

**RULES OF PROCEDURE
OF THE
EQUITY COMMISSION
OF THE
CITY OF MODESTO**

ARTICLE I

ORGANIZATION

Section 1.1 Establishment.

- A. The Affirmative Action Commission of the City of Modesto was established pursuant to the provisions of the Affirmative Action Program established by Modesto City Council Resolution No. 87-237 on April 7, 1987.
- B. Following the passage of California's Proposition 209, the City amended relevant policies and procedures to comply with the new law. As part of that effort, pursuant to Council Resolution No. 98-134 on March 3, 1998, the name of the Commission was changed to Equal Opportunity/Disability Commission, to more accurately reflect its mission.
- C. In 2021 and early 2022, in an effort to better meet the needs of the community and workforce, the City reviewed the Commission's mission. To better align with the goals of the City, on January 25, 2022, pursuant to Council Resolution No. 2022-054, the Commission was retitled from the Equal Opportunity/Disability Commission to the Equity Commission.

ARTICLE II

DUTIES

Section 2.1 Duties. The duties of the Equity Commission are:

- A. To advise the City Manager and the City Council in matters that relate to equity and inclusion, equal opportunity and disability-related issues.
- B. To formulate and recommend policy to the City Council and City Manager in matters that pertain to equity and inclusion, equal opportunity and disability related issues that affect the City workforce and services provided by the City to the community.
- C. To review the practices and procedures of the City of Modesto in all matters that relate to equity and inclusion, equal opportunity, and disability-related issues that affect the City workforce and services provided by the City to the community.
- D. To monitor the activities and efforts of the City's Diversity, Equity and Inclusion

Program.

- E. To monitor the City's performance in meeting its goals related to equity and inclusion, equal opportunity, and disability-related issues.
- F. To be updated statistically on complaints and grievances submitted to the City of Modesto in regard to equity and inclusion, equal opportunity, and disability-related issues.

ARTICLE III

MEETINGS

Sections 3.1 Regular Meetings. A regular meeting of the Commission shall be held at 5:00 p.m. on the third Monday of each calendar month, except for January and February when meetings will be held on the fourth Monday due to observance of Martin Luther King Jr. Day and President's Day.

Section 3.2 Special Meetings. A special meeting may be called at any time by the Chair of the Commission or upon the written request of three (3) members of the Commission. Whenever a special meeting shall be called, written notice of such meeting shall be made in accordance with the Ralph M. Brown Act as described in Section 3.6 hereof.

Section 3.3 Place of Meetings. Meetings shall be held at the location designated in the agenda for the meeting.

Section 3.4 Meetings to be Public. All meetings of the Commission shall be open to the public.

Section 3.5 Attendance. Regular attendance at all meetings of the Commission is required of all members to enable the Commission to discharge its duties. Any Commissioner who is absent from three (3) consecutive regular meetings of the Commission, or from four (4) regular meetings within any 12-month period, shall be deemed to have forfeited their seat on the Commission, and shall be ineligible to reapply for a seat on the Commission for the remainder of the calendar year and the following calendar year. The Secretary shall report to the Commission when a Commissioner has accrued either three consecutive absences or four absences within any 12-month period..

Section 3.6 Agenda. In order to facilitate the orderly conduct of the business of the Commission:

- A. The Secretary, in consultation with the Chair, shall arrange a list of the matters to be considered by the Commission at its next meeting in accordance with the order of business. The agenda and all other reports and other supplemental material shall be delivered (electronic, postal, or other means as needed) to each member of the Commission prior to the Commission meeting at which they are to be considered as far as possible in advance of

the meeting as time will permit.

- B. Any Commissioner may request that an item be added to the agenda prior to the legal posting requirement, and in consultation with the Chair and Secretary
- C. In accordance with the Ralph M. Brown Act, the agenda will be posted in a place freely accessible to the public prior to the meeting in accordance with the Brown Act.
- D. Members of the public may make public comments during the Public Comments portion of each regular Commission meeting and on each agenda item. The Chair shall have discretion to limit the time allowed for public comments. Members of the public may also submit written comments via email: All comments will be shared with the Commissioners and placed in the record, but will not be read aloud during the meeting. Written comments must be received two hours before the meeting. Matters presented via public comment on non-agenda items cannot be discussed or acted upon by the Commission at that meeting. Commissioners may respond by briefly responding to statements made or questions raised, asking questions for clarification, providing references to staff or other resources for factual information, requesting staff to report back at a subsequent meeting, or directing staff to place a matter of business on a future agenda.
- E. The agenda shall specify the time and place of the meeting and a brief description of each item of business to be transacted.

Section 3.7 Order of Business. The order of business shall be:

- A. Call to Order
- B. Roll Call and Secretary's Report of Absences
- C. Public Comments
- D. Approval of Minutes
- E. Reports
 - Chair
 - Committees
 - Staff
- F. Unfinished Business
- G. New Business.
- H. Adjournment.

