Boards, Commissions & Committees Rules & Procedures](#)



Boards, Commissions and Committees

Rules and Procedures

Adopted on March 20, 2023
by Resolution No. 15196

City of San Rafael, Boards, Commissions and Committees Rules and Procedures

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Chapter 1. Purpose and Overview

The City of San Rafael has a long and proud tradition of open government, and civil and intelligent public discourse. These Boards, Commissions and Committees Rules and Procedures (“Rules”) are assembled for the purpose of providing protocols and procedures for the conduct of governmental business by San Rafael’s various boards, commissions and committees (“BCC’s”), including conduct of meetings, preparation of agenda items, scheduling of meetings, public participation, and appointment to and removal from boards, commissions, and committees. These rules are intended to enhance public participation and debate so that the best possible decisions are made for San Rafael. These rules apply to all public bodies of the City of San Rafael with the exception of the City Council.

Appointed board, commission, and committee members and Staff Liaisons are expected to understand and comply with these Rules.

For purposes of this document, all City boards, commissions and committees other than the City Council are referred to as “BCC’s” and all their respective members are referred to as “Commissioners”.

These rules have been formally adopted by resolution of the City Council (Resolution No. 15196) and are subject to review. If during the course of their official duties Commissioners encounter an item that affects the business of the BCC and that item is not covered in this document, the BCC shall not take action and the Staff Liaison shall consult the City Attorney.

Chapter 2. Duties and Responsibilities of Commissioners

1. Duties of the Chair

- A. All City BCC's elect a presiding officer, known as the Chair, for a one-year period; appointment procedures are set forth in greater detail below. BCC's may have the Staff Liaison serve as the Chair. However, where the Staff Liaison serves as the Chair they shall neither vote nor deliberate on BCC matters. The Staff Liaison shall serve in a purely advisory role, unless otherwise specified in the bylaws.
- B. The Duties of the Chair shall include the following:
 - i. Ensure that consideration of items on the agenda move along without delay.
 - ii. Ensure that community input is received, if any.
 - iii. Ensure that decorum is maintained at the meeting.
 - iv. In presiding over agendized matters where the public has provided testimony and/or raised questions:
 - a. Direct questions or comments requiring a response to staff for a response.
 - b. If necessary, help keep Commissioners' questions relevant to the matter being considered by the BCC.
 - c. If necessary, consider calling for a brief recess, or adjournment, if orderly conduct of the meeting is being disrupted.
 - d. Announce the decision of the BCC on all subjects.
 - v. To ensure that each member of the BCC is provided an opportunity to completely express their views on items of business, recognize each Commissioner and give them the opportunity to provide feedback.

2. Duties of Vice Chair

In the absence of the Chair, a Vice-Chair shall possess all powers of the Chair and be subject to all prescribed duties for that position during the Chair's absence.

3. Duties of Commissioners

- A. Attend and arrive on time for all BCC meetings.

Attendance at any regularly scheduled meeting is a necessary part of being an effective Commissioner. If a Commissioner is unable to attend a regularly scheduled meeting, the Commissioner shall notify the Staff Liaison in advance of a regularly scheduled meeting to have an excused absence.

- B. Review all meeting materials in preparation for BCC meetings.

4. Duties of Alternates

- A. Attend and arrive on time for all BCC meetings.

Attendance at any regularly scheduled meeting is a necessary part of being an effective Alternate Commissioner. If a Commissioner is unable to attend a regularly scheduled meeting, the Commissioner shall notify the Staff Liaison in advance and the Alternate Member shall be notified of their attendance as a full voting member, and be recognized as such during the roll call.

- B. Review all meeting materials in preparation for BCC meetings.

- C. Vote in the absence of a full voting member.

- D. If more than one Alternate member exists, there shall be a pre-determined first and second Alternate, and they shall alternate between first and second Alternate member annually. First Alternates shall vote in the absence of one voting member, and Second Alternates shall vote in the absence of a second voting member.

- E. If no full voting member is absent, the Alternate Member shall still attend meetings, deliberate, and ask questions of staff, but shall not vote.

5. Duties of Staff Liaison

- A. The City Manager or their designee shall designate a Staff Liaison to each BCC. The Staff Liaison has the following responsibilities:

- i. Prepare meeting agendas and staff reports (verbal or written as needed).
- ii. Notify the City Clerk of consecutive unexcused absences, issues with attendance, resignations, and Commissioner's change of contact information.
- iii. Ensure that sufficient research and analysis has been performed by City staff to allow an informed discussion by the BCC on matters before them.

- iv. Help facilitate and advise the Chair on meeting management.
- v. Ensure that all City departments with subject matter expertise have an opportunity for input before bringing an item forward for BCC consideration.
- vi. Ensure that meeting materials, including a sufficient number of agendas, and at least one binder of all related staff reports being presented (if any) at that meeting, are available in physical print format for the public to examine at the meeting.
- vii. Ensure all agendas include the following notice for accessibility services:

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online and in the [location where meeting is held] placed with other agenda-related materials on the table in front of the meeting location prior to the meeting. Sign language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.

- viii. Produce action minutes for each meeting.
 - ix. Ensure all meeting materials and any other documents submitted to the BCC at the meeting are retained and stored as material in connection with that meeting, according to the City's retention policies.
 - x. Coordinate with the City Council Liaison once per year to either attend a BCC meeting or meet with the Chair.
 - xi. Include the City Council Liaison in the email to Commissioners with the agenda packet materials.
- B. The Staff Liaison, along with the City Clerk, is responsible for ensuring that appointed Commissioners are oriented about policies and procedures as they relate to the BCC.

6. Duties of City Council Liaison

- A. On an annual basis, the City Council designates liaison positions to the BCCs. The role of the liaison is to generally stay abreast of the activities of the BCC which may include attending one or more meetings per year, checking in with

the Chair of the BCC on a quarterly basis, reporting out on significant activities during City Council meetings as needed, assisting in culling down applications into an interview list when there is a vacancy, and providing a “mentor” role for the needs of the BCCs which could relate to answering procedural questions, facilitating training, or other assistance. Additionally, the Mayor may act in the acting role of the Council Liaison for each BCC in their absence.

7. Appointment of Chair and Vice-Chair

- A. The Chair and Vice-Chair shall be appointed by a majority vote of the BCC membership at the last meeting of each calendar year, to serve for a one-year term. The Chair and Vice-Chair shall rotate among the Commissioners based on tenure, as defined by total years of service. The City Council believes that experience as a Commissioner will assist those who are selected to serve as Chair or Vice-Chair, and that it is in everyone’s best interest that candidates have experience in cycles of governing to acclimate themselves to the jobs, tasks, and roles of the BCC. In the event the years of service are identical, tenure will be determined in alphabetical order by last name. It is the general rule that a Commissioner shall not serve as Chair more than once in the number of years there are members. However, in the event that:
 - 1. a position is vacated;
 - 2. a Commissioner is not interested in serving as an officer; or
 - 3. there is limited tenure among the other Commissioners, then a Commissioner may be appointed as an officer more than once in the number of years there are members.
- B. The Vice-Chair shall serve as Chair in the following year and shall be appointed as such at the last meeting of each calendar year.
- C. The Chair and Vice-Chair may not succeed themselves in the same position. However, in the event the current Chair or Vice-Chair has served less than one year, the BCC may choose to re-elect them for an additional term.
- D. The Vice-Chair shall succeed the Chair if the Chair vacates the office and shall serve the unexpired term of the Chair. The BCC shall elect a new Vice-Chair to serve the unexpired term of that office. Selection shall be based on seniority.
- E. In the absence of the Chair and Vice-Chair at any meeting of the BCC, the member of the BCC with the longest tenure, as defined by total years of service, shall preside over the meeting. In the event the years of service are identical, seniority will be determined by alphabetical order.
- F. This section shall not apply to BCCs where the Staff Liaison serves as the Chair, per the bylaws.

8. Removal and Resignation

A. Removal

Commissioners serve at the pleasure of the City Council and Commissioners shall be subject to removal by a majority vote of the City Council.

B. Resignation

A Commissioner who wishes to resign shall submit their resignation in writing to the Staff Liaison. The resigning Commissioner shall provide as much notice as possible.

C. Voluntary Resignation

Unexcused absence from consecutive meetings, specified in the BCC Bylaws, shall be considered a voluntary resignation.

Previously dismissed Commissioners may be eligible for reappointment to the BCC.

Chapter 3. Rules of Decorum

1. At all public meetings, commissioners shall:
 - A. Always put the community's interests first by making decisions with the interest of the community at-large in mind and avoid representing personal interests;
 - B. Treat each other, councilmembers, staff, and members of the public with dignity, courtesy, and respect;
 - C. Not interrupt speakers or other members, allow them to finish their presentation before asking questions;
 - D. Not engage in discussion with a member of the public;
 - E. Be attentive to others, limiting interruptions and distractions;
 - F. Encourage diverse viewpoints in debate while being mindful not to prolong discourse or block consensus;
 - G. Agree to respectfully disagree with fellow Commissioners;
 - H. Keep comments clear, concise, and on-topic;
 - I. Start and end meetings on time and work from the agenda;
 - J. Present problems in a way that promotes discussion and resolution;
 - K. Meet with the Council Liaison to the BCC when requested.
2. Commissioners are subject to all the provisions of the City's *Policy Against Harassment, Discrimination and Retaliation* and all other Human Resources policies that apply to the City Council.

Chapter 4. Meetings

1. All BCC decisions must be taken at BCC meetings. Before acting, the BCC may take testimony from, and be provided information by, project applicants, interested members of the public, or City staff.
2. No business may be transacted by the BCC at a regular or special meeting unless a quorum of the membership is present. A quorum requires a majority of the total number of Commissioners on the BCC to be present (i.e., 50% plus one of those currently appointed).
3. Types of Meetings
 - A. **Regular Meetings** are those identified in the adopted meeting schedule.
 1. BCC's shall hold meetings at the regularly scheduled date and time for the BCC's meetings.
 2. BCC's shall adopt a schedule of meetings as close to December 15 as possible on an annual basis, which shall become the regular meeting dates of the BCC.
 3. Regular meeting dates may be amended by the BCC.
 - B. **Special Meetings** are called at non-regular meeting date and times. They are called by the Staff Liaison with a minimum of 24 hours' notice, versus 72 hours' notice for regular meetings.
 1. If at any time any regular meeting of the BCC falls on a holiday, if it is known that a quorum will not be available, or if there are items of business that require scheduling at a special meeting due to the need to take action prior to a regular meeting or that require a meeting devoted to the subject matter proposed for the meeting, a Special Meeting may be scheduled to the earliest convenient time.
 - C. **Study Sessions** are meetings that are held for the purpose of providing information to the BCC, particularly on issues that are more complex or more time-consuming than matters typically scheduled on regular meetings. At study sessions Commissioners may collectively provide direction to City staff. Typically, no action is taken at the study sessions; the public may provide comments.
 - D. **Closed Sessions** at the BCC level would be very rare and would only occur at the direction of the City Attorney.
 - E. **Emergency Meetings** are allowed per the Ralph M. Brown Act.

4. Voting

A motion, second, and a vote of the BCC shall be required for any formal action of BCC. In the absence of a contrary law, the number of votes required to take action is a majority of a quorum.

Votes shall be called using a roll call vote where each Commissioner shall indicate their vote verbally after their name has been called.

5. The Chair may change the order of hearing of items on the agenda.

6. Public Participation

A. All members of the public are encouraged and invited to participate in the legislative process of the City's BCC's; including by submission of comments to the Staff Liaison before the meeting or speaking in-person at the scheduled meeting.

B. All communications addressed to Commissioners received by the Staff Liaison or their designee are relayed to the appointed body.

C. It is the intent of these rules to allow everyone to be heard without fear of responses that may discourage public participation. For these reasons, these rules are taken seriously. Disruptive or unruly behavior may result in removal from the BCC meeting.

7. Ralph M. Brown Act

All BCC meetings shall be open and public, and all persons shall be permitted to attend any meeting of the BCC, except as otherwise provided in the Ralph M. Brown Act relating to Closed Session (Government Code Sections 54950 et seq.). Meetings will be accessible to all, with accommodations for accessibility issues made upon request. Any person who disrupts the meeting may be asked to leave and be removed.

8. Rosenberg's Rules of Order

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century shall apply.

9. Minutes

A. Decisions of BCC meetings are recorded in Action Minutes.

B. Action Minutes contain very little, if any, narrative content and do not capture

details of public comment or Commissioner comments, questions and opinions. The Staff Liaison is responsible for producing action minutes. Commissioners may request correction only of factual errors when presented with the draft minutes. No supplemental materials may be appended to minutes.

- C. Media (audio/video) recordings, when employed, may be used to record the complete minutes of the meeting including a verbatim record of meetings and are kept as identified in the City's Records Retention Schedule.

10. Agenda Item Submission

- A. The Staff Liaison coordinates all agenda items for consideration on a given agenda. In order to ensure that each item for discussion has been thoroughly analyzed, a Staff Report shall be presented verbally or in writing as deemed appropriate by the Staff Liaison.

- 1. The preparation of Staff Reports applies to all BCC's in order to ensure:
 - i. The BCC has all the information needed to make a well-informed decision; and
 - ii. Any action is fully transparent to the public.
- 2. Staff Reports shall be part of the public agenda packet issued prior to the meeting. Copies of the agenda, staff reports and supporting materials shall be made available to the public at the meeting and online.

- B. Members of the public may request an item be brought to the BCC during Open Time at a BCC meeting, and Commissioners may contact the Staff Liaison and request a specific topic be considered or introduced to the BCC. The Staff Liaison sets the agenda based on department priorities and the City Council's goals and priorities. If a member of the public or Commissioner disagrees with the Staff Liaison's decision not to place an item on the agenda, they may contact the City Council Liaison to the BCC, the City Council by correspondence, or by providing public comment at a City Council meeting during Open Time.

11. Conflict of Interest

BCC's must conduct business ethically and follow all state and local regulations, including the Political Reform Act, Government Code section 1090 and the Ralph M. Brown Act.

- A. Whenever it appears to a Commissioner they may have a prohibited financial interest in any City contract, or an item that may be presented to the BCC, the Commissioner should consult with the Staff Liaison and the City Attorney at the

earliest opportunity for advice on whether a disqualifying conflict of interest exists.

- B. If the City Attorney is consulted on such a matter, the City Attorney shall provide their advice in writing, and shall provide a copy of their opinion to the BCC, the Staff Liaison, and the City Clerk.
- C. Commissioners shall not vote upon any matter on which they have a conflict of interest, as determined by the Conflict of Interest Code or the City Attorney's Office.
- D. Commissioners shall openly state the reason for their conflict of interest as required by law or regulation.
- E. Commissioners who are disqualified by a conflict of interest shall recuse themselves from all deliberation and voting on the matter. The Commissioner shall leave the dais and leave the room where the matter is not on the Consent Agenda or involves deliberation by the Commissioners. The Commissioner may return to the room and dais after final voting on the matter has occurred.

Chapter 5. Communication

1. All communications are public records.

All letters, memoranda, and email communications involving Commissioners, the subject of which relate to the conduct of government or the performance of any governmental function, with certain exceptions as outlined in the Public Records Act, are public records. Public records are subject to disclosure under the Public Records Act.

2. Ralph M. Brown Act

Each Commissioner should be mindful of all of the requirements of the Brown Act in communicating with each other.

3. Correspondence

- A. Any correspondence from the public related to BCC business is considered a public record that must be retained in accordance with the City's Retention Schedule; therefore, Commissioners should not solicit emails through their personal email addresses but should direct the public to submit any correspondence to staff who will distribute them to the Commissioners. If Commissioners do receive correspondence relating to BCC business to their personal email or home address, Commissioners shall forward all such correspondence to the Staff Liaison.
- B. Staff will not provide Commissioners personal email addresses to the public without the Commissioner's consent.
- C. After the BCC has taken a position on an issue, official correspondence should reflect this position. While Commissioners who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official BCC title, and staff support shall not be utilized.
- D. City letterhead, logo, insignia and brand, as well as staff support cannot be utilized for personal or political purposes.

4. Electronic Communication

- A. All emails sent and received through the City server are subject to the Public Records Act.

5. Social Media

- A. Commissioners' use of their personal social media to discuss governmental business creates a public forum under the First Amendment.

- B. Therefore, Commissioners are advised not to use their personal social media to discuss BCC or City business. Commissioners should be careful not to refer to their official position or use their titles on their social media pages in a manner that suggests the social media is being used to conduct governmental business. They should consider adding disclaimers stating that the social media is the personal page of the official, is for personal use, and does not represent the views of the BCC or City.
- C. If a Commissioner uses their social media for governmental business, they are subject to claims under the First Amendment, and may not block constituents from that social media, or delete, hide, or otherwise censor any comments with which they disagree.
- D. Also, Commissioners need to ensure that their interactions on social media do not violate the Brown Act.

Chapter 6. Selection Process

1. Reappointments, Vacancies and Appointments
 - A. The City Clerk's Office manages the BCC application process. The process begins with the Clerk contacting members who are eligible for appointment to an additional term and determining their interest in reappointment.
 - B. The City Clerk recruits for all open seats utilizing multiple avenues, including but not limited to the following: print and digital advertising, the news media, and email networking lists to present qualified candidates to the City Council for consideration.
 - C. The City Clerk receives the applications for BCC's (preference is a minimum of three applications sought for each seat) and agendas a public meeting of the City Council to interview applicants.
 - i. If the City Clerk receives a high volume of applications, the City Clerk will provide the Mayor or their designee, and/or the Council Liaison with the applications, and they will select the applicants to be interviewed by the City Council, in collaboration with the Staff Liaison.
 - D. In some circumstances, applicants may be interviewed by the Council Liaison and the Staff Liaison. In this instance, the Liaisons would recommend appointment of an applicant or applicants, and it would be returned to the full body of the City Council for approval. Applicants are appointed by a majority vote of the City Council at a public meeting.
 - E. If the only application received is the incumbent application, staff may create a recommendation to the City Council to approve the reappointment of the incumbent on the Consent Calendar.
 - F. Unscheduled Vacancies
 - i. Subject to the Maddy Act (California Government Code § 54974), whenever an unscheduled vacancy occurs a vacancy notice shall be posted in the City Clerk's Office and on the website., not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office.
 - ii. For such non-routine vacancies, the announcement for new applications is made as soon as possible in order to maintain viable memberships on the various BCC's.

iii. All appointments occur in an open public meeting.

2. Commissioner Terms

A. Commissioner terms are dictated by Resolution of the City Council.

Chapter 7. Attachments

1. Attachments

- A. Agenda Example and Template
- B. Minutes Example and Template
- C. Rosenberg's Rules of Order
- D. Summary of the Ralph M. Brown Act



[BCC NAME]
[DATE] AT [TIME]
[LOCATION]
[ADDRESS], SAN RAFAEL, CALIFORNIA

AGENDA

CALL TO ORDER – [TIME]

MINUTES

1. Approve regular meeting minutes of [date]
Recommended Action – Approve as submitted

OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the [Commission] at this time on matters not on the agenda that are within its jurisdiction. Comments may be no longer than [time] minutes and should be respectful to the community.

SPECIAL PRESENTATIONS

2. Special Presentations:

PUBLIC HEARING (as necessary)

Duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Commission.

3. Public Hearing:
 - a. **[Brief explanation of agenda item. Please spell out all abbreviations and be clear and concise for the public – include recommended action]**
Recommended Action – [Approve, Accept, etc.]

OTHER AGENDA ITEMS

If necessary to assure completion of the following items, the Chairperson may establish time limits for the presentations by individual speakers.

4. Other Agenda Items:
 - a. **[Brief explanation of agenda item. Please spell out all abbreviations and be clear and concise for the public – include recommended action]**
Recommended Action – [Approve, Accept, etc.]

STAFF LIAISON REPORT

5. Staff Liaison Report:

COMMISSIONER REPORTS

6. Other brief reports on any meetings, conferences, and/or seminars attended by the [Commission/Committee/Board] members:

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Council less than 72 hours before the meeting, shall be available for inspection online and in the [location where meeting is held] placed with other agenda-related materials on the table in front of the [location prior to the meeting]. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request. To request Spanish language interpretation, please submit an online form at <https://www.cityofsanrafael.org/request-for-interpretation/>.