Section 3.8 Reading the Minutes. Unless the reading of the minutes of the Commission meeting is requested by a member of the Commission, such minutes may be approved without reading if the Secretary has previously furnished each member of the Commission with a copy thereof.

Section 3.9 Method of Action. All decisions of the Commission shall be by motion and,

unless otherwise specified by Charter, ordinance or law, shall carry upon a majority vote of the Commissioners present. Upon the request of any member, a roll call vote shall be taken and recorded. Whenever a roll call vote of the Commission is taken, the names of the members shall be called in alphabetical order except that the name of the presiding officer shall be called last.

ARTICLE IV

QUORUM

Section 4.1 Quorum. The Commission may convene a meeting and transact business only when a quorum is present. A quorum shall consist of a majority of the active members of the Commission. Active members are members who have been appointed by the City Council and have not resigned or forfeited their seat based on attendance..

ARTICLE V

MEMBERS AND

ELECTED OFFICERS

Section 5.1 Members. The membership of the Commission shall consist of seven Commissioners, appointed by the City Council. All members must reside in Stanislaus County. At least five members must be residents of Modesto who are registered to vote in Modesto if they are eligible to register to vote. Up to two members may be non-Modesto residents of Stanislaus County who are registered to vote in Stanislaus County if they are eligible to register to vote. Each Commissioner will be appointed for a four-year term beginning on January 1, with the first term beginning on January 1, 2023 and ending on December 31, 2026. If a member appointed to a four-year term resigns before the conclusion of that term, the Secretary will notify the City Council of the vacancy so that the Council may appoint a replacement member to serve out the remainder of the term.

Section 5.2 Chair and Vice Chair. The elected officers of the Commission shall be:

A Chair, whose duties shall be to preside at all meetings, assist with preparation of each meeting's agenda, call special meetings, appoint members to committees, and serve as an ex officio member of all Commission committees; and

A Vice Chair, who shall perform the duties of the Chair in the Chair's absence.

Section 5.3 Election of Officers. The Chair and Vice Chair of the Commission shall be elected annually at the regular meeting in January. Each officer is to hold office for no more than two terms consecutively.

Section 5.4 Interim Vacancies. If the Vice Chair of the Commission vacates that office prior to the end of his/her term, the Chair may appoint an interim Vice Chair for the

remainder of the calendar year.

If the Chair of the Commission vacates that office prior to the end of his/her term, an interim Chair shall be elected by the Commission for the remainder of the calendar year.

ARTICLE VI

PROCEDURES, POWERS, DUTIES AND STAFF

Section 6.1 Governing Rules. The Commission shall be governed in order of precedence as follows: applicable federal and state law, the City Charter, Municipal Code, Resolutions or Ordinances of the City of Modesto and these Rules of Procedure.

Section 6.2 Secretary. The City shall appoint a staff representative to serve as the Commission's Secretary. The Secretary shall keep a written record of all business transacted by the Commission, notify Commission members of meetings, keep official records of the Commission, and perform such other duties as the Commission may require.

Section 6.3 Amendment of Rules of Procedure. These Rules of Procedure may be amended from time to time by motion adopted by an affirmative vote of a majority of the active members of the Commission.

ARTICLE VII

PARLIAMENTARY PROCEDURE

Section 7.1 Robert's Rules of Order. Except as otherwise provided in these Rules of Procedure, all meetings of the Commission shall be conducted in accordance with the current edition of "Robert's Rules of Order."

ARTICLE VIII

COMMITTEES

Section 8.1 Standing Committees.

The standing committees of the Commission shall be the Internal Committee, which shall address matters concerning the City's relationship with its employees; the External Committee, which shall address the City's relationship with the community; and the Community Outreach Committee, which shall address outreach to the community concerning the Commission's efforts and plans and make efforts to obtain community input on the City's performance regarding diversity, equity and inclusion.

The Chair shall appoint members of each standing committee to serve until the next annual meeting of the Commission in January, and the number of Commissioners appointed to any standing committee must be fewer than the number required to

establish a quorum as specified in Article IV herein. Members appointed to fill vacancies on Committees shall serve for the unexpired terms of the members they replace.

The Chair shall serve as an ex officio member of each standing committee. Each Commissioner must serve on at least one standing committee. Each standing committee shall choose a chair, who shall schedule meetings at a time when all Committee members are able to attend.

Section 8.2 Special Committees. There shall be such special committees as the Commission may establish from time to time. The members of such special committees shall be appointed by the Chair of the Commission and shall serve for terms established by the Commission.

Section 8.3 Ex Officio Committee Member. The Chair of the Commission shall serve as an ex officio member of all Commission committees.