[BCC NAME]
[DATE] AT [TIME]
[LOCATION]
[ADDRESS], SAN RAFAEL, CALIFORNIA

MINUTES

Present: Chair [last name]
Vice-Chair [last name]
Commissioner [last name]
Commissioner [last name]
Commissioner [last name]

Absent: None

Also Present: [City title] [first, last name]
Alternate [first, last name]

CALL TO ORDER

Chair [first and last name] called the meeting to order at [exact time]

MINUTES

1. Approve regular meeting minutes of [date]

Commissioner [last name] moved, Commissioner [last name] seconded, to approve the minutes of the [date] meeting.

AYES: Commissioners: [last name in alphabetical order followed by Chair]
NOES: Commissioners: [last names]
ABSENT: Commissioners: [last names]

Motion passed [5-0].

OPEN TIME FOR PUBLIC EXPRESSION

[SPEAKER NAME] addressed the Commission regarding [TOPIC].

SPECIAL PRESENTATIONS

2. Special Presentations:

a. Presentation for Department of Digital Service and Open Government

[TITLE] [FIRST & LAST NAME] gave a presentation

Speakers: [members of the public]: Jane Doe, John Doe, Alex Doe, Alexis Doe.

Staff responded to questions from the Commission/Board/Committee.
Commission/Board/Committee provided comments.

PUBLIC HEARING

3. Public Hearing:

a. 5800 Northgate Drive (Northgate Mall) –Temporary Use Permit (UP19-027) for a base camp/staging operation area for the movie production for “13 Reasons Why” in a portion of

the Northgate Mall Shopping Center parking lot along Las Gallinas Ave; APN: 175-060-67; General Commercial (GC) Zoning District; XGP XI Northgate LLC, owner; Dan Kemp (for Paramount Television), applicant. File No.: UP19-027. Project Planner: Raffi Boloyan
Recommended Action – Adopt Resolution

[TITLE] [FIRST & LAST NAME] presented the staff report.
Staff responded to questions from the Commission.

Speakers: [members of the public]: Jane Doe, John Doe, Alex Doe, Alexis Doe.

Staff responded to questions from the Commission. The Commission provided comments.

Commissioner [last name] moved, Commissioner [last name] seconded, to approve [ACTION].

AYES: Commissioners: [last name in alphabetical order followed by Chair]
NOES: Commissioners: [last names]
ABSENT: Commissioners: [last names]

Motion passed [5-0].

OTHER AGENDA ITEMS

4. Other Agenda Items:

- a. Informational Report on City Boards and Commission Rules and Procedures
Recommended Action – Accept report

[TITLE] [FIRST & LAST NAME] presented the staff report.
Staff responded to questions from the Commission.

Speakers: [members of the public]: Jane Doe, John Doe, Alex Doe, Alexis Doe.

Staff responded to questions from the Commission. The Commission provided comments.
Commissioner [last name] moved, Commissioner [last name] seconded, to approve [ACTION].

AYES: Commissioners: [last name in alphabetical order followed by Chair]
NOES: Commissioners: [last names]
ABSENT: Commissioners: [last names]

Motion passed [5-0].

STAFF LIAISON REPORT

5. Staff Liaison Report:

[TITLE] [FIRST, LAST NAME] reported on [TOPIC/S]

COMMISSION REPORTS

6. Commission Report:

Commissioner [LAST NAME] reported on [TOPIC/S]

ADJOURNMENT

Chair [LAST NAME] adjourned the meeting at [TIME].

Approved this [day] of [month] [year],

[Name], Staff Liaison



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.

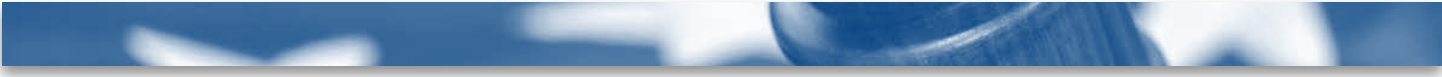


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INTRODUCTION

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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THE RALPH M. BROWN ACT
The “Open Meeting” Law

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the People’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” Government Code section 54950.

The Basic Legal Requirement of the Brown Act:

“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.” Government Code section 54953(a).

A. Notice and Agenda Requirements

All meetings of a local legislative body must:

1. Be open to the public;
2. Be noticed 72 hours in advance;
3. Provide an opportunity for the public to speak;
4. Be located within the jurisdiction;
5. Not consider or take action on items not noticed on the agenda.

B. What is a “Legislative Body”?

The term “local Legislative Body” means not just the City Council, but also includes multi-person task forces, committees and commissions established by formal action of the City Council.

C. What is a “Meeting”?

A meeting is “...any congregation of a majority of the members of a legislative body (a quorum) at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.” Government Code section 54952.2(a).

Important: There are also some situations that do not appear to be traditional meetings, but that will or may be considered to constitute a violation of the Brown Act. They include the following:

1. Collective Briefings: A majority of the members may NOT meet together with staff outside the public meeting for a collective briefing.
2. Retreats/Workshops: A majority of the members may NOT attend retreats or workshops of the legislative body that are not noticed and open to the public as required by the Brown Act.
3. Informal gatherings: A majority of the members may NOT continue to discuss business after the noticed meeting formally ends.
4. Serial Meetings: A serial meeting occurs when by seriatim contact, a majority of the members of the local legislative body discuss, deliberate or take action on items of the body's business, or reach a collective concurrence as to such matters. In effect, the decision-making process of the legislative body in such a case has occurred in private, not in a noticed, public meeting. This can occur in several ways:
 - "Daisy-Chain" meetings: Member A contacts member B who contacts member C who contacts member D, all concerning the same item of committee business. This produces a collective consideration or concurrence of a quorum of the legislative body not occurring at a noticed public meeting, in violation of the Brown Act.
 - "Hub-and-Spoke" meetings: A person (citizen, staff member, colleague) contacts each member separately. While a member of a local legislative body may have individual contacts with constituents, advocates, consultants, staff, news reporters or a colleague, such contacts cannot be used to do in stages what is unlawful to do in one step. "Individual contacts" that lead to a collective concurrence of the legislative body are prohibited.
 - Email/Text Meetings: Computer messages to, from and between members of the legislative body that lead to a "collective concurrence" as to issues before the body are a type of serial meeting that violates the Brown Act. (Note: does not include emails merely to schedule a meeting, but not discussing committee business.)

This area in particular is one which can easily lead committee members into Brown Act violations. In order to avoid Brown Act

violations, staff and committee members should follow the following rules:

- Avoid webconferencing, social media communications, or individual communication of intended vote to third persons who may learn of intentions of the majority.
- Committee members should avoid initiating or participating in an email discussion of committee business with other members. Always remember that the business of the committee is to be done in public, at noticed meetings. Even if an email is meant to be sent unilaterally, with no need to reply, a recipient might choose to reply and accidentally “reply all.” While inadvertent, this is a Brown Act violation. Outside of a public meeting, it is best to communicate on committee business only through staff.

D. Exceptions: What is NOT a Meeting?

There are certain gatherings of a majority of the committee that will not be considered to be meetings, such as attendance by a majority of the committee at conferences open to the public; community meetings of another organization on topics of local community concern (e.g. a local candidate’s night); noticed, open meetings of another local agency (e.g. Board of Supervisors); or purely social or ceremonial events (e.g. funeral, ground-breaking); provided that the members do not discuss among themselves, other than as a part of the scheduled program, business of a specific nature that is within their subject matter jurisdiction.

E. Remedies

1. Civil actions to prevent violations of the Act.
2. Criminal action against individual members who intentionally violate the Act.
3. Civil action to invalidate a legislative body’s action taken in violation of the Act.

Conclusion

Committee members must be constantly aware of the Brown Act’s mandate that all decision-making and collective concurrence be done in a noticed public hearing, and not, albeit unintentionally, behind closed doors. Committee members should consult staff any time they have a concern or question about the applicability of the Brown Act.



March 19, 2025
Item 2c

TITLE: THE RACIAL IDENTITY AND PROFILING ACT (RIPA): A COMPREHENSIVE REVIEW OF RIPA

RECOMMENDATION:

Receive the report.

BACKGROUND:

The Racial and Identity Profiling Act (RIPA) was enacted in 2015 through [Assembly Bill 953](#), aiming to address and eliminate racial and identity profiling in California's law enforcement practices. This legislation mandates all law enforcement agencies collect and report detailed data on all vehicle and pedestrian stops, including the perceived race, ethnicity, gender, and age of individuals stopped, as well as the reasons and outcomes of these encounters. The collected data is submitted to the California Department of Justice and analyzed by the [Racial and Identity Profiling Advisory \(RIPA\) Board](#), which publishes [annual reports](#) with findings and recommendations ([oag.ca.gov](#)).

As outlined by the [California Code of Regulations \(11 CCR § 999.224\)](#), RIPA stop data must be collected during police contacts matching either of the following criteria: "(1) Any detention, as defined above in these regulations, by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer searches, as defined in these regulations."

The San Rafael Police Department (SRPD) is committed to fostering a culture of trust, accountability, and transparency within our community. We strive to ensure fair, equitable policing practices that uphold the rights of all individuals, regardless of race, ethnicity, or identity. Through continuous training, community collaboration, and data-driven strategies, SRPD is dedicated to reducing biases, improving relationships with the community, and enhancing public safety.

DISCUSSION:

Historical Context of the Racial Identity Profiling Act (RIPA)

The enactment of RIPA in 2015 was in response to growing concerns about racial and identity profiling by law enforcement in California. High-profile incidents and community advocacy highlighted the need for systemic reforms to ensure equitable policing practices. RIPA's primary objectives include explicitly banning racial and identity profiling in law enforcement activities, requiring agencies to collect and report data on stops to identify and address disparities, and establishing the RIPA board to oversee data analysis and recommend policy changes. Since its implementation, RIPA has served as a tool for assessing law enforcement practices and promoting transparency and accountability.

RIPA data for San Rafael

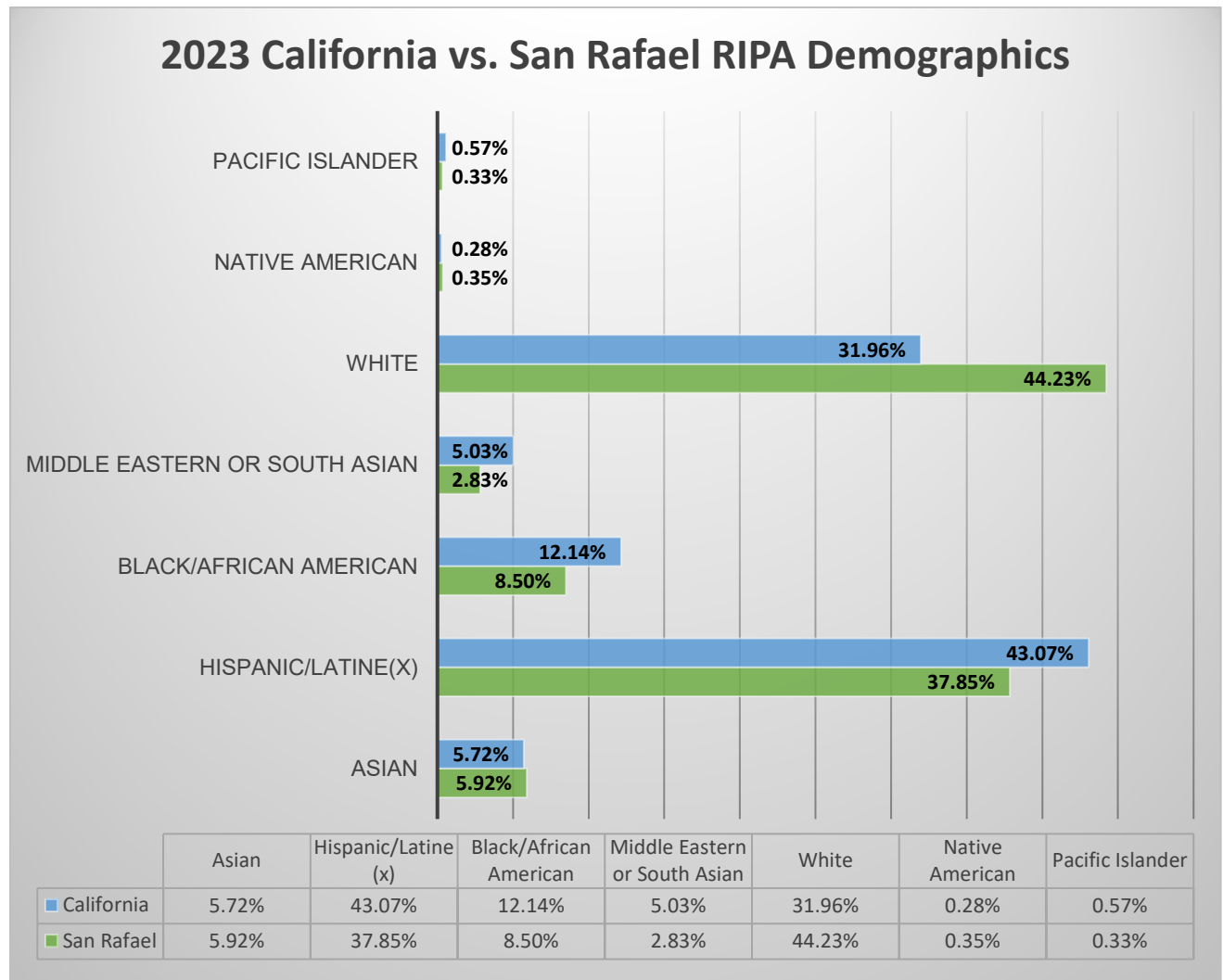
The following is a summary of the stop data for San Rafael in 2024. It should also be noted that these recorded stops are combined into one category and do not separate proactive stops from calls for service.

In 2024, SRPD recorded 5,353 stops. Of these, 47% were perceived to be Latine(x), 39% were perceived to be White, and 8% were perceived to be Black/African American. In just 2% (108) of these stops, officers reported knowing the individual's demographics before making the stop.

Individuals perceived as African American were stopped at the highest rate based on reasonable suspicion, which occurs when officers have information-either from evidence or a report-that leads them to contact someone. Additionally, individuals perceived as Native American, African American, and White had the highest rates of contraband found. This happens when officers have probable cause to search, when a person is on probation or parole, or when consent to search is given.

In response to calls for service, individuals perceived as Native American, Pacific Islander, and African American were stopped at the highest rates. Meanwhile, individuals perceived as White and Native American were arrested at the highest rates following a stop.

The chart below illustrates the 2023 SRPD data in comparison to the state of California. 2024 statewide data is not currently available.



2025 RIPA Board Recommendations

The [2025 RIPA Annual Report](#) analyzes data from 2023 collected by California law enforcement agencies, documenting 4,721,135 stops. The findings reveal that the largest group stopped were individuals perceived as Hispanic/Latine(x) (43.07%), followed by White (31.96%) and Black (12.14%). The report highlights that people perceived as Black were stopped 126.5% more often than their proportion in the census population, while those perceived as Hispanic/Latine(x) were stopped 43.8% more frequently. This report examines over 4.7 million stops and 14,444 civilian complaints from 539 law enforcement agencies to assess the extent and nature of racial and identity profiling in California. The report asserts that racial and identity profiling remains a persistent issue. Based on the collected State of California Stop Data, the RIPA board has made the following recommendations.

- **Improving Officer Training:** Mandating additional training on implicit bias, de-escalation tactics, and cultural competency. Expanding crisis intervention training to reduce the likelihood of escalation in encounters with marginalized communities.
 - **The San Rafael Police Department** emphasizes de-escalation in every Use of Force Training and Firearms Training. [SRPD Policy 319.5](#) stipulates that all members of the department receive POST-approved training on hate crime recognition and investigations as provided by Penal Code §13519.6. Training includes: (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias. All SRPD personnel also complete Diversity, Equity, Inclusion, and Belonging (DEIB) training. In addition to DEIB training, SRPD also took part in the following training:
 - Has contracted with [Athena Coaching](#) to help train Sergeants and above in Leadership and Coaching.
 - Emotional Intelligence training by [DB Bedford](#)
 - Contracted with retired Police Chief Daniel Hahn to give a class on Procedural Justice and Diversity, Equity, and Inclusion to the leadership team.
 - [Strategic Communications](#) (POST).
 - [Use of Force-De-escalation](#) (In-house as well as Self-Paced POST training)
 - [Tools for Tolerance/Beyond Diversity](#) at the Museum of Tolerance (Los Angeles)
 - [Crisis Intervention Training](#)
 - Lexipol [Daily Training Bulletins](#) (DTBs) officers are required to complete monthly covering topics from policy to de-escalation.
 - Weekly [Briefing Room](#) videos were presented during briefings, covering topics such as de-escalation, best practices, and case law reviews.
 - Dispatch training that covers bias and de-escalation include:

- De-escalation for Dispatchers
 - Dispatch Priming
 - Interpersonal Skills for Dispatch
 - Crisis Negotiations for Dispatchers
 - Tactical Dispatch Basic Concepts
- **Enhancing Data Collection and Transparency:** Standardizing stop data collection practices across all agencies. Requiring more comprehensive reporting on the context of stops and searches.
 - **The San Rafael Police Department** is open to exploring alternative methods for data collection. Some law enforcement agencies also gather information on whether the officer knew the individual's race/gender prior to the stop and if the person stopped is a local resident.
 - **Increasing Community Engagement and Oversight:** Encouraging stronger partnerships between police departments and community organizations. Implementing independent boards to review stop data and recommend improvements.
 - **The San Rafael Police Department** displays our stop data on our [transparency](#) portal on our website and is open to recommendations from the community and the Police Advisory and Accountability Committee (PAAC).

Mill Valley Force for Racial Equity and Empowerment (MVFREE) Recommendations

The [Mill Valley Force for Racial Equity & Empowerment](#) (MVFREE) is a community organization dedicated to eliminating systemic racism, oppression, and identity biases in Mill Valley, California. MVFREE focuses on uniting the community through coalition-building, education on intentional anti-racism, empowerment to confront racism, creating spaces for BIPOC voices, and advocating for policies that dismantle racial barriers. Their initiatives include addressing racial disparities in policing, promoting diversity, equity, and inclusion (DEI) in local governance, and fostering cultural connections between Mill Valley and neighboring communities like Marin City. They released a [report](#) on their research on RIPA in 2022.

The 2022 MVFREE report on racial disparities in policing provided insights and several detailed recommendations aimed at reducing racial disparities in law enforcement practices:

- **Elimination of Pretext Stops:** MVFREE advocates for the complete elimination of pretext stops, which involve minor traffic infractions being used as a pretext to investigate other criminal activity. They argue that these stops disproportionately affect communities of color and contribute to racial disparities in the criminal justice system. The report suggests that law enforcement agencies adopt policies restricting the use of pretext stops in situations where public safety is at imminent risk.
- **The San Rafael Police Department** does not support the elimination of Pretext stops. The U.S. Supreme Court ([Whren v. United States, 517 U.S. 806 \(1996\)](#)) upheld Pretext stops as a lawful tool that allows law enforcement to establish probable cause for an unrelated crime following the initial stop. Eliminating this practice could result in a compromise to community safety. For a comprehensive analysis, please refer to the PORAC review of RIPA and the definition of Pretext Stops provided below.

- **Strengthening Accountability and Oversight:** MVFREE recommends the establishment of independent oversight committees that include community representatives. These committees would be tasked with regularly reviewing stop data and ensuring accountability in law enforcement practices. They also advocate for transparent public reporting of stop data, including detailed breakdowns by race, ethnicity, and outcome of the stop.
 - **The City of San Rafael** has established the Police Advisory and Accountability Committee with the goals to enhance transparency and improve trust with the community. The Committee is invited to review SRPD stop data and make recommendations to modify any policies or practices.

- **Comprehensive Officer Training Programs:** MVFREE emphasizes the importance of ongoing, mandatory training on racial bias, cultural competency, and de-escalation techniques. They also recommend scenario-based training that addresses common biases and teaches officers how to mitigate them in real-world encounters.
 - **The San Rafael Police Department** conducts regular training sessions on racial bias, cultural competency, and de-escalation techniques. During all scheduled department training courses, scenario-based exercises are utilized. Along with the training already mentioned above, the department recently acquired [AXON virtual reality](#) software, enabling more frequent and effective de-escalation training.

- **Community Engagement and Dialogue:** MVFREE underscores the importance of building trust between law enforcement and communities through regular dialogue and public forums. They recommend the development of community advisory boards that actively participate in policymaking and training development to ensure that community concerns are addressed.
 - **The San Rafael Police Department** is deeply committed to fostering strong community relationships through various outreach initiatives. A cornerstone of this effort is the [Specialized Assistance for Everyone](#) (SAFE) Team, launched in March 2023, which addresses crises related to mental health, addiction, and homelessness by providing emergency and non-emergency responses, as well as proactive outreach. To enhance transparency and public trust, SRPD established the Police Advisory and Accountability Committee (PAAC) in October 2023, comprising diverse community members who offer recommendations on police policies and practices. Additionally, SRPD engages residents through programs like the Citizens Police Academy, offering an inside look at law enforcement operations, and "Coffee with a Cop" events, facilitating open dialogues between officers and community members. SRPD also maintains active communication channels via social media platforms, including [X](#) (formerly Twitter), [Facebook](#), [Nixle](#), and [Nextdoor](#), to keep the public informed about arrests, crime trends, and community outreach efforts. These initiatives reflect SRPD's dedication to building a safer, more connected community.

Police Officers Research Association of California (PORAC) Analysis of RIPA

The [Peace Officers Research Association of California](#) (PORAC) has critically examined the methodologies and conclusions presented in the Racial and Identity Profiling Advisory (RIPA) Board's annual reports. In their analysis, [PORAC](#) identifies several significant flaws that may

misrepresent the state of racial profiling in California.

- **Insufficient Data Collection-** PORAC asserts that the current data collection process mandated by RIPA is inadequate for accurately assessing instances of racial profiling. The data lacks essential contextual information, such as the specific circumstances leading to a stop, the behavior of the individual stopped, and detailed environmental factors. Without this context, it's challenging to determine whether a stop was influenced by racial bias or legitimate law enforcement considerations. Dr. Brian L. Withrow, a racial profiling expert, emphasizes that the narrow scope of data collected by the Department of Justice (DOJ) hinders the ability to draw meaningful conclusions about law enforcement behavior.
- **Misinterpretation of Statistical Data-** The RIPA Board's reports often present statistical disparities in stop data as evidence of racial profiling. However, PORAC argues that these analyses frequently overlook alternative explanations for disparities, such as differences in crime rates across communities, varying calls for service, or other situational factors. By not accounting for these variables, the reports may inaccurately attribute disparities solely to officer bias. Dr. Withrow points out that the current analytical constraints make it nearly impossible to determine a causal relationship between an individual's identity and the actions taken by an officer based on the available data.
- **Impact on Law Enforcement Practices-** PORAC expresses concern that the RIPA Board's findings, based on potentially flawed analyses, could lead to policy decisions that adversely affect law enforcement operations. For instance, an overemphasis on reducing statistical disparities might pressure officers to alter their policing strategies in ways that could compromise public safety. Additionally, the administrative burden of complying with current data collection requirements may divert resources from essential policing activities. PORAC advocates for a balanced approach that considers both the need for unbiased policing and the practical realities of law enforcement.

Recommendations for Improvement

To address these issues, PORAC recommends the following actions:

- **Enhance Data Collection:** Expand the scope of data gathered during stops to include comprehensive contextual information, enabling a more accurate assessment of the factors influencing law enforcement decisions.
- **Refine Analytical Methods:** Incorporate a multifaceted analysis that considers various factors contributing to statistical disparities, moving beyond a singular focus on race or identity.
- **Collaborative Policy Development:** Engage law enforcement professionals in the development of data collection and analysis protocols to ensure they are both effective and practical.

By implementing these recommendations, PORAC believes that the RIPA Board can produce more accurate and actionable insights, ultimately fostering fair and effective policing practices in California.

Refining Analytical Methods

The American Society of Criminology journal *Criminology and Public Policy*: [Analysis of "Testing for Disparities in Traffic Stops: Best Practices from the Connecticut Model"](#) analyzes the challenges in analyzing traffic stops.

The 2020 issue of the [Criminology & Public Policy Journal](#) analyzes the nuances and disparities of comparing police stop data, specifically against census or population data and time of day. [The Connecticut Racial Profiling Prohibition Project](#) (CTRP3) has developed a comprehensive framework for collecting and analyzing traffic stop data to identify and address potential racial disparities. This model is widely regarded as a best practice in the field.

The journal article highlights some of the key challenges that occur in law enforcement stop data. Two of which are used by the California RIPA board. One of the key challenges in addressing disparities in traffic stop data lies in the comparison between the *general population and the driving population*. Traditional approaches often rely on demographic data from the [Census](#) or other population-based metrics, assuming that the demographic composition of the population at large reflects the driving population. However, this comparison can be misleading, as it doesn't account for factors like driving behavior, commuter patterns, or geographic differences in traffic patterns, all of which influence who is on the road at any given time.

The other challenge that the California RIPA board uses (or doesn't account for) to analyze stop data is the ["Veil of Darkness" \(VoD\)](#) method. The VoD method is used to study racial disparities in traffic stops by comparing stops made during the day versus those made at night. The idea is that race is less visible at night, so any disparities in the frequency of stops based on race are less likely to be influenced by racial bias. Separating daytime and nighttime stops allows researchers to more accurately assess whether racial discrimination plays a role in traffic stop decisions, offering a clearer and more unbiased picture of law enforcement practices. In California, the RIPA analysis combines all traffic stops, making it more challenging to measure racial bias accurately, as the effects of darkness—such as the inability to clearly see into a car—can obscure the true nature of the stops.

The 2020 Criminal & Public Policy Journal highlights critical challenges in the California RIPA Board analyzing traffic stop data, particularly when comparing it to census or population data and considering the time of day. The California RIPA board's approach, which doesn't incorporate the "Veil of Darkness" method, may obscure potential racial biases by combining all stops together.

RIPA Impacts on Agencies and Officers

Chief Sean Thuilliez, 2nd Vice President of the [California Police Chiefs Association](#) and serves as a representative on the current California [RIPA Advisory Board](#), shared his position on RIPA and its impacts in a [letter](#) addressed to the San Rafael Police Advisory and Accountability Committee. In summary, Chief Thuilliez acknowledges that RIPA aims to enhance transparency and accountability in policing by ensuring fair and unbiased stops. He further notes the following:

While these goals are vital for community trust, implementation challenges exist. Officers face increased reporting burdens, often spending more time documenting stops than conducting them. The interpretation of data lacks contextual nuance, making it difficult to assess bias accurately. Additionally, officers may feel pressured to second-guess decisions, potentially discouraging proactive policing and impacting public safety. Balancing transparency with operational efficiency remains a key challenge for law enforcement agencies.

Definitions and Case Law

Pretext Stops

Pretext stops occur when an officer uses a minor traffic violation as a reason to stop a vehicle while having an unrelated, often investigatory motive. These stops are legally justified by the minor infraction, even if the officer's underlying intent is to investigate other potential criminal

activity.

Whren v. United States (1996)

The United States Supreme Court upheld the constitutionality of pretext stops in [Whren v. United States](#), ruling that as long as the officer has an objectively reasonable basis for the stop (e.g., a traffic violation), the subjective intent of the officer is irrelevant. This landmark decision effectively sanctioned the use of pretext stops nationwide, allowing law enforcement to use minor infractions as investigative tools.

California's AB 2733 and CVC §2806.5

In response to concerns about the potential for bias in pretext stops, California enacted Assembly Bill 2733, which added [California Vehicle Code \(CVC\) §2806.5](#). This legislation requires officers to:

- Clearly state the reason for the stop to the individual at the outset.
- Document the reason for the stop and the outcome, including any searches conducted.
- Develop probable cause if they wish to elevate the stop to a search.

Bias by Proxy

Bias by proxy occurs when individuals rely on indirect factors or stereotypes to form judgments, which can lead to discriminatory outcomes without direct intent. For example, a community member may unknowingly use certain behaviors, appearances, or circumstances (such as a person's clothing or where they live) as proxies for assumptions about their character or background. As a result, community members may unjustifiably call the police on someone they perceive as suspicious based solely on these assumptions. This type of bias can reinforce stereotypes and perpetuate systemic inequalities by influencing decisions based on perceived associations rather than individual actions, potentially leading to unnecessary police involvement and escalating situations unnecessarily.

SRPD addresses bias by proxy through comprehensive training for officers, records staff, and dispatchers. This training emphasizes the importance of asking relevant, objective questions to ensure that decisions are based on observable behavior rather than assumptions or biased perceptions. By focusing on factual information and encouraging objective judgment, the department works to reduce the influence of biased thinking and prevent unjustified actions based on stereotypes or indirect factors.

COMMUNITY OUTREACH:

San Rafael Police Department is committed to promoting transparency and accountability in all aspects of our operations, particularly in relation to traffic stop data collection and reporting. In alignment with the California Racial and Identity Profiling Act (RIPA), we have taken proactive steps to ensure that our community has access to vital information regarding our practices and procedures.

One of the primary ways we ensure transparency is through the [RIPA portal](#) on the San Rafael Police Department website. This portal serves as a central resource for sharing data and information related to traffic stop reporting, giving the public easy access to the data we collect and submit in compliance with RIPA requirements. Through the portal, community members can view up-to-date reports, track trends, and gain a deeper understanding of how our department handles traffic stops.

FISCAL IMPACT:

None

Submitted by:

Scott Eberle

Police Lieutenant

Attachment:

1. [RIPA PowerPoint Presentation by Kyle Williams, Marin County Sheriff's Department](#)



San Rafael Police Department

Racial and Identity Profiling Act of 2015

AB 953



Overview

- **Prohibits racial and identity profiling by law enforcement.**
- **Requires law enforcement agencies to submit data to the Attorney General's Office.**
- **Establishes the RIPA Board.**
- **Provides data, best practices, and recommendations for law enforcement, community advocates, organizations, and policymakers to advance the goals of RIPA.**
- **Signed into law in 2015, agencies began collecting data in waves based on size.**



Datapoints

Contacts consist of:

- Consensual encounters
- Traffic stops
- 5150 Holds
- Calls-for-Service
- Probation/Parole
- Probable Cause
- Reasonable Suspicion

- Time
- Date
- City (Area)
- Location (intersection)
- Actions Taken
- Basis for Search
- Any Force Related Actions Taken
- Contraband/Evidence Discovery
- Officer's Badge Number
- Officer's Years of Experience
- Officer's Assignment (Patrol)
- Perceived Age
- Perceived Gender
- Perceived Sexual Orientation
- Perceived Ethnicity
- Perceived Disability
- Perceived English Fluency
- Call-for-Service
- Reason for Stop
- Result of Stop
- Perceived Unhoused

Not Collected

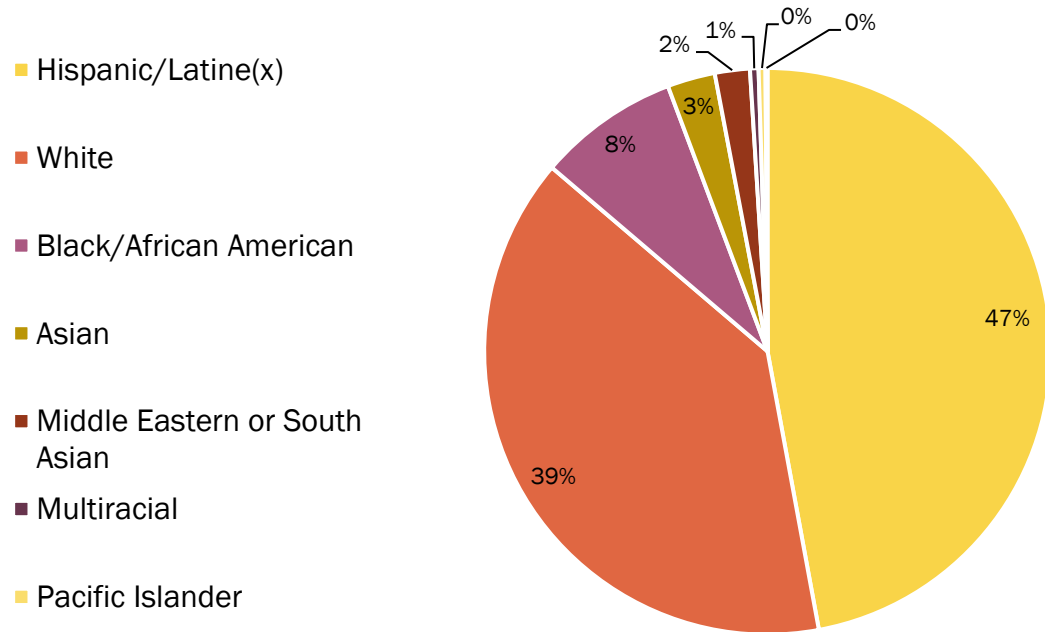
- Employee Population
- Driving Population
- BOL
- Crime Trends
- Residency
- Observed demographics before initiating contact



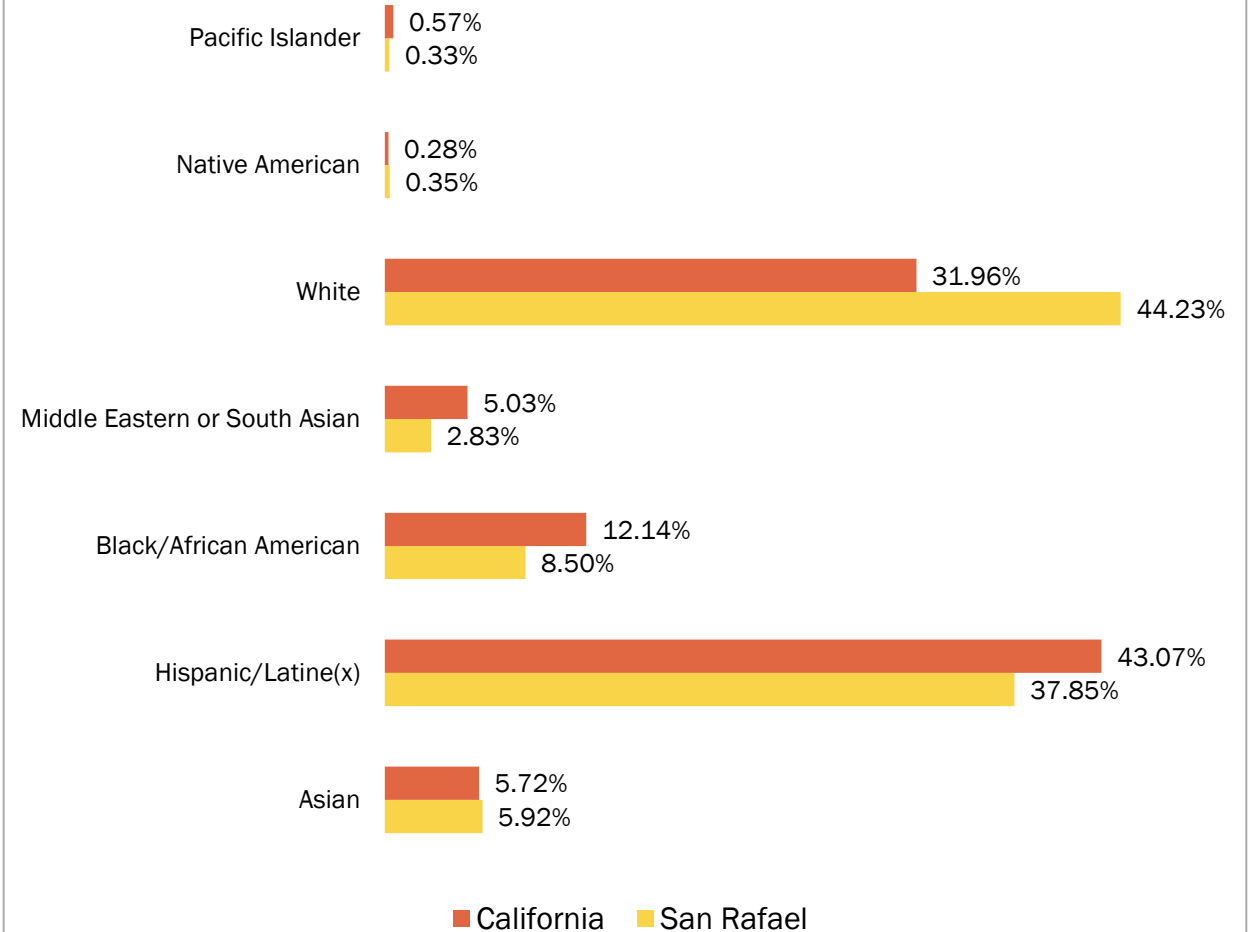
2024 Demographics

- 5,353 total stops in 2024.
- 13% of San Rafael workers are residents.
- High diversity in surrounding Bay Area counties.
- 2024 statewide data is not yet publicly available.

2024 Stops by Perceived Race

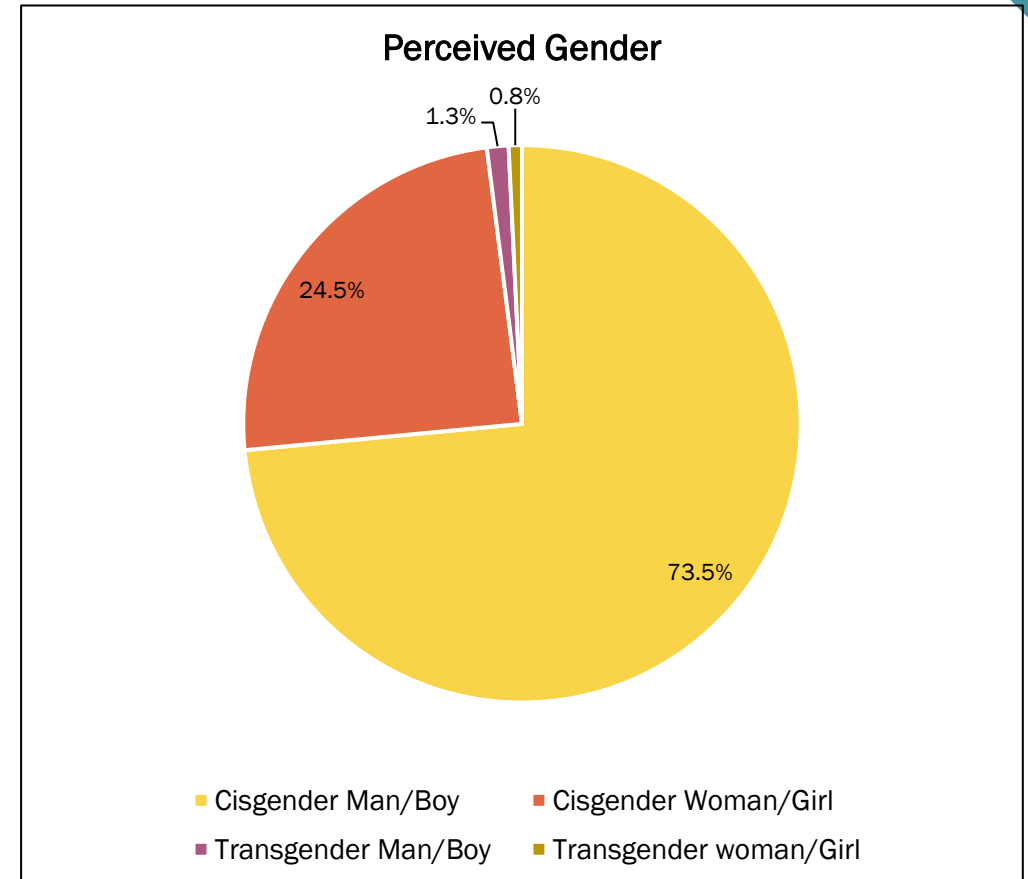
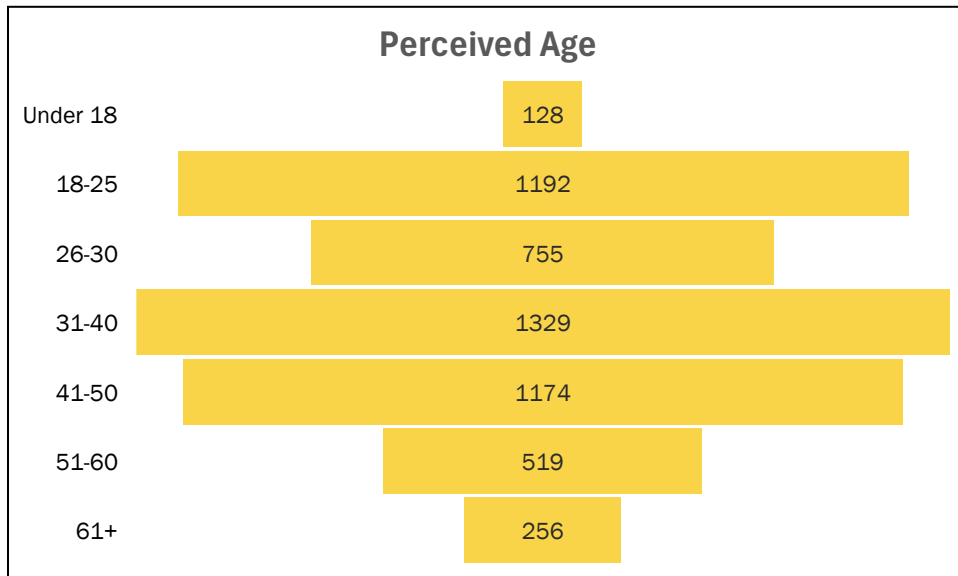


2023
California vs. San Rafael RIPA Demographics



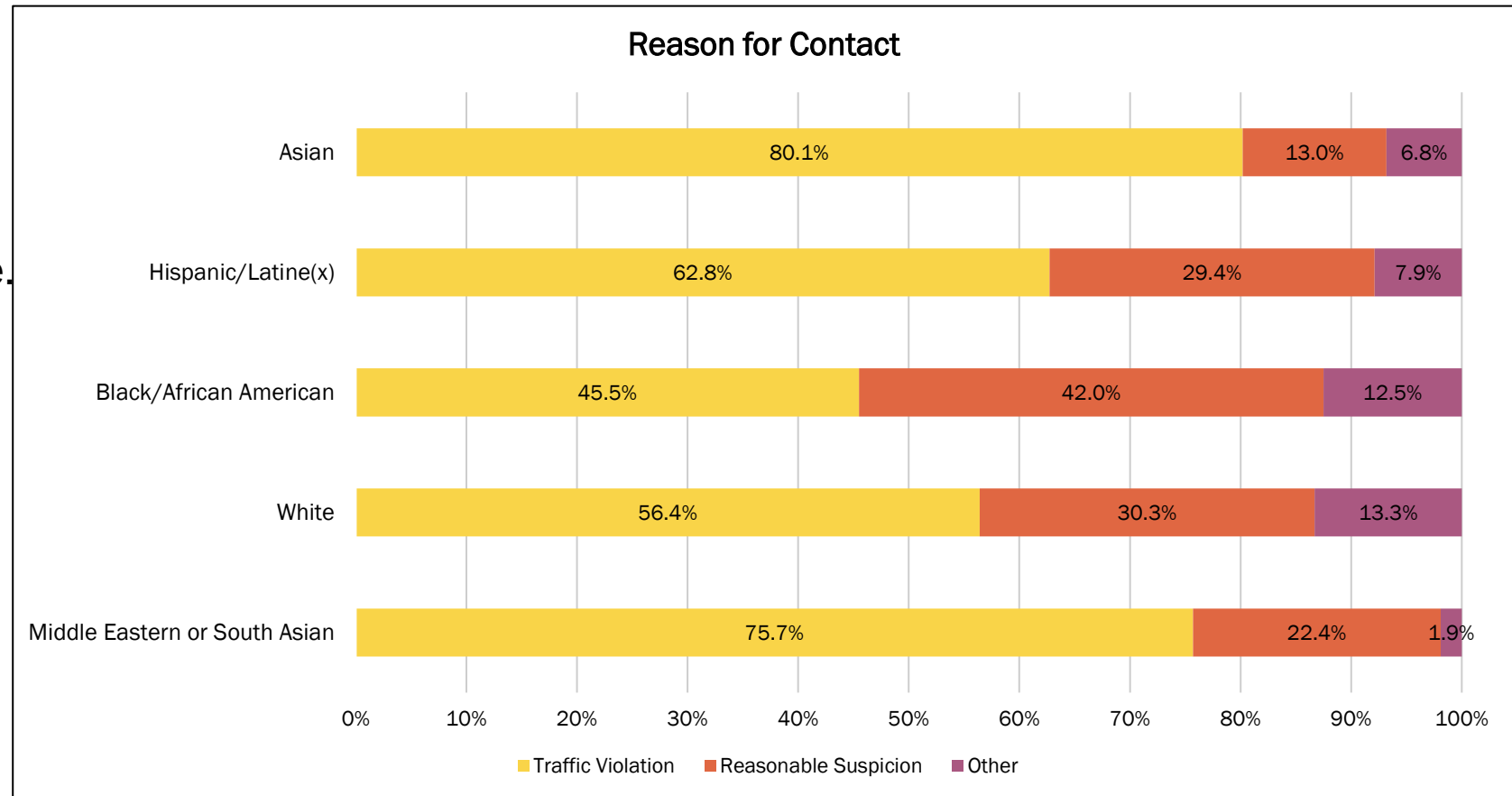
Perceived Age and Gender

- Individuals perceived to be Cisgender Men/Boys are 3 times more likely to be stopped compared to Cisgender Women/Girls (49%/51%) population for Marin County.
- Marin County's median population age is 48.2.



Reason for Contact

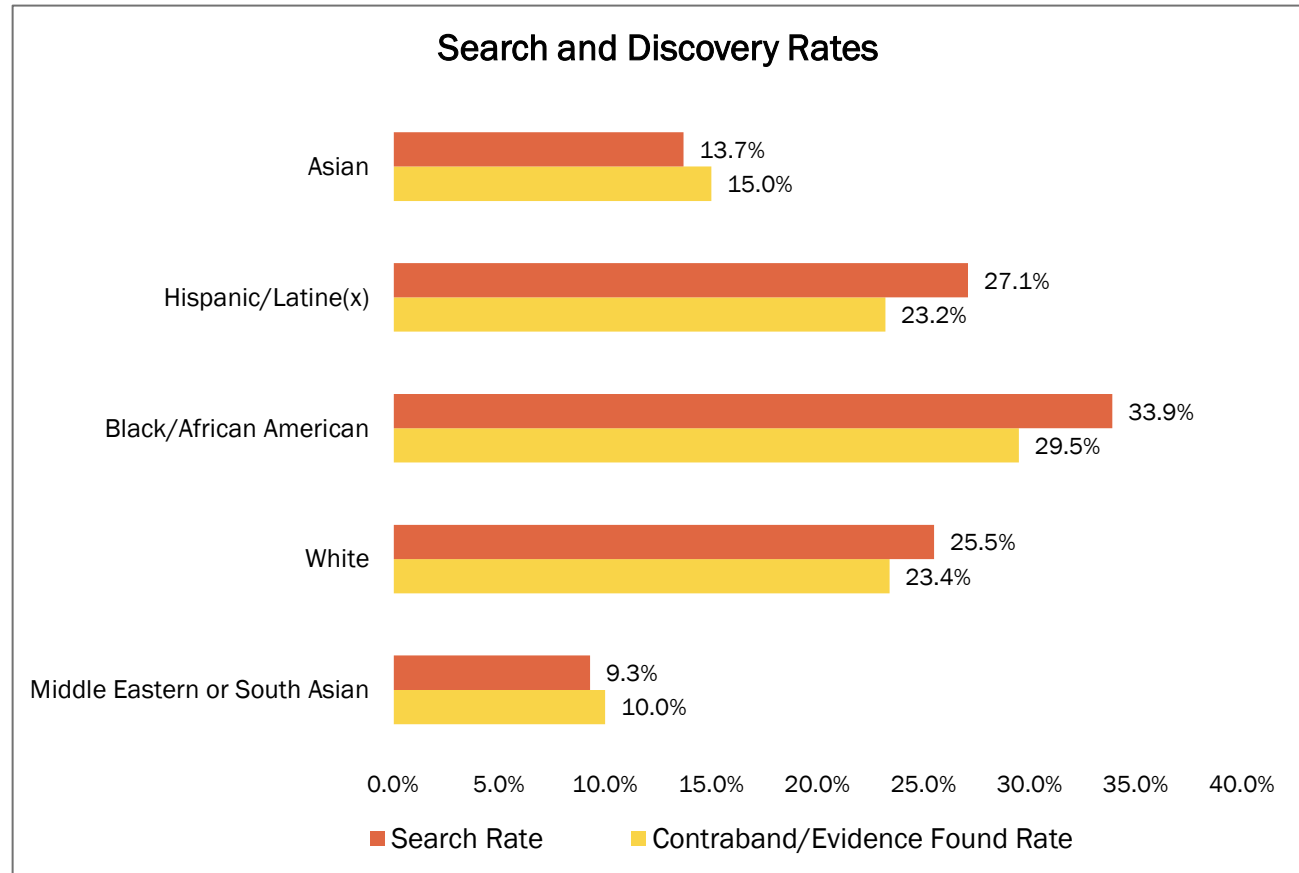
- Individuals perceived to be Black/African American were stopped at a higher rate for reasonable suspicion of a crime.
- 67% of all stops for reasonable suspicion were in response to a call-for-service.



*Other includes 5150 Hold, Consensual Encounters, and Probable Cause

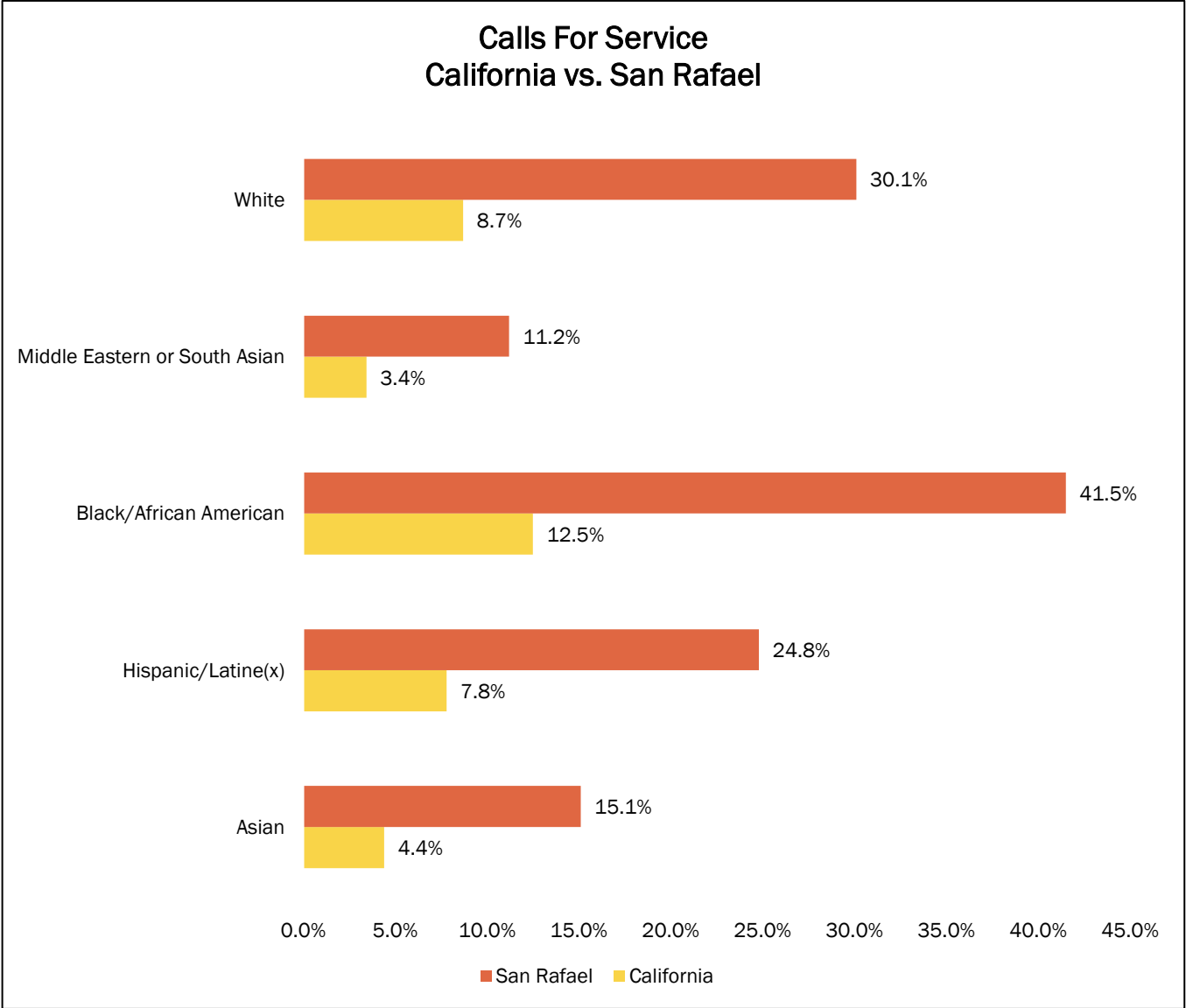
Search and Discovery Rates

- A higher contraband found rate shows more productive searches.
- Perceived Middle Eastern or South Asians showed the least productive searches.
- Individuals perceived to be Black/African American and White respectively had the highest contraband found rates.

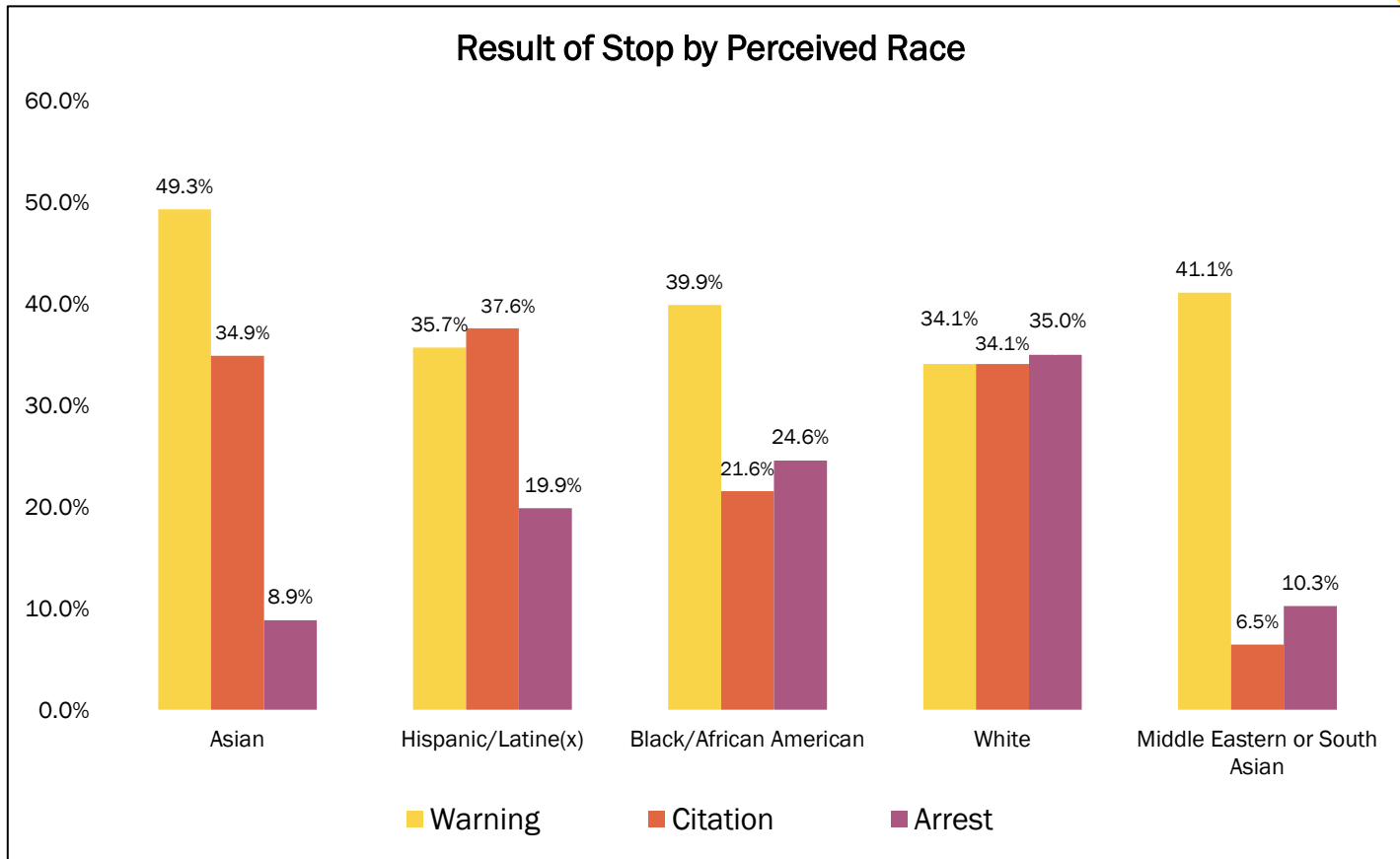


Calls For Service

- San Rafael has a higher percentage of calls for service compared to statewide statistics.
- Overall, 26.4% of all stops were made in response to a call for service.
- Individuals perceived to be Black/African American were stopped at a higher rate in response to a call for service in San Rafael.



Result of Stop

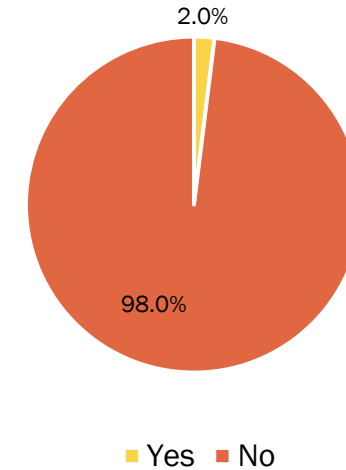


- Individuals perceived to be White were arrested at the highest rate.
- Individuals perceived as Hispanic/Latine(x) and White respectively were cited at the highest rate.

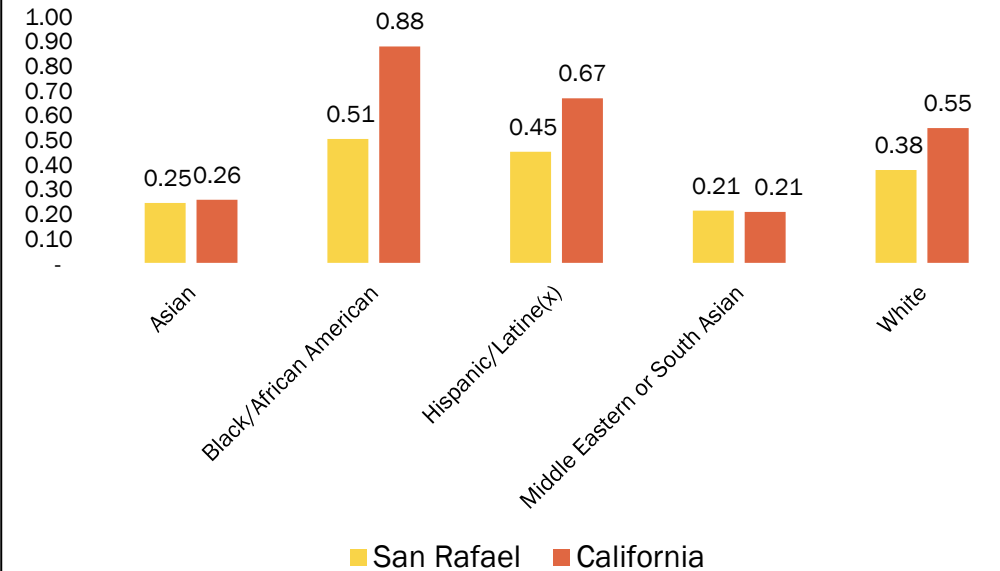
Actions Taken

- The rate of actions taken is significantly lower in San Rafael than statewide statistics.
- Individuals perceived to be Black/African American had actions taken 37% less in San Rafael than in California.
- In only 2% (108) of stops in 2024 the officer reported observing the demographics of the person being stopped.

Were demographics observed prior to initiating the contact?



Actions Taken



Thank you



